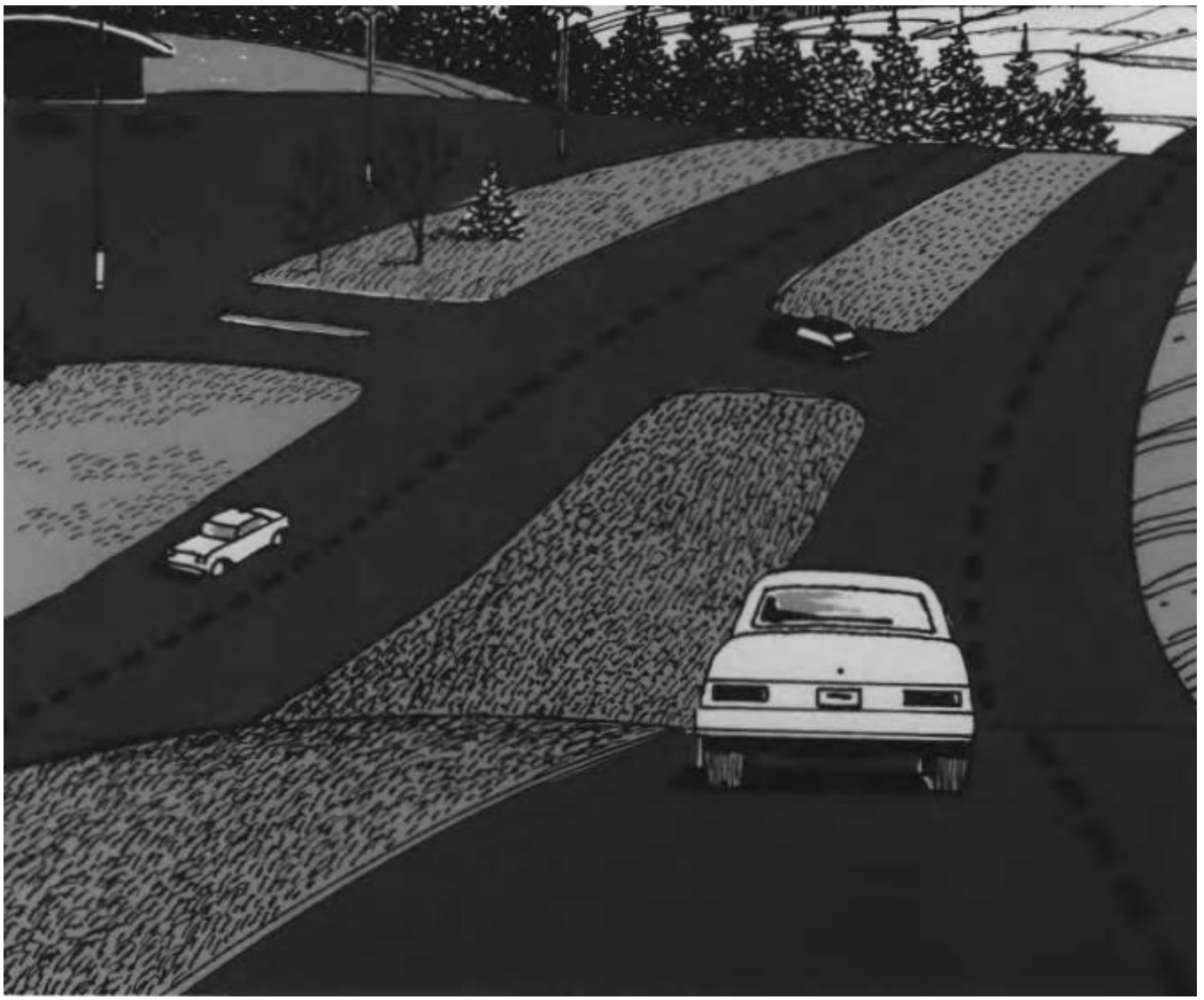
U.S. Department of Transportation
Federal Highway Administration

A Guide To Federal-Aid Programs And Projects



Federal Highway Administration
Office of Program Administration

Introduction

Federal-Aid highway funds are authorized by Congress to assist the States in providing for construction, reconstruction, and improvement of highways and bridges on eligible Federal-Aid highway routes and for other special purpose programs and projects. Through the Federal Lands Highway Program, funding is provided for improving access to and within National Forests, National Parks, Indian Lands and other public lands.

The principal statutes establishing the Federal-Aid Highway Program are found in Title 23, United States Code (23 U.S.C.). Regulatory requirements are generally found in Title 23, Highways, of the Code of Federal Regulations (23 CFR).

This guide provides basic information about the Federal-Aid programs, projects, and other program characteristics. Much of the information provided in this guide was included in the FHWA's 1999 edition of the same publication. This publication updates information from the past document and includes information resulting from the latest multi-year Federal-Aid authorizing legislative act, Fixing America's Surface Transportation Act (FAST Act) (P.L.114-94). As new or updated information becomes available, the electronic version of this guide will be updated.

Purpose of Guide

The guide is intended to provide basic information for FHWA and State personnel involved in the administration of the Federal-Aid Highway Program. It is not intended to be an eligibility guide, but contains basic descriptions and historical information on active and inactive programs.

This guide should be of interest to FHWA, State highway agencies, local governments, and private sector personnel interested in a basic understanding of Federal-Aid programs, projects, or other program characteristics. In addition to basic information, sources of additional information are provided.

How to use this Guide

The guide contains information on Federal-Aid highway programs, projects, and other program characteristics. This includes fiscal information, statutory and regulatory references, general eligibility and background information, and program office contacts. The guide contains two parts:

Part I - Active programs and projects
This part covers programs, projects, and activities authorized or continued by the FAST Act, as well as those authorized in previous legislation that remain active.
Part II - Inactive programs and projects
This part covers inactive programs, projects, and activities that are no longer active, but which have historic interest, and/or were the basis for current programs and projects.

This guide is available electronically at http://www.fhwa.dot.gov/federalaid/projects.cfm.

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Active Programs And Projects

100% Federal Share For Safety ("G" Matching Ratio)
Updated October 18, 2012

STATUS: ACTIVE States may use up to 10 percent of their total Federal-aid apportionments for any fiscal year at a 100 percent Federal share for certain safety activities.

PROGRAM CODES: Source fund Program Codes are used but the “radio button” for 100% Safety should be clicked on the project FMIS page.

FEDERAL SHARE: Up to 100 percent for construction (also up to 100 percent for right-of-way and property damage)

PERIOD AVAILABLE: Same as source funds

FUND: Same as source funds

FUND DISTRIBUTION METHOD: Same as source funds

TYPE OF AUTHORITY: Same as source funds

SUBJECT TO OBLIGATION LIMITATION: Same as source funds

STATUTORY REFERENCE: 23 U.S.C. 120(c) (as amended by MAP-21, P.L. 112-141)

CFR REFERENCE: None

ELIGIBILITY: The States may use up to 10 percent of their total Federal-aid apportionments under 23 U.S.C. 104 at a 100 percent Federal share for traffic control signalization, maintaining minimum levels of retroreflectivity of highway signs or pavement markings, traffic circles (also known as 'roundabouts'), safety rest areas, pavement marking, shoulder and centerline rumble strips and stripes, commuter carpooling and vanpooling, rail-highway crossing closure, or installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier end treatments, breakaway utility poles, or priority control systems for emergency vehicles or transit vehicles at signalized intersections.

In 23 U.S.C. 120(c), "safety rest area" is defined as an area where motor vehicle operators can park their vehicles and rest, where food, fuel, and lodging services are not available, and that is located on a segment of highway with respect to which the Secretary determines there is a shortage of public and private areas at which motor vehicle operators can park their vehicles and rest. The Secretary's determination was most recently documented in FHWA-RD-01-158.

BACKGROUND: Section 5 of the Federal-aid Highway Act of 1944 (Public Law 78-521) allowed States to use up to 10 percent of their total Federal-aid systems apportionments at a 100 percent Federal share for the elimination of hazards at rail-highway crossings. It was codified in 23 U.S.C. 120(d) and 130(a) and (c).

The Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) added traffic control signalization to the program; the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) added pavement markings and commuter carpooling and vanpooling; and the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) added traffic signs, highway lights, guardrails, and impact attenuators.

Project identification was made by adding the suffix "G" to the project identification for the fund which was being utilized. No separate "G" fund appropriations were made.

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) deleted Section 120(d) of Title 23, U.S.C., and added a new Section 120(c). This new section allows the States to use up to 10 percent of their total Federal-aid apportionments under Section 104 at a 100 percent Federal share for traffic control signalization, pavement marking, commuter carpooling and vanpooling, or installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier end treatments, breakaway utility poles, or priority control systems for emergency vehicles at signalized intersections.

The National Highway System Designation Act of 1995 (Public Law 104-59) amended Section 120(c) to include safety rest areas as an additional activity eligible for 100 percent Federal share. The FY 1997 Department of Transportation appropriations act (Public Law 104-205) further amended Section 120(c) to include rail-highway crossing closures.

The Transportation Equity Act for the 21st Century (TEA-21, P.L. 105-178) added transit vehicles to eligible items under Section 120(c).

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, P.L. 109-59) added traffic circles (also known as 'roundabouts') as an eligible item under section 120(c).

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) added ‘‘maintaining minimum levels of retroreflectivity of highway signs or pavement markings,’’ and “shoulder and centerline rumble strips and stripes,’’ as an eligible item under section 120(c).

ADDITIONAL INFORMATION: Contact the Office of the Chief Financial Officer (HCF-1).

Advance Construction
Updated April 14, 2016

STATUS: ACTIVE A State may request and receive approval to construct Federal-aid projects in advance of the apportionment of authorized Federal-aid funds.

PROGRAM CODES: Use any category of funds for which the project is eligible and for which it is anticipated the project will be funded under when converted to Federal-aid.

FEDERAL SHARE: Same as source funds

PERIOD AVAILABLE: See comments

FUND: N/A

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 115

CFR REFERENCE: 23 CFR 630G

ELIGIBILITY: See the discussion below

BACKGROUND: Under the conditions provided in 23 U.S.C. 115, and discussed in more detail in 23 CFR 630G, "Advance Construction of Federal-Aid Projects," a State may request and receive approval to construct projects in advance of the apportionment of authorized Federal-aid funds.

Advance Construction, prior to the 1991 ISTEA, provided for (a) advancing the construction of highway substitute, secondary, urban, metropolitan planning, railroad-highway crossing, bridge, hazard elimination, or planning and research projects, without the aid of Federal funds, in advance of the apportionment of funds, or in the case of Interstate and primary projects, in lieu of apportioned funds, and (b) reimbursing the State for the Federal share of the costs of construction of such projects when sufficient obligational authority and apportioned funds, if applicable, become available.

During FYs 1987-1990, advance construction projects were limited to (a) the amount of unobligated funds apportioned or allocated to the State for the class of funds, (b) the State's expected apportionment of the existing authorizations for the class of funds, and (c) the State's expected apportionment for one additional fiscal year (this would equal the State's expected apportionment during the last year of its existing authorization).

Project designations are the same as for regular Federal-aid projects except that from the time a State is authorized to proceed with all or any phase of the work until the advance construction project is converted to a regular Federal-aid project, the prefix letters "AC" are to be used as the first letters of each project designation, e.g., ACI. Previous provisions making advance construction projects subject to a 36-month reimbursement schedule have been eliminated.

Although there were no changes to 23 U.S.C. 115 under the 1991 ISTEA, the Dire Emergency Supplemental Appropriations Act (Public Law 102-302) did make changes to some categories of funds which are authorized for advance construction. As a result, 23 U.S.C. 115(a) and (b) allow advance construction on certain categories provided the State has obligated its apportionment or obligation authority. The following categories of funds are subject to these provisions:

Interstate Substitute, Congestion Mitigation and Air Quality Improvement, Surface Transportation, Bridge, Planning, Research, National Highway System, Interstate Construction, and Interstate Maintenance projects may be approved for advance construction.

Section 308 of the National Highway System Designation Act of 1995 (1995 NHS Act, Public Law 104-59) amended 23 U.S.C. 115(c) relating to the amount of advance construction that may be authorized. The NHS Act established a requirement that advance construction projects be on the approved Statewide Transportation Improvement Program (STIP). The STIP covers a period of at least three years and is a financially constrained program which is not limited to the period of the authorization act. The total amount that may be advance constructed will be limited as follows: The Federal share of all advance construction projects (amount not converted to Federal-aid) cannot exceed the sum of the State's current unobligated balance of apportionments plus the amount of Federal funds anticipated in the subsequent fiscal years of an approved STIP. This change in the advance construction limitation provides the States with more flexibility in financing projects and developing financial plans.

An existing advance construction project may be converted to a regular Federal-aid project at any time provided that sufficient eligible Federal-aid funds and obligation authority are available. The State may request a partial conversion where only a portion of the Federal share of project costs is obligated and the remainder may be converted at a later time provided funds are available. Only the amount converted is an obligation of the Federal Government. The project should be identified on the STIP each year a conversion occurs.

Section 1501 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) did make changes to the categories of funds which are authorized for advance construction. As a result, 23 USC 115 was revised to clarify that AC procedures can be used for all categories of Federal-aid funds. In addition, when an AC project is converted to a regular Federal-aid project, any available eligible funds may be used to convert the project.

Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) continues the Advance Construction provisions unchanged. The MAP-21 Extension also continued the provisions unchanged.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act continues the Advance Construction provisions unchanged.

ADDITIONAL INFORMATION: Contact the Office of the Chief Financial Officer.

Alaska Highway (Shakwak)
Updated April 14, 2016

STATUS: ACTIVE Until Alaska Highway funds are rescinded or expended.

PROGRAM CODES for Alaska Highway (Shakwak) Program:

- 6170 - Appropriations from the General Funds per Section 127(b) of Federal-aid Highway Act of 1973 (Public Law 93-87)
- 5280 - General Funds for Highway Demonstration Projects in FY 1992 DOT Appropriations Act (Public Law 102-143)
- 04W0 - Set-aside from Interstate apportionment under ISTEA Section 1006(h)
- QK10 - Set-aside from NHS apportionment (FYs 1998 - 2002)
- HK10 - Set-aside from NHS apportionment (FYs 2004 & 2005)
- LK10 - Set-aside from NHS apportionment (FYs 2006 - 2009)
- LK1E - Set-aside from NHS apportionment (FYs 2010 - 2012)

PROGRAM CODES for Alaska Apportioned funds used for Alaska Highway: (See BACKGROUND)

- 1870 - Alaska apportioned Interstate Construction funds used for Alaska Highway
- 18A0 - Alaska apportioned HBRRP (on/off system) funds used for Alaska Highway
- 18B0 - Alaska apportioned HBRRP (on system) funds used for Alaska Highway
- HK20, LK2E, LK2R – Alaska Highway / Alaska Marine Highway – Exempt (Alaska apportioned funds used for Alaska Highway under 23 U.S.C. 218(a) prior to MAP-21)

EXPIRED PROGRAM CODES for Alaska Apportioned funds used for Alaska Highway:

- 1840 - Alaska apportioned Consolidated Primary funds used for Alaska Highway
- 1890 - Alaska apportioned Hazard Elimination funds used for Alaska Highway
- B090 - Alaska apportioned Rural Secondary funds used for Alaska Highway
- QK20 - Alaska Highway / Alaska Marine Highway – Exempt (Alaska apportioned funds used for Alaska Highway under 23 U.S.C. 218(a))

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: Until expended (Alaska Highway funds only)

FUND: General Funds; Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation (Alaska Highway funds)

TYPE OF AUTHORITY: Appropriated Budget and Contract

SUBJECT TO OBLIGATION LIMITATION: Yes, for QK10, HK10, LK10, and LK1E; No, for all others

STATUTORY REFERENCE: 23 U.S.C. 104(b)(1)(A)(prior to MAP-21) and 23 U.S.C. 218 (as amended by MAP-21 Section 1519(c)(11)

CFR REFERENCE: None

ELIGIBILITY: The above allocated or apportioned Federal-aid highway funds may be used for the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada, and the Haines Cutoff Highway from Haines Junction in Canada to Haines, Alaska. MAP-21 provides that apportioned funds may be used for Alaska Marine Highways. However, apportioned funds may not be used for the Alaska Highway (Shakwak).

BACKGROUND: Construction of the original Alaska Highway from Dawson Creek, British Columbia, to Fairbanks, Alaska, was precipitated in the early 1940's by Japan's attack on Pearl Harbor and was completed in 1943.

Section 127(a) of the Federal-Aid Highway Act of 1973 (Public Law 93-87) established the Alaska Highway program under 23 U.S.C. 218 for the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada (about 205 miles), and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border (about 117 miles). The program was called the Shakwak program, named after the Shakwak Valley in the Canadian Yukon. Section 127(b) of the Federal-Aid Highway Act of 1973 authorized almost $58.7 million in General Funds for this reconstruction.

An agreement was executed with Canada in February 1977 as a prerequisite to any expenditure of funds. Under the agreement, Canada was to direct the design and construction operations, and the U.S. was to be responsible for the cost of the reconstruction. Canada was to maintain the completed highway at its own expense.

Of the $58.7 million authorized in the 1973 Act, about $36.7 million was actually appropriated from the General Funds (appropriation code 6170). All of these funds, except for a small amount for FHWA administrative expenses, were allocated to Canada, mostly for the design and reconstruction of portions on the Haines Cutoff Highway south of Haines Junction.

With additional appropriations from the General Funds unlikely, other funding was sought to keep the program alive. Section 158 of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) amended 23 U.S.C. 218(a) to permit funds apportioned to Alaska for other Federal-aid programs to be used for Shakwak projects. The result was a transfer from apportionments to Alaska for the Interstate Program (program code 1870), the Primary Program (program code 1840), the Hazard Elimination Program (program code 1890), the Highway Bridge Replacement and Rehabilitation Program (HBRRP, program codes 18A0 and 18B0), and the Rural Secondary Program (program code B090). Under this provision, any of Alaska's apportioned funds used for Shakwak projects could be used at a 100 percent Federal share and would not be subject to any obligational limitation imposed by Congress. Funds maintained their source fund Period of Availability.

Section 1006(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) authorized up to $20 million of Interstate Construction funds for each of FYs 1993-1996 for the Secretary of Transportation, in consultation with the Secretary of Defense, to use for the reconstruction of highways, or portions of highways, located outside the United States that are important to the national defense. These funds (total of $80 million) were allocated to Alaska for the Alaska Highway and were available until expended.

No changes were made to 23 U.S.C. 218 by the 1991 ISTEA or by the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178). Hence, any Federal-aid highway funds apportioned to the State of Alaska under title 23 could continue to be expended on the Alaska Highway, as defined under 23 U.S.C. 218, at a Federal share of 100 percent.

Section 1103(b) of TEA-21, as amended by the TEA-21 Restoration Act (Title IX of the IRS Restructuring and Reform Act of 1998, Public Law 105-206), amended 23 U.S.C. 104(b)(1)(A) to provide $18.8 million for each of FYs 1998-2002 for the Alaska Highway as a set-aside from the National Highway System apportionment component. In addition, under Section 1102(f) of TEA-21, for allocated funds, only the funds for which obligation authority was provided were to be allocated each fiscal year. The remaining funds were distributed to the States as STP funds. Therefore, only the amount of the $18.8 million each fiscal year for which obligation authority was provided was actually allocated for the Alaska Highway.

Section 316 of the FY 1999 DOT Appropriations Act [(Section 101(g) of Division A of the FY 1999 Omnibus Appropriations Act (Public Law 105-277)] amended 23 U.S.C. 218 by expanding the definition of the Alaska Highway to include the section of the Haines Cutoff Highway in Alaska (between Canadian border and Haines). It also amended section 218 to permit Alaska to use its regular apportioned Federal-aid funds on the Alaska Marine Highway System, as well as on the Alaska Highway, as redefined. Section 316 also terminated the freedom from obligation limitation provision for these funds on the date of enactment of TEA-21, subjecting these funds to any obligation limitation established for any fiscal years after June 9, 1998.

Section 327 of the FY 2003 Department of Transportation and Related Agencies Appropriations Act (Division I of the Omnibus Appropriations Act, Public Law 108-7) amended 23 U.S.C. 218(a) again to reestablish the freedom from obligation limitation provision for apportioned funds utilized by Alaska for the Alaska Highway or the Alaska Marine Highway System for any fiscal years until enactment of the reauthorization of TEA-21.

The Surface Transportation Extension Acts of 2003, 2004 (Parts I through V), and 2005 (Parts I through VI) authorized continued funding for the Alaska Highway at FY 2002 levels until the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) was enacted on August 10, 2005.

Under the provisions of 23 U.S.C. 104(b)(1)(A), as amended by section 1103(b) of SAFETEA-LU, $30 million was authorized for the Alaska Highway for each of fiscal years 2005 through 2009. Under the provisions of section 1102(f) of SAFETEA-LU, Redistribution of Certain Authorized Funds, only the amount for which obligation authority was provided will be made available. The remaining funds will not be available for the Alaska Highway, but instead are distributed to the States in accordance with section 1102(f), as was done under TEA-21.

Section 4409 of SAFETEA-LU amended 23 U.S.C. 218(a) to continue the freedom from obligation limitation provision for apportioned funds used for the Alaska Highway or the Alaska Marine Highway System. Section 4409 also added paragraph (c) to 23 U.S.C. 218 to provided clarification of the meaning of Alaska Marine Highway System to include "all existing or planned transportation facilities and equipment in Alaska, including the lease, purchase, or construction of vessels, terminals, docks, floats, ramps, staging areas, parking lots, bridges and approaches thereto, and necessary roads." This is limited to components that are related to the ferry system in Alaska, not all transportation facilities and equipment in Alaska.

HK20, QK20, LK2R, and LK2E program codes were established to track those regular Federal-aid highway funds apportioned under Title 23 that Alaska could utilize for the Alaska Highway or the Alaska Marine Highway System as provided for in 23 USC 218(a)(prior to MAP-21). Prior to MAP-21, Section 218 allowed the State to expend their apportioned funds on the Alaska Highway or the Alaska Marine Highway System at 100% Federal share and without subjection to the obligation limitation. The provisions of Section 218 do not change the Period of Availability of these regular apportioned funds, so apportioned funds maintain their original source fund Period of Availability.

Moving Ahead for Progress in the 21st Century (MAP-21)(P.L. 112-141) Section 1519(c)(11) removed the provisions related to the Shakwak Highway in Canada in 23 U.S.C. 218. MAP-21 does continue the 23 U.S.C. 218 provision providing any apportioned funds may continue to be used for the Alaska Marine Highway System (only) at 100% Federal share, but remain subject to obligation limitation. No additional program code is necessary to authorize projects under this revised provision, since the source fund Program Code is used. The MAP-21 Extension also continued the 23 U.S.C. 218 provisions unchanged.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act continued the 23 U.S.C. 218 provisions unchanged.

ADDITIONAL INFORMATION: Contact the Office Program Administration (HIPA).

American Recovery and Reinvestment Act of 2009 (ARRA)
Updated April 14, 2016

STATUS: INACTIVE

PROGRAM CODES:

- C200, C201, C202, C203, C204, C205 – ARRA Areas with Population less than 200K
- C220, C221, C222, C223, C224, C225 – ARRA Transportation Enhancements
- C230, C231, C232, C233, C234, C235 – ARRA Urbanized Areas over 200K Population
- C240, C241, C242, C243, C244, C245 – ARRA Available for all areas (Flex)
- C250, 251, 252, 253, 254, 255 – ARRA Rural Areas with Population under 5K
- CP10, CP11, CP12, CP13, CP14, CP15 – ARRA Puerto Rico Highway Program
- CT10, CT11, CT12, CT13, CT14, CT15 - ARRA Territorial Highway Program
- C950, C951, C952, C953, C954, C955 - Construction of Ferry Boats
- C490, C491, C492, C493, C494 Highway Surface Transportation and Technology Training

FEDERAL SHARE: Up to 100%

PERIOD AVAILABLE: FY2010

FUND: General Fund

FUND DISTRIBUTION METHOD: Apportionment and Allocation (certain programs)

TYPE OF AUTHORITY: Budget

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: The American Recovery and Reinvestment Act of 2009 (P.L. 111-5)

CFR REFERENCE: None

ELIGIBILITY: Funds for this program may be used for those activities included in 23 U.S.C. Sections 133(b) (see Surface Transportation Program) and passenger and freight rail transportation and port infrastructure projects eligible for assistance under subsection 23 U.S.C. 601(a)(8).

BACKGROUND: The American Recovery and Reinvestment Act of 2009 (ARRA) appropriated $27,500,000,000 from the General Fund of the Treasury. The Federal share payable on account of any project or activity carried out with funds made available by the ARRA shall be at the option of the recipient, up to 100% of the total project cost. ARRA funds cannot be used as the non-Federal match for other Federal funds.

Funds remain available for obligation through September 30, 2010, but are subject to redistribution requirements. Deobligated funds are available for reobligation to another ARRA eligible activity within the State only during the period of availability. Once the period of availability for obligation has expired, funds will not be permitted to be reobligated. Obligated balances are available for expenses incurred until September 30, 2015, at which point any remaining balance will be canceled.

The statutory provisions contained in Chapter 1 of Title 23 United States Code (U.S.C.) are applicable to all ARRA projects, with two exceptions. Indian Reservations and Federal lands and the Territorial Highway Program shall be administered in accordance with Chapter 2 of Title 23 U.S.C. and funds made available for Disadvantaged Business Enterprises Bonding Assistance shall be administered in accordance with Chapter 3 of title 49 U.S.C.

This program has specific redistribution requirements, project selection criteria, reporting requirements, certifications, and other requirements. Additional information can be found within the ARRA Implementing Guidance at http://www.fhwa.dot.gov/economicrecovery/guidance.htm and the FHWA Economic Recovery website at http://www.fhwa.dot.gov/economicrecovery/index.htm.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Appalachian Development Highway Program
Updated April 14, 2016

STATUS: ACTIVE Until funds apportioned for FY 2012 (the final authorization) and previous years are obligated, transferred or lapsed.

PROGRAM CODES:

- 6380, 6410, 7950 - ARC funded Appalachian Development Highways
- 6390, 6420, 7960 - ARC funded Local Access Roads
- L790, L79E, H790, 79G0, Q790 - Miscellaneous codes
- 54C0, Q980, Q9A0 - TEA-21 funded roads
- Q540, Q5A0 - Limitations TEA-21
- H980, H540, H9A0 – STEA03 funded roads
- L980, L540 - SAFETEA-LU funded roads
- 54D0, 54E0, 54F0, 54G0, 54H0, 54J0, 54K0 - Earmarks
- 54L0, 54M0, 54N0, 54P0, 54Q0, 4420, 5480 - Earmarks
- Q7A0 - Appalachian Development Hwy
- 79B0, 79F0, 79K0 - ARC non-Highway Projects
- 45A0, Q920, LY10, LY20 - High Priority Projects
- L98E, L54E – SAFETEA-LU Extension funded roads
- L98R - (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)

EXPIRED CODES: R980, 36T0, 4400, 5470, 79C0

FEDERAL SHARE: For FY 2012 through 2050 “cost to complete projects”, up to 100% (FAST Act, Public Law 114-94)

PERIOD AVAILABLE: FY + 3 years for ARC funded projects. Until expended for Highway Trust Fund (HTF) authorized in TEA-21, and funds authorized in SAFETEA-LU and SAFETEA-LU Extension.

FUND: Agency Transfer (ARC to FHWA) for ARC funded projects. HTF or General Funds for FHWA funded projects.

FUND DISTRIBUTION METHOD: Apportionment FY 1999, Apportionment FY 2005, and subsequent years, previously funds were allocated.

TYPE OF AUTHORITY: Appropriated Budget for ARC funded projects (pre-MAP-21). Contract for FHWA funded projects.

SUBJECT TO OBLIGATION LIMITATION: ADHS funds have a special no year obligation limitation that is available until used. No additional obligation limitation is provided to cover the unobligated balances of ADHS funds above the special obligation limitation. States with insufficient special ADHS limitation must use formula obligation limitation.

STATUTORY REFERENCE: MAP-21 Section 1528, 23 U.S.C. 133(b)(1) (as amended by FAST Act Section 1109), 23 U.S.C. 104(a), 23 U.S.C. 106(g), ; 40 U.S.C. 14501; Section 201 of the Appalachian Regional Development Act of 1965; Section 1435 and 1436 of the FAST Act

CFR REFERENCE: 23 CFR 633B

ELIGIBILITY: The ARC and FHWA funds may be used for the construction, reconstruction, or improvement of highways on the latest approved Cost to Complete Estimate of the ADHS. Section 133 of title 23 U.S.C. makes STBG funds eligible for “highways, bridges, and tunnels, including designated routes of the Appalachian development highway system and local access roads under 40 U.S.C. 14501” NHPP funds may also be eligible if the facility meets the requirements of that program.

BACKGROUND: The ADHS was created by the Appalachian Regional Development Act of 1965. Its purpose was to provide a system of development highways and access roads which would contribute to economic development opportunities in the Appalachian regions of 13 States -- Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

The original amount authorized for the ARC highway program in 1965 was $840 million for FYs 1965-1971. By the end of FY 1997, Congress had raised the total authorization, generally through annual ARC appropriations, to almost $5 billion.

The 1965 Act provided funding for the program in a manner similar to the regular Federal-aid highway program. The provisions of 23 U.S.C. 106(a) and 118 relating to the obligation, period of availability, and expenditure of Federal-aid highway funds applied. The ARC funded projects have been administered in accordance with Title 23. Currently, they are administered in the same manner as projects on the National Highway System (NHS).

During the initial years the Federal share for ARC funded projects was 50 percent, but it was later raised by legislation to 80 percent. Various DOT appropriations acts, Section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17) and Sections 1105, 1106 and 1107 of Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) provided over $1.2 billion for designated highway demonstration projects on the ADHS. The Federal share for these demonstration projects varies from 80 to 100 percent. The funds are available until expended. Most of the funds are not subject to obligation limitation.

Section 5503 of the Omnibus Appropriations Act of 1997 (Public Law 104-208) made $30 million available for ADHS projects. The Federal share is 100 percent. The funds are subject to obligation limitation and are available until expended.

The Department of Transportation and Related Agencies Appropriations Act of 1998 (Public Law 105-66) provided an additional $300 million for the ADHS. The Federal share was 80 percent. The funds are not subject to obligation limitation and are available until expended. Additionally, regular Federal-aid funds, including NHS and Surface Transportation Program funds, are available for projects on Federal-aid highways that also are on the ADHS system if appropriate criteria for use of the highway funds are met. The Federal share, obligation limitation and period of availability, are those appropriate for the funding source used. (See Federal share discussion below.) The Transportation Equity Act for the 21st Century (TEA-21, P.L. 105-178) authorized $450 million out of the Highway Trust Fund for each of FYs 1999-2003 for the ADHS.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), P. L. 109-59, authorized $470 million from the Highway Trust Fund for each year beginning with 2005 through 2009 for the ADHS. Section 1116 amended Section 120(j) of title 23 U.S.C. and a State may not use toll credits toward the non-Federal share requirement for any funds made available under 40 U.S.C. Section 14501 (This was subsequently changed by MAP-21). Section 1904(a) of SAFETEA-LU, amends Section 106 of title 23 U.S.C. to retain full FHWA oversight responsibilities for the design and construction of all Appalachian development highways under 40 U.S.C. §14501. However, the oversight is limited to the construction necessary to complete the ADHS.

All the ADHS routes are Federal-aid highways; however, the ARC has a program by which a portion of the funds may be used for local access road projects, which do not have to be on a Federal-aid highway. Annually, the states may use up to $500,000 plus 5% of their annual ADHS apportionment, but no more than $1,000,000 each year, for such projects.

Contrary to previous legislation, MAP-21 (P.L. 112-141) provided no specific authorization of funds for the ADHS. Funds authorized in earlier Acts remain available until expended. MAP-21 Section 1108 amended 23 U.S.C. 133 and makes STP funds eligible.

For fiscal years 2012 through 2021, MAP-21 provided the Federal share for a project to construct a highway or access road on the ADHS with ADHS Program funds that a State received in FY 2012 or a previous year, or funds received during the same timeframe for a specific ADHS project, route, or corridor is 100 percent subject to the limitation discussed below.

For fiscal years 2012 through 2021, MAP-21 provided the Federal share for a project to construct a highway or access road on the ADHS with apportioned funds other than those described above is also 100 percent subject to the limitation discussed below.

Under MAP-21, not all projects on highways and access roads on the ADHS that used ADHS funds or other Federal funds are eligible at 100 percent funding. Section 1528 of MAP-21 cross references the cost of construction on and access to the ADHS under the Appalachian Regional Development Act (40 U.S.C. 14501). Only projects that contribute to the completion of the ADHS as identified in the latest approved Cost to Complete Estimate are eligible for 100 percent Federal funding when using ADHS or

other apportioned funds, or funds specifically designated for an ADHS cost to complete project in FY 2012 or a prior fiscal year as provided in section 1528(b). There may also be High Priority Projects that meet this requirement. Work to repair, extend the life of, or modify completed segments of the ADHS is not eligible for 100 percent Federal share. Additionally, an ADHS section that was listed as an ineligible section in the latest approved Cost to Complete Estimate may be eligible for Federal-aid with NHPP or STP funds only at the Federal share specified under 23 U.S.C. 120.

MAP-21 also required development of a plan for the cost of completion of the designated ADHS corridors, including annual performance targets and target completion dates. These provisions carried though the MAP-21 Extension.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). Section 1435 of the FAST Act amended Section 1528 of MAP-21 by striking the date "2012" and inserting "2050", and providing for "up to 100%" Federal share, rather than the 100% mandatory Federal share. As a result, the FAST Act provides States may select a Federal share up to 100 percent subject to the limitation that only projects that contribute to the completion of the ADHS as identified in the latest approved Cost to Complete Estimate are eligible for 100 percent Federal funding when using ADHS or other apportioned funds, or funds specifically designated for an ADHS cost to complete project in FY 2012 or a prior fiscal year as provided in MAP-21 section 1528(b). States may now, at their discretion, select a Federal share less than 100 percent. Work to repair, extend the life of, or modify completed segments of the ADHS is not eligible for up to 100 percent Federal share. Additionally, an ADHS section that was listed as a non-participating section in the latest approved Cost to Complete Estimate might be eligible for Federal-aid with the National Highway Performance Program (NHPP) or Surface Transportation Block Grant (STBG) Program funds, but only at the Federal share specified under 23 U.S.C. 120.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Bicycle Transportation And Pedestrian Walkways
Updated March 5, 2013

STATUS: ACTIVE

PROGRAM CODES: None. Bicycle and pedestrian projects are broadly eligible throughout the Federal-Aid and Federal Lands programs. National Highway Performance Program (NHPP), Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement Program (CMAQ), Highway Safety Improvement Program (HSIP), Transportation Alternatives Program (including the Recreational Trails Program set-aside and Safe Routes to School projects), Tribal Transportation Program, and Federal Lands Transportation Program, Federal Lands Access Program funds may be used for bicycle transportation and pedestrian walkways. Remaining carryover funds for the following pre-MAP-21 programs are also eligible for bicycle and pedestrian projects, including National Scenic Byways Program, Recreational Trails Program (RTP), Safe Routes to School Program (SRTS), and Transportation, Community, and System Preservation Program (TCSP). Bicycle and pedestrian projects also are eligible under some Federal Transit Administration programs.

FEDERAL SHARE: In accordance with 23 U.S.C. 120(b)

PERIOD AVAILABLE: N/A

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 217

CFR REFERENCE: 23 CFR 652 (to be updated)

ELIGIBILITY: STP and CMAQ funds may be used for the construction of pedestrian walkways and bicycle transportation facilities and for carrying out nonconstruction projects related to safe bicycle use. NHPP funds may be used for the construction of pedestrian walkways and bicycle transportation facilities on land adjacent to any highway on the NHS. Federal Lands Transportation Program and Federal Lands Access Program funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways may be used for the construction of pedestrian walkways and bicycle transportation facilities.

BACKGROUND: This program was established by Section 124(a) of the Federal-aid Highway Act of 1973 (Public Law 93-87), which provided for the use of Primary, Secondary, and Urban system funds on independent projects constructing separate or preferential bicycle lanes and facilities and pedestrian walkways in conjunction with those systems. Forest Highway, Forest Development Roads and Trails, Park Roads and Trails, Parkways, Indian Reservation Roads, and Public Lands Highways funds could also be used. The program was codified in 23 U.S.C. 217.Section 141 of the Federal-aid Highway Act of 1978 (Public Law 95-599) revised the program to stress energy conservation in addition to the multiple use of highway rights-of-way and to expand the types of projects that could be constructed. Additionally, the Act added provision 23 U.S.C. 109(n) (later redesignated as 109(m) in TEA-21), that no regulatory action may be taken by the Secretary that results in the severance of a major bicycle route or has an adverse impact on the safety of nonmotorized traffic unless a reasonable alternate route exists or is provided.

Section 126 of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) continued the program and further expanded the types of projects that could be constructed. It specified that projects must be principally for transportation rather than recreational purposes. States could obligate

up to $4.5 million per year (raised from $2.5 million) for these projects. The Federal share was established as 100 percent for independent walkway and bikeway projects and for nonconstruction bicycle projects. Funds for Federal Lands Highways could be used for independent bikeway and walkway projects, but not for nonconstruction bicycle projects.

Section 127 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) permitted the use of Interstate Substitute funds for all eligible bicycle transportation and pedestrian walkway projects.

Section 1033 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amended 23 U.S.C. 217 to reflect the impacts of the STP, CMAQ, and NHS on bicycle transportation and pedestrian walkways. In addition to the ISTEA provisions in the Eligibility section above, other important revisions were as follows:

- Each State was required to use some of its STP and CMAQ moneys to fund a State DOT "bicycle and pedestrian coordinator" position for promoting and facilitating (a) the increased use of nonmotorized modes of transportation, including developing facilities for the use of pedestrians and bicyclists, and (b) public education, promotional, and safety programs for using such facilities.
- When Federal-aid funds are being used to replace or rehabilitate bridge decks, except on fully access controlled highways, safe bicycle accommodations must be considered and provided where feasible.
- Construction of a pedestrian walkway and a bicycle transportation facility are deemed to be highway projects and established the Federal share at 80 percent.
- Pedestrian walkways and bicycle transportation facilities to be constructed under the provisions of 23 U.S.C. 217 must be included in long range plans developed by Metropolitan Planning Organizations and States.
- No motorized vehicles should be allowed on any trails or pedestrian walkways, except as necessary for maintenance purposes and possibly for snowmobiles and motorized wheelchairs.

Section 310(b) of the National Highway System Designation Act of 1995 (Public Law 104-59) replaced the “80 percent” Federal share with “determined in accordance with section 120(b)”.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) amended Section 217 to allow use of NHS funds for pedestrian walkways, as well as previously eligible bicycle facilities, on any route of the NHS. It removed the restrictions of bridges "where access was fully controlled" to accommodate bicycles. It also provided:

- Bicycle safety issues must be addressed on rail-highway crossing hazard elimination projects.
- Bicycle improvements are eligible for the hazard elimination program.
- For due consideration of bicyclists and pedestrians in the development of comprehensive transportation plans under 23 U.S.C. 134 and 135.
- When permitted by State or local regulations, electric bicycles may be used on federally-funded trails and pedestrian walkways.
- Design guidance for accommodating bicycle and pedestrian travel will be issued by FHWA by December 9, 1999.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) amended Section 217 to allow the use of Federal lands funds for pedestrian walkways and bicycle transportation facilities for projects that are not in conjunction with trails, roads, highways, and parkways.

Moving Ahead for Progress in the 21st Century Act (MAP-21) extended the eligibility of Bicycle Transportation and Pedestrian Walkways under the programs listed above, but made no other substantive changes to Section 217. See Safe Routes to School Program for additional information on that program.

ADDITIONAL INFORMATION: Contact the Office of Human Environment (HEPH).

Bond Issue Projects
Updated April 14, 2016

STATUS: ACTIVE - A bond issue project provides for reimbursement for improvements to Federal-aid highways financed initially from the proceeds of bonds issued by a State or political subdivision of the State.

PROGRAM CODES: Same as source funds

FEDERAL SHARE: Same as source funds. The Federal share of the cost of a bond project is paid when the bonds are retired.

PERIOD AVAILABLE: Same as source funds

FUND: Same as source funds

FUND DISTRIBUTION METHOD: Same as source funds

TYPE OF AUTHORITY: Same as source funds

SUBJECT TO OBLIGATION LIMITATION: Same as source funds

STATUTORY REFERENCE: 23 U.S.C. §122

CFR REFERENCE: 23 CFR 140F

ELIGIBILITY: See the discussion below

BACKGROUND: The Federal-aid Highway Act of 1950 (Public Law 81-769) made provisions for a State to claim Federal reimbursement for the retirement of bonds used for certain highway purposes. This was codified in 23 U.S.C. 122.

A State that used the proceeds of bonds for the construction of Primary, Interstate, or Urban Extension projects, or Interstate Substitute highway projects could claim Federal reimbursement on that portion of the bond proceeds used to retire the bonds. [Section l07(f) of the Surface Transportation Assistance Act (STAA) of 1982 added substitute highway projects approved under 23 U.S.C. l03(e)(4) as eligible bond issue projects]

Section 115(c) of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) made changes in requirements governing the participation of interest costs in that interest earned and payable after November 6, 1978, on the retirement of bonds maturing after that date, the proceeds of which are expended in the construction of Interstate projects, was considered an eligible cost of construction.

Section 311 of the National Highway System Designation Act of 1995 (1995 NHS Act) replaced 23 U.S.C. 122 and expanded the Federal eligibility of bond related costs. Under amended Section 122, bond related costs are eligible for Federal reimbursement on any Federal-aid project eligible under Title 23, U.S.C., including the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) demonstration projects. The definition of construction was also revised in 23 U.S.C. 101 to include a reference to bond related costs.

Eligible costs include interest payments under an eligible debt financing instrument, the retirement of principal of an eligible debt financing instrument, the cost of issuance of an eligible debt financing instrument, the cost of insurance for an eligible debt financing instrument, and any other cost incidental to the sale of eligible debt financing instrument.

Eligible debt financing instrument means a bond or other debt financing instrument, including a note, certificate, mortgage, or lease agreement, issued by a State or political subdivision of a State or public authority, the proceeds of which are used for an eligible Federal-aid project.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) repealed redundant and outdated provisions of 23 U.S.C. 115 relating to payment of bond interest on Advance Construction projects.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) continues the "Bond and Other Debt Instrument Financing" provisions of 23 U.S.C. §122 unchanged. The MAP-21 Extension also continued the provisions unchanged.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act continues the Advance Construction provisions unchanged.

ADDITIONAL INFORMATION: Contact the Office of the Chief Financial Officer (HCF-1).

Bridge Discretionary Program
Updated April 20, 2007

STATUS: ACTIVE (until authorizations for FY 2005 and previous years are expended or expire)

PROGRAM CODES:

- Q060 Bridge Discretionary Program, Non-seismic projects (FY 2003 and before)
- Q070 Bridge Discretionary Program, Seismic projects (FY 2003 and before)
- H060 Bridge Discretionary Program, Non-seismic Projects (FY 2004 & 2005)
- H070 Bridge Discretionary Program, Seismic Projects (FY 2004 & 2005)

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 144, SAFETEA-LU, Section 1114

CFR REFERENCE: 23 CFR 650G

ELIGIBILITY: Highway Bridge Replacement and Rehabilitation Program (HBRRP) funds set aside for the Bridge Discretionary Program may be obligated, at the discretion of the Secretary of Transportation, only for the replacement or rehabilitation of bridges which cost more than $10 million each, or at least twice the amount of HBRRP funds apportioned to the State in which the bridge is located. Through regulation, discretionary bridge projects must be on a Federal-aid highway.

BACKGROUND: Section 124 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) established the HBRRP that was applicable to bridges both on and off the Federal-aid highway system (i.e., on and off-system bridges). It also required that $200 million be withheld from the HBRRP apportionment for each of FYs 1979-1982 to be used by the Secretary as a discretionary fund to replace or rehabilitate bridges which cost more than $10 million each, or twice the State's apportionment.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) continued this program with the same spending requirements and provided authorizations through FY 1986. It also provided a formalized process (i.e., a ranking factor formula) for selecting discretionary bridge projects for funding. Regulations in this regard were promulgated and published in 23 CFR 650, Subpart G. Through regulation, discretionary bridge projects must be on a Federal-aid highway.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) continued the HBRRP and increased the discretionary set-aside to $225 million for each of FYs 1987-1991.

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued the Bridge Discretionary Program with a new timber bridge component. Section 1028 (d) of the 1991 ISTEA amended 23 U.S.C. 144(g)(1) and authorized $400 million to be set-aside over a 6-year period from the HBRRP.

Of the above discretionary amounts, Section 1039 of the 1991 ISTEA required that $8 million in FY 1992 and $8.5 million in each of FYs 1993-1997 be made available for the construction of highway timber bridges on all public roads. Of these amounts, $1 million in each of FYs 1992-1997 was available for timber bridge research grants, and for technology and information transfer, and $7 million was available in FY 1992 and $7.5 million was available in each of FYs 1993-1997 for construction grants related to timber bridges.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) authorized $25 million in FY 1998 for the seismic retrofit of the Golden Gate Bridge. It also authorized $100 million for FYs 1999-2003 for the discretionary bridge program, provided that not to exceed $25 million would be available only for seismic retrofit of bridges, including those in the New Madrid fault region. It did not authorize timber bridges.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) did not reauthorize the program beyond 2005.

ADDITIONAL INFORMATION: Contact the Office of Bridge Technology (HIBT).

Congestion Mitigation And Air Quality Improvement Program (CMAQ)
Updated November 1, 2012

STATUS: ACTIVE

PROGRAM CODES:
- 3200 -- CMAQ
- 32A0 -- CMAQ 100% Safety
- 3AZ0 -- CMAQ-FTA
- 3610 - Congestion Relief Project
- 3BD0 - Congestion Relief Demo.-FTA
- Q400 -- CMAQ TEA-21
- QC10 -- CMAQ FTA
- Q420 -- CMAQ 100% Safety
- H400 -- CMAQ STEA03
- HV20 -- Highways for Life - CMAQ 10% Limit
- L400 -- SAFETEA-LU CMAQ
- LV20 - Highways for Life - CMAQ 10% Limit
- L40E – CMAQ SAFETEA-LU Ext.
- L40R – CMAQ SAFETEA-LU Restored (P.L. 111-147 Sec. 413)
- LV2E - Highways for Life – CMAQ 10% Limit – SAFETEA-LU Ext.
- M400 – CMAQ (MAP-21 Section 1101(a)(1))
- M401 – CMAQ Flexible Funding (MAP-21 Section 1113(b)(3))
- M003 – CMAQ Projects to Reduce PM 2.5 Emissions (MAP-21 Section 1113(b)(6))

FEDERAL SHARE: The Federal share for CMAQ funds is governed by 23 U.S.C. 120. It is generally 80 percent, subject to the upward sliding scale adjustment for States containing public lands). Certain safety projects that include an air quality or congestion relief component, e.g. carpool/vanpool projects, as provided in 23 USC 120(c) may have a Federal share of 100 percent , but this provision is limited to 10 percent of the total funds apportioned to a State under 23 U.S.C. 104. The 100 percent Federal share provision (from P.L. 110-140) covered only 2008 and 2009 and was not extended by MAP-21.

PERIOD AVAILABLE: They are available for obligation for a period of three years after the last day of the fiscal year for which the funds are authorized.

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 149 (as amended by MAP-21 Sec 1113)

CFR REFERENCE: None

ELIGIBILITY: Generally, projects eligible under the CMAQ program prior to enactment of MAP-21 remain eligible with the new authorization. All CMAQ projects must demonstrate the three primary elements of eligibility: transportation identity, emissions reduction, and location in or benefitting a nonattainment or maintenance area. While project eligibilities are continued, there is some modification with new language placing considerable emphasis on select project types including electric and natural gas vehicle infrastructure and diesel retrofits. As in past authorizations of the program, projects must be included in a Metropolitan Planning Organization (MPO) transportation plan and transportation improvement program (TIP), or the current Statewide TIP in areas that are not part of an MPO. The MPO plans and programs must also have a transportation conformity determination in place, where applicable. In addition, CMAQ

investments must comply with the appropriate Federal cost principles, such as 2 CFR 225, the guidelines for State, local, and tribal governments.

Eligible Activities Include:

1. Acquisition of diesel retrofits, including tailpipe emissions control devices, and the provision of diesel-related outreach activities.
2. Intermodal equipment and facility projects that target diesel freight emissions through direct exhaust control from vehicles or indirect emissions reductions through improvements in freight network logistics.
3. Alternative fuel projects including participation in vehicle acquisitions, engine conversions, and refueling facilities.
4. Establishment or operation of a traffic monitoring, management, and control facility, including the installation of advanced truck stop electrification systems.
5. Projects that improve traffic flow, including efforts to provide signal systemization, construct HOV lanes, streamline intersections, add turning lanes, improve transportation systems management and operations that mitigate congestion and improve air quality, and implement ITS and other CMAQ-eligible projects, including efforts to improve incident and emergency response or improve mobility, such as through real time traffic, transit and multimodal traveler information.
6. Projects or programs that shift travel demand to nonpeak hours or other transportation modes, increase vehicle occupancy rates, or otherwise reduce demand through initiatives, such as teleworking, ridesharing, pricing, and others.
7. Transit investments, including transit vehicle acquisitions and construction of new facilities or improvements to facilities that increase transit capacity. The MAP21 provision on operating assistance (23 USC 149(m)) is being reviewed and guidance interpreting the provision will be issued in the future.
8. Non-recreational bicycle transportation and pedestrian improvements that provide a reduction in single-occupant vehicle travel.
9. Vehicle inspection and maintenance programs.

Ineligible Activities:

No funds may be used to add capacity except for HOV facilities that are available to SOV only at off-peak times.

BACKGROUND: The CMAQ program was established by the Intermodal Surface Transportation Act of 1991 (1991 ISTEA, Public Law 102-240) and was continued by the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) under 23 U.S.C. 149.

Under 23 U.S.C. 104(b)(2)(B)(pre-MAP-21), each State was apportioned funding based on county populations residing within ozone and carbon monoxide (CO) nonattainment and maintenance areas and the severity of the areas' air quality problems. Extra weighting was given to nonattainment or maintenance areas with both ozone and CO problems.

The Energy Independence and Security Act of 2007 (EISA), Public Law 110-140 included a provision in Section 1131, to increase the Federal share for the CMAQ program (23 U.S.C. Section 120(c)(2)(pre-MAP-21)). In enacting the provision, Congress established an 80 percent Federal share subject to new flexibility for a State to increase the Federal share payable on a CMAQ project up to 100 percent of the cost, if funds are obligated in fiscal year 2008 or 2009, and further subject to Section 120(i), which provides that a State may increase the non-Federal share for a project subject to criteria that the Secretary may establish. Consequently, there is no absolute minimum of 80 percent Federal share. As of December 20, 2007, funds obligated under the CMAQ program (23 U.S.C. 149), could be increased up to 100 percent of the total cost, at the discretion of the State, if funds were obligated in fiscal years 2008 and 2009. This provision to increase the Federal Share payable up to 100% was extended by the enactment of the Surface Transportation Extension Acts until October 1, 2012.

Moving Ahead for Progress in the 21st Century (MAP-21) extended the CMAQ program with the eligibilities shown above, and MAP-21 Section 1105, moved the apportionment of CMAQ funds to 23 U.S.C. 104(b)(4). MAP-21's approach to distribution of formula funds is based on the amount of formula funds each State received in FY 2012. Once each State's total Federal-aid apportionment is calculated, an amount is set aside for the State's CMAQ program through a calculation based on the size of the State's FY 2009 CMAQ apportionment relative to the State's total FY 2009 apportionments; the longstanding CMAQ statutory apportionment formula was not retained by MAP-21. Amounts for State Planning and Research and the Transportation Alternatives Program are set aside from each State's CMAQ apportionment. MAP-21 requirements went into effect on October 1, 2012 and apply to all related funding obligated on or after that date, whether carryover or new funds. MAP-21 included several other provisions as outlined below:

Performance Management: The CMAQ program has new performance-based features. The Secretary will establish measures for States to use for assessing traffic congestion and on-road mobile source emissions. Each MPO serving a Transportation Management Area (TMA) with a population of more than one million and also representing a nonattainment or maintenance area is required to develop a performance plan to achieve emission and congestion reduction targets. The MPO plans must be updated biennially and each update must include a retrospective assessment of the progress made toward the air quality and traffic congestion performance targets through the last program of projects.

State Flexibility:

1. A State without a nonattainment or maintenance area may use its CMAQ funds for any CMAQ- or Surface Transportation Program (STP)-eligible project.
2. States with a nonattainment or maintenance area that received a minimum apportionment in FY 2009 may use part of their current CMAQ funds for any STP-eligible project. The amount is based on the proportion of the State's FY 2009 CMAQ apportionment that could be obligated in any area of the State for STP-eligible projects.
3. 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, a nonattainment area re-designated as an attainment (including maintenance) area, or a standard is fully revoked in an existing nonattainment or maintenance area.

Priority for PM2.5 Areas: The legislation calls for a State that has PM 2.5 (fine particulate matter) nonattainment and maintenance areas to use a portion of its CMAQ funds, based on population in PM 2.5 nonattainment areas, for projects that reduce PM 2.5 in such areas. Diesel retrofits are highlighted in MAP-21 as eligible to effect such mitigation. Further information on this section will be provided in the future.

Transferability: MAP-21 changed the approach to transfer of CMAQ funds to other elements of the Federal-aid program. Transfers of CMAQ funds no longer are subject to a special statutory formula but follow the maximum 50 percent transfer guideline provided in Transferability of Federal-aid at 23 U.S.C. 126. Exercising this transfer authority could impact traffic congestion and on-road mobile source emissions, the progress of which will be reported once performance measures are established under 23 U.S.C. 150. States continue to have the ability to transfer (or "flex") CMAQ funds to FTA for award as a grant under Chapter 53 of Title 49, as they did under SAFETEA-LU [see 23 U.S.C. 104(f)].

Evaluation of Projects: The Secretary must maintain and disseminate a cumulative database describing the impacts of projects, including project name, location, sponsor, cost, and cost-effectiveness (based on reduction in congestion and emissions) to the extent already measured. The Secretary, in consultation with EPA, shall evaluate cost effectiveness of projects periodically, for use by States and MPOs in project selection.

ADDITIONAL INFORMATION: Contact the Office of Natural and Human Environment (HEPN).

Control of Outdoor Advertising
Updated June 6, 2016

STATUS: ACTIVE Remaining unexpended obligated categorical funds are available for the control of outdoor advertising. Also, highway funds regularly apportioned under 23 U.S.C. 104 may be used for the removal of any lawfully erected but now nonconforming outdoor advertising sign, display, or device.

PROGRAM CODES:

- 646 --FY 1966
- 647 --FY 1967
- 649 --FY 1970-1973 and FY 1975
- 688 --FY 1977-1982
- 699 --Bonus claims
- 64A --Bonus claims and new projects with funds that were deobligated subsequent to December 18, 1985

Same as source funds for highway funds regularly apportioned under 23 U.S.C. 104.

FEDERAL SHARE: Same as source funds.

PERIOD AVAILABLE: Same as source funds. The codes 688, 699, and 64A were available until expended. Codes 646, 647, and 649 have lapsed. Deobligated 649 funds were recovered as 64A funds through the Washington office.

FUND: Highway Account of the Highway Trust Fund. Prior to the 1991 ISTEA, funding came from the General Fund.

FUND DISTRIBUTION METHOD: Control of outdoor advertising is an eligible item for regularly apportioned highway funds. Prior to the 1991 ISTEA, the Control of Outdoor Advertising Program was a discretionary program funded by allocations to the Regional Office from the Headquarters Office of Right-of-Way. The Regional Administrator was authorized to make sub-allocations to the Divisions.

TYPE OF AUTHORITY: Same as source funds. The 688 funds were under Budget authority and the 646, 647, and 649 funds were under Contract authority.

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 131

CFR REFERENCE: 23 CFR 190, 750A, 750D, and 750G

ELIGIBILITY: A State may use any funds apportioned to it under 23 U.S.C. 104 for the removal of any lawfully erected but now nonconforming sign, display, or device.

BACKGROUND: The Control of Outdoor Advertising Program was established in its current form by the Highway Beautification Act of 1965 (Title I of Public Law 89-285), which provided one year appropriations for FYs 1966-1967 (Appropriation Codes 646 and 647). Authorizations were made later for FYs 1970-1973 and for FY 1975 (Appropriation Code 649), with obligational authority available for FYs 1969-1977.

The Federal-aid Highway Act of 1976 (Public Law 94-280) authorized funds for FYs 1977-1978 and changed the period of availability for FY 1976 and prior years' funds to the FY plus 3 years. As a result, the 649 funds lapsed at the end of FY 1978.

The Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) authorized funds for FYs 19791982. The 1975 Budget Act had removed contract authority from General funded programs; hence, a new code (Appropriation Code 688) was created for the new funds independent of the 649

contract authority funds. The 688 funds could not be used to offset overruns on outdoor advertising projects utilizing 649 funds.

During FYs 1979-85 and through December 18, 1985, deobligated funds were only available to cover legitimate project overruns. The Continuing Appropriations Act for FY 1986 (PL 99-190) provided that funds deobligated subsequent to December 18, 1985, were available for reallocation until expended. These deobligations were controlled by Headquarters and had to be reallocated in order to be used. The funds were available for the payment of bonus claims and/or for new outdoor advertising projects under Appropriation Code 64A, but were not available to cover overruns on 649 projects. Overruns on 649 projects could be covered with 649 funds which were deobligated prior to December 19, 1985.

Bonus claims (Appropriation Code 699) were available as a reward for the States that removed all signs on certain segments of Interstate routes in conformity with national outdoor advertising control standards under the provisions of 23CFR 750A. The bonus increases the Federal share of Interstate projects. These bonus claims were related to a program established by the Federal-aid Highway Act of 1958 (Public Law 85-381). Twenty-three (23) States signed agreements to participate in this program prior to its repeal and are still eligible for bonus payments. When a State submits a bonus voucher for payment, such payment is made from the unobligated balance in the Washington Office, if funds are available. Section 1046 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amended 23 U.S.C. 121 and provided that:

- States may use highway funds apportioned under 23 U.S.C. 104 for the removal of any lawfully erected but now nonconforming outdoor advertising sign, display, or device. However, as subsequently set forth in the Dire Emergency Supplemental Appropriations Act of 1992 (Public Law 102-302), use of highway funds to remove nonconforming signs is discretionary on the part of the States. If a State chooses not to acquire nonconforming signs there is no risk of penalty under provisions in the Highway Beautification Act.
- Outdoor advertising controls apply to the National Highway System (NHS) including the Interstate and designated intramodal NHS connectors and those roads that were on the Federal-aid Primary System as it existed on June 1, 1991, but are not part of the designated NHS.
- States not maintaining effective control of outdoor advertising as defined by the program requirements continued to be subject to up to a 10 percent reduction of 23 U.S.C. 104 funds.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) amends 23 U.S.C. 131 in two areas as follows:

MAP-21 Section 1519(c)(7) amends 23 U.S.C. 131(m) provides a State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section (23 U.S.C. 131).

MAP-21 Section 1539(b) amends Control of Outdoor Advertising. - Section 131(i) of title 23, United States Code, by providing that a State may permit the installation of signs that acknowledge the sponsorship of rest areas within such rest areas or along the main traveled way of the system, provided that such signs shall not affect the safe and efficient utilization of the Interstate System and the primary system (and NHS). FHWA will establish criteria for the installation of such signs on the main traveled way, including criteria pertaining to the placement of rest area sponsorship acknowledgment signs in relation to the placement of advance guide signs for rest areas.

In addition, MAP-21 Section 1104(a) amended 23 U.S.C. 103, resulting in additional road segments on the NHS. Because these new segments are now part of the NHS, States will be responsible for effective control of outdoor advertising along these roadways. October 1, 2012 was the effective date for the MAP-21 changes that relate to outdoor advertising control. States are responsible for developing processes, procedures and an implementation plan to demonstrate effective control for the outdoor advertising program in coordination with FHWA Division Offices. Under 23 U.S.C. 131, outdoor advertising control

applies to the Interstate Highway System, the Federal-aid primary system in existence on June 1, 1991, and the NHS. 23 U.S.C. 103, as amended by MAP-21 Section 1104(a).

The reduction of Federal-aid highway funds for not providing effective control of outdoor advertising remains at 10 percent of the funds that would otherwise be apportioned to the State under 23 U.S.C. 104.

The classification of signs on the road segments added to the NHS as a result of the revisions to 23 U.S.C. 103 by MAP-21 Section 1104(a) must conform to State requirements. Any sign can be classified as legal conforming if it meets all applicable State requirements. A sign could be classified as legal nonconforming if it was in existence as of October 1, 2012, but is located on an additional road segment of the enhanced NHS and does not comply with applicable State requirements. If a sign is classified as legal nonconforming, it is subject to the State's limitation of customary maintenance and substantial change criteria in accordance with 23 CFR 750.707. After October 1, 2012, any sign will be subject to all State requirements for permitting.

States will not receive additional money specifically for these activities. However, MAP-21 Section 1103(a)(13) amends 23 U.S.C. 101(a)(29)(E) to define transportation alternatives as community improvement activities, including inventory, control, or removal of outdoor advertising and funds may be obligated to these projects under 23 U.S.C. 213(a). Although State departments of transportation (State DOT) and Metropolitan Planning Organizations (MPO) are not eligible entities for Transportation Alternative Project (TAP) funds, eligible project sponsors may partner with the State DOT or MPO for projects. TAP projects must be selected through a competitive process in accordance with TAP requirements. 23 U.S.C. 131(m) remains in effect, wherein a State may elect to use funds apportioned to it under 23 U.S.C. 104 for removing nonconforming outdoor advertising signs. Additionally, community improvement activities, including inventory, control or removal of outdoor advertising, when carried out as a part of any program or project authorized or funded under Title 23 or as an independent program or project related to surface transportation, are allowed to be funded under the Surface Transportation Program per 23 U.S.C. 133(b)(11)(transportation alternatives), and under TAP as per 23 U.S.C. 213(b) as amended by MAP-21 Section 1122.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act changed the name of the STP program to the Surface Tranportation Block Grant (STBG) program (23 U.S.C. 133), and repealed 23 U.S.C. 213; however, Transportation Alternatives projects remain eligible under 23 U.S.C. 133(h). The 23 U.S.C. 131 provision also remains for the use of any funds apportioned to a State under section 104 of title 23 for removal of any sign, display, or device lawfully erected which does not conform to this section (23 U.S.C. 131)

ADDITIONAL INFORMATION: Contact the Office of Real Estate Services (HEPR). Additional information on Outdoor Advertising control can be found at http://www.fhwa.dot.gov/real_estate/practitioners/oac/

Coordinated Border Infrastructure Program
Updated June 6, 2016

STATUS: ACTIVE Previously apportioned Corridor Border Infrastructure (CBI) program funds will continue to be available under the same terms and conditions in effect prior to the effective date of MAP-21 until they are obligated and expended, or rescinded.

The CBI program is eligible for Surface Transportation Block Grant program funds (see Background below).

PROGRAM CODES:
- H1G0 – Corridor Border Infrastructure (SAFETEA-LU – P.L. 109-59)
- L1G0 – Corridor Border Infrastructure (SAFETEA-LU – P.L. 109-59)
- L1GE – Corridor Border Infrastructure (SAFETEA-LU Extension – P.L. 111-68)
- L1GR - Corridor Border Infrastructure (SAFETEA-LU Restored – P.L. 111-147)
- U1G0 – Corridor Border Infrastructure - GSA TR

FEDERAL SHARE: For pre-MAP-21 apportioned funds, the Federal share is generally 80 percent, subject to the sliding scale adjustment. When the funds are used for Interstate projects to add high occupancy vehicle or auxiliary lanes, but not other lanes, the Federal share may be 90 percent, also subject to the sliding scale adjustment. Certain safety improvements listed in 23 USC 120(c) have a Federal share of 100 percent.

PERIOD AVAILABLE: Pre-MAP-21 funds, until expended

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Pre-MAP-21 funds, apportionment

TYPE OF AUTHORITY: Pre-MAP-21 funds, contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 133(b)(22); MAP-21 Section 1108(a)(9); SAFETEA-LU Section(s): 1101(a)(11), 1303; 23 U.S.C. 101 note

CFR REFERENCE: None

ELIGIBILITY: States may use funds in a border region, defined as any portion of a border State within 100 miles of an international land border with Canada or Mexico, for the following types of improvements to facilitate/expedite cross border motor vehicle and cargo movements:

- improvements to existing transportation and supporting infrastructure
- construction of highways and related safety and safety enforcement facilities related to international trade
- operational improvements, including those related to electronic data interchange and use of telecommunications
- modifications to regulatory procedures
- international coordination of transportation planning, programming, and border operation with Canada and Mexico.
- Projects in Canada or Mexico – a border State may use these funds to construct a project in Canada or Mexico if the project directly and predominantly facilitates cross-border vehicle and cargo movement at an international port of entry in the border region of the State. Canada/Mexico must assure that the project will be constructed to standards equivalent to those in the US, and be maintained and used over the useful life of the facility only for the purpose for which the funds were allocated.

- Transfers to General Services Administration (GSA) – if a border State requests, the Secretary approves, and GSA agrees, up to 15% or $5M (whichever is less) of the State's border program funds may be transferred to GSA to carry out 1 or more eligible projects. The State must provide the non-Federal share directly to GSA.

BACKGROUND: Section 1303 (c) of SAFETEA-LU authorizes CBI funds to be apportioned among border States based on factors related to the movement of people and goods through the land border ports of entry within the boundaries of the State as follows:

- 20% based on number of incoming commercial trucks
- 30% number of incoming personal motor vehicles and buses
- 25% based on weight of incoming cargo by commercial trucks
- 25% based on number of land border ports of entry

For FY 2005, $140 million was provided for the combination of the National Corridor Planning and Development and Coordinated Border Infrastructure discretionary programs under Sections 1118 and 1119 of TEA-21 to be administered under the terms of those sections. [1101(a)(19)]. Additional funding was provided through the duration of SAFETEA-LU and SAFTEA-LU extensions.

Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) does not provide an apportionment specifically for the CBI program, but makes the projects that meet the program requirements eligible for STP funding under 23 U.S.C. 133(b)(22). No changes were made to the program other than the source of funds.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act changed the name of the STP program to the Surface Transportation Block Grant (STBG) program (23 U.S.C. 133), but continued the eligibility of Border Infrastructure projects eligible under Section 1303 of SAFETEA-LU (23 U.S.C. 101 note), under 23 U.S.C. 133(b)(1)(vi).

ADDITIONAL INFORMATION: Contact the Office of Planning, Border and Interstate Planning Team (HEPP-40)

Credit For Toll Expenditures
Updated June 6, 2016

STATUS: ACTIVE

PROGRAM CODES: Same as source funds

FEDERAL SHARE: N/A

PERIOD AVAILABLE: N/A

FUND: Same as source funds

FUND DISTRIBUTION METHOD: Same as source funds

TYPE OF AUTHORITY: Same as source funds

SUBJECT TO OBLIGATION LIMITATION: Same as source funds

STATUTORY REFERENCE: 23 U.S.C. 120(i) (as amended by MAP-21 Sec. 1508 (P.L. 112-141))

CFR REFERENCE: None

ELIGIBILITY: A State may use certain toll revenue expenditures as a credit toward the non-Federal matching share of programs authorized by Title 23 (except Emergency Relief projects) and by Chapter 53 of Title 49 (transit). This is in essence a "soft match" provision that allows up to 100 percent Federal funding on a project to the extent that toll credits are available.

To be able to earn a credit, a State must satisfy a maintenance of effort determination. This determination covers a State's non-Federal transportation capital expenditures over a 4-year period. The expenditures in the last year of the 4-year period must exceed the annual average of the expenditures in the preceding three years of the 4-year period. The calculation of the non-Federal transportation capital expenditures must include expenditures to build, improve or maintain (other than routine maintenance) public highways.

BACKGROUND: Section 1044 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) permitted a State to use certain toll revenue expenditures as a credit toward the non-Federal matching share of programs authorized by ISTEA and Title 23.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) codified provisions for using toll credits in 23 U.S.C. 120(j) (as in effect prior to MAP-21). The only exceptions to the use of toll credits on Title 23 projects was for the emergency relief program authorized by section 125 of Title 23, and transit projects under Chapter 53 of Title 49. It also provided another option for the maintenance of effort determination.

The amount of credit earned is based on revenues generated by the toll authority (i.e., toll receipts, concession sales, right-of-way leases, and interest), including borrowed funds (i.e., bonds, loans) supported by this revenue stream, that are used by that authority to build, improve, or maintain public highways, bridges, or tunnels that serve interstate commerce. It cannot include expenditures for routine maintenance (e.g., snow removal or mowing), debt service, or costs of collecting tolls. The toll facility generating the revenue must be open to public travel. The toll authority may be a public, quasi-public, or private entity.

Prior to SAFETEA-LU, all such expenditures must have been made entirely without Federal funds. SAFETEA-LU, Section 1905 amended 23 U.S.C. 120(j) to allow the amount of credit earned to be based on expenditures made on facilities using Federal-aid funds. However, in such a case, the toll credit amount earned is to be reduced by a percentage equal to the percentage of the total cost that was derived from Federal funds. SAFETEA-LU also added the Appalachian Development Highway System

program as a statutory exception to Title 23 projects that may apply the use of toll credits toward the non-Federal share.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) moved the provisions to 23 U.S.C. 120(i) and removed the SAFTEA-LU exception for the Appalachian Development Highway System program. The only statutory exception to the use of toll credits on Title 23 projects is for the emergency relief program authorized by section 125 of Title 23 and transit projects under Chapter 53 of Title 49.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to 23 U.S.C. 120(i).

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Defense Access Roads
Updated June 6, 2016

STATUS: ACTIVE

PROGRAM CODES: 63X0, 72M0, 72Q0, , 72Z0, 73B0, 73D0, 73U0, 73V0, 73W0, 73X0, 73Y0, 73YF, 751A, 751B, 751C, 751D, 75V0, 75X0, 75Z0, 7690, 76A0, 76D0, 76T0, 7A1A, 7A1B, 7A2A, 7A2B, 7B10, 7B20, 7D10, 7F10, 7F20, 7F30, 7G10, 7G20, 7G30, 7H10, 83G0, 83H0, 8410, 8560, 8660,
EXPIRED PROGRAM CODES: 4500, 71B0, 71G0, 7200-7290, 72A0-72H0, 72J0-72L0, 72N0, 72P0, 72R0-72U0, 72W0-72Y0, 7300-7390, 73A0, 73C0, 73E0-73H0, 73J0, 73L0, 73M0, 73N0, 73P0, 73Q0, 73R0-73T0, 73Z0, 7480, 7490, 74A0-74C0, 74E0-74G0, 74J0, 74K0, 7500-7590, 75A0-75H0, 75J0, 75L0-75N0, 75P0-75R0, 75S0, 75T0, 75U0, 75W0, 75Y0, 7620-7680, 76B0, 76C0, 76E0-76H0, 76J0-76L0, 76N0, 76P0, 76Q0, 76R0, 76S0, 76U0, 76V0, 76W0, 76X0, 76Y0, 76Z0, 7810, 7850, 7880, 7890, 78A0, 78B0, 78D0-78H0, 78J0-78L0, 78N0, 78P0-78W0, 78X0, 78Z0, 7900, 7970, 79A0, 7A10, 7C10, 8000, 8030, 8060, 8090, 8100, 8110, 8130 8140, 8150, 81A0, 81B0, 81C0, 81D0, 8220, 82A0, 82B0, 82E0, 82F0, 8310, 8330-8370, 83A0, 83E0, 8510, 8520, 8620, 8640, 86A0, 86B0, 8800, 8860, 8960, 8980

FEDERAL SHARE: 100 percent.

PERIOD AVAILABLE: 1 and 4 years

FUND: General Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Transfer Account

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: 23 U.S.C. 210

CFR REFERENCE: 23 CFR 660E

ELIGIBILITY: Use on public road certified as necessary for national defense.

BACKGROUND: This program was established by the Defense Highway Act of 1941 and codified as 23 U.S.C. 210.

Funds appropriated for defense access roads (DAR) are transferred to the FHWA from the Department of Defense for military access and replacement roads, access and replacement roads for Atomic Energy Commission plants, NASA installations, defense industries, maneuver area roads, and missile installations and facilities. Hence, Federal participation is variable depending primarily on the degree to which usage will be out of the ordinary due to the military installation or activity.

Funds are centrally allotted to the Program Manager, Federal Lands Highway (FLH). Funds and the authority to obligate are allocated to the FLH Divisions or to a State through the FLH Program Development Office. Allocations are project specific; therefore, underruns cannot be used on other projects and unused DAR funds may be reallocated by the Washington Headquarters office or returned to the military. Unobligated balances remaining after the period of availability lapse. Overruns can be covered only by specific requests for additional allocations. Unexpended funds are canceled after 5 years after the last year of obligation.

Title 23 requirements apply to all DAR projects. However, the FHWA will be involved in approval of plans, specifications and estimates, concurrence in award, and appropriate construction monitoring on all projects involving DAR funding. Project numbers are assigned by the Washington Headquarters.

Moving Ahead for Progress in the 21st Century (MAP-21)(P.L. 112-141) continues the program with only one minor change. MAP-21 Section 1516 amends 23 U.S.C. 210, to require consultation in determining the magnitude of the required improvements.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to 23 U.S.C. 210.

ADDITIONAL INFORMATION: Contact the Office of Program Development (HFPD).

Delta Region Transportation Development Program
Updated June 6, 2016

STATUS: ACTIVE until Delta Region Transportation Development Program funds are rescinded or expended.

PROGRAM CODES:
- LZ50 – Delta Region Transportation Development Program (P.L. 109-059)
- 55E0 – Delta Region Transportation Development Program (P.L. 110-161)
- LZ5E – Delta Region Transportation Development Program (SAFETEA-LU Extension – P.L. 111-068)

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund and General (for 55E0)

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract and Budget (for 55E0)

SUBJECT TO OBLIGATION LIMITATION: Yes; No (for 55E0)

STATUTORY REFERENCE: Section 1308 of SAFETEA-LU

CFR REFERENCE: NA

ELIGIBILITY: In counties/parishes in the 8 state area within the jurisdiction of the Delta Regional Authority (see http://dra.gov/about/maps.aspx). Projects must also be on a Federal-aid highway and have the endorsement of the State department of transportation. Recipients must provide evidence of their ability to complete the project. Projects may be multistate highway planning, development or construction.

BACKGROUND: Congress felt that his investment would remedy severe economic distress by stimulating development in the region through the mobilization of people and goods through a safe transportation program.

Moving Ahead for Progress in the 21st Century (MAP-21) did not fund the discretionary program.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act did not fund the discretionary program.

ADDITIONAL INFORMATION: Contact the Office of Human Environment (HEPH)

Demonstration, Priority, and Special Interest Projects Designated by Congress Updated June 6, 2016

STATUS: CONTINUING PROJECTS - Since 1970, Congress has authorized and appropriated over $40 billion for over 11,000 demonstration, priority, surface transportation, or special interest projects designated in various transportation authorization and appropriations acts.

PROGRAM CODES: Various

FEDERAL SHARE: Generally 80%, with some exceptions, for projects designated in authorization acts; 100%, with some exceptions, for projects designated in appropriation acts.

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund for most, although some were funded from the General Fund.

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract authority for the Highway Trust Fund projects, and Appropriated Budget authority for most others.

SUBJECT TO OBLIGATION LIMITATION: No; except for TEA-21 & SAFETEA-LU High Priority Projects and for SAFETEA-LU Transportation Improvements funds, which are subject to special obligation limitation that is available until used

STATUTORY REFERENCE: Various public laws; 23 U.S.C. 117 (for High Priority Projects Program – repealed by MAP-21 Sec 1519).

CFR REFERENCE: None

ELIGIBILITY: Information relative to eligible activities (i.e., studies, preliminary engineering, construction, etc.) is specified in the project description in the section of the law authorizing the project.

BACKGROUND: From 1970 until passage of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), Congress authorized more than 450 demonstration, priority, pilot, or special interest projects in various Federal-aid highway and appropriations acts. These projects were generically referred to as "demonstration" or "demo" projects, because Congress initiated this practice of providing special funding for these projects to demonstrate some new or innovative construction, financing, or other techniques on specific projects.

The first demonstration projects were rail-highway crossings safety projects authorized on the Northeast Corridor high-speed rail line and in Greenwood, SC under the provisions of section 205 of the Federal-aid Highway Act of 1970 (P.L. 91-605). In 1973, the 19 cities railroad-highway demonstration projects were authorized in section 163 of the Federal-Aid Highway Act of 1973 (P.L. 93-87). With each new highway act or annual Department of Transportation (DOT) appropriations act, new demonstration projects were authorized or funding was provided for previously authorized projects.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, P.L. 100-17) was the first law that authorized a significant number of demonstration projects. The 1987 STURAA authorized 157 new demonstration projects, with most of these included in section 149, "Demonstration and Priority Projects." Section 149 authorized approximately $265 million per year for each of FYs 1987-1991, for a total of over $1.3 billion. In addition, $80 million was also provided to ensure that each State would receive a minimum funding allocation. Since the funding was distributed to each project over the 5-year period of the law, section 149 also established advance construction provisions. This permitted States to proceed with a project without the aid of Federal funds, and then be reimbursed with the Federal demo funds as they became available. Section 149 also allowed a State to use its regular apportioned Federal-aid highway funds to complete a project if the demo funds provided were not sufficient.

The DOT appropriation acts for FYs 1988-1992 authorized 239 additional demonstration projects.

In Sections 1103 through 1108 of 1991 ISTEA, 538 more demonstration projects were authorized totaling over $6.2 billion for six years. These projects were authorized by ISTEA under the following categories:

- High Cost Bridge Projects (Section 1103)
- Congestion Relief Projects (Section 1104)
- High Priority Corridors on the National Highway System (Section 1105)
- Rural Access Projects (Section 1106a)
- Urban Access and Urban Mobility Projects (Section 1106b)
- Innovative Projects (Section 1107)
- Priority Intermodal Projects (Section 1108)

The DOT appropriations acts for FYs 1993-1995 authorized nearly 240 additional demonstration projects.

Prior to the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178), over $12 billion had been authorized for these 1200+ demonstration projects, with about 76 percent coming from the Highway Trust Fund, and the balance coming from the General Fund. Of the nearly $3 billion that was authorized from the General fund prior to TEA-21, about $1 billion was never appropriated.

Section 1602 of TEA-21 authorized 1851 high priority projects totaling over $9.3 billion over the six-year period from FY 1998 through FY 2003. In addition, section 1601 of TEA-21 established the high priority projects program in 23 U.S.C. 117. There is a separate section for the high priority projects program in this manual.

Section 378 of the FY 2001 DOT Appropriations Act (Public Law 106-346) appropriated $1.3 billion from the Highway Trust Fund for 90 specific transportation projects. Subsequently, section 1403 of the FY 2001 Omnibus Consolidated Appropriations Act (Public Law 106-554) imposed a 0.22 percent government-wide rescission for FY 2001. As a result, the funding for each project in Section 378 of the DOT Appropriations Act was reduced accordingly.

Section 330 of the FY 2002 DOT Appropriations Act (Public Law 107-87) appropriated $144 million from the General Fund for 55 surface transportation projects. Subsequently, section 1106 of the FY 2002 Department of Defense Appropriations Act (Public Law 107-117) added an additional appropriation of $4.3 million to section 330 for two additional projects, making the total section 330 appropriation $148.3 million for 57 surface transportation projects.

The FY 2003 DOT Appropriations Act [Division I of the FY 2003 Consolidated (Omnibus) Appropriations Act, Public Law 108-7] appropriated $675,345,000 for 353 surface transportation projects identified in section 330 of the accompanying Conference Report, House Report 108-10. There were three separate appropriations of funds for these projects:$299,745,000 from the Federal Highway Administration's FY 2003 general operating expenses account, $90,600,000 from the General Fund in section 330; and $285,000,000 miscellaneous appropriation from the Highway Trust Fund in section 344. Section 601(3) of division N of the FY 2003 Omnibus Appropriations Act imposed an across-the-board 0.65 percent rescission for FY 2003, reducing the total available amount to $670,955,257.

Section 115 of the Transportation, Treasury and Independent Agencies Appropriations Act, 2004 (Division F of Consolidated Appropriations Act, Public Law 108-199) designated $1.027 billion to be made available from the unobligated balances of the five core formula programs in the States for 619 projects listed in section 115 of the conference report (House Report 108-401).

Section 117 of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Division H of Consolidated Appropriations Act, 2005, Public Law 108-447) appropriated $1,211,360,000 for surface transportation projects (795 projects) identified under in section 117 in the Joint Explanatory Statement of the Managers in the Conference Report (House Report 108-792). This $1,211,360,000 was reduced to $1,201,669,120 under the provisions of the 0.80 percent across-the-board rescission in section 122 of division J of P.L. 108-447, and each project amount was

decreased accordingly. These projects were funded by a 4.1 percent takedown of all sums authorized and appropriated for the following programs: the Interstate Maintenance (IM) program, National Highway System (NHS) Program, Highway Bridge Replacement and Rehabilitation Program (HBRRP), Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement (CMAQ) program, the Federal Lands Highway Program (FLHP), the Appalachian Development Highway System (ADHS) program, and the minimum guarantee program. Since the 4.1 percent takedown only provided $1,191,891,144, the $1,201,669,120 authorization and the amount available for each project was reduced accordingly.

Section 1101(a)(16) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, P.L. 109-59) authorized $14,832,000,000 from the Highway Trust Fund for the 5,091 high priority projects (HPP) in section 1702 of SAFETEA-LU to be administered in accordance with 23 U.S.C. 117, as amended by SAFETEA-LU section 1701. See separate section on the high priority projects program in this manual.

Section 1934 of SAFETEA-LU authorized $2,555,236,000 from the Highway Trust Fund for the 466 Transportation Improvements (TI) projects listed in section 1934 of SAFETEA-LU. See separate section on the Transportation Improvements projects in this manual.

Section 112 of Division A of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109-115) provided $600 million for 519 surface transportation projects and $25 million for 24 highway priority projects identified in the Statement of the Managers in the Conference Report (House Report 109-307). These amounts were reduced to $594 million and $24.75 million respectively, due to the one percent across-the-board rescission in section 3801 of the Department of Defense Appropriations Act, 2006 (Public Law 109-148). These funds were provided through a takedown from the FY 2006 apportionments for following programs: the Federal Lands Highway Program, Surface Transportation Program, Congestion Mitigation and Air Quality Improvement program, the National Highway System Program, Interstate Maintenance program, Highway Bridge Replacement and Rehabilitation Program, the Appalachian Development Highway System program, and the Equity Bonus Program.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) contained no earmarks and sec 1519 repealed 23 U.S.C. 117 (High Priority Projects).

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act contained no earmarks.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Denali Access System Program
Updated June 6, 2016

STATUS: ACTIVE

PROGRAM CODES:
- TW20 - Denali Access System Program (FYs 2006-2009)(SAFETEA-LU)
- LW10 - STP funds apportioned to Alaska under SAFETEA-LU and transferred to Denali Commission for use on the Denali Access System Program (Maximum of 15% of Alaska's STP apportionment)
- TW30 – Denali Access System Program (P.L. 111-8)
- LW1E - STP funds apportioned to Alaska under SAFETEA-LU extensions and transferred to Denali Commission for use on the Denali Access System Program (Maximum of 15% of Alaska's STP apportionment)
- MW10 - STP funds apportioned to Alaska under MAP-21 and transferred to Denali Commission for use on the Denali Access System Program (Maximum of 15% of Alaska's STP apportionment)

FEDERAL SHARE: Under the provisions of section 309(j)(2) of the Denali Commission Act of 1998, as amended by section 1520 of MAP-21, Federal share is governed by 23 U.S.C. 120(b).

PERIOD AVAILABLE: Until expended, under the provisions of section 309(j)(2) of the Denali Commission Act of 1998, as amended by section 1960 of SAFETEA-LU. (Denali Access System Program funds and STP funds apportioned to Alaska under SAFETEA-LU and transferred under the provisions of MAP-21 to Denali Commission for use on the Denali Access System Program)

FUND: Highway account of the Highway Trust Fund (TW20, LW10, LW1E, and MW10); General Fund (TW30)

FUND DISTRIBUTION METHOD: Allocation (TW20 and TW30); LW10, LW1E, and MW10 are regular STP apportioned funds

TYPE OF AUTHORITY: Contract (TW20, LW10, LW1E, and MW10); Budget (TW30)

SUBJECT TO OBLIGATION LIMITATION: Yes (TW20, LW10, LW1E, and MW10); No (TW30)

STATUTORY REFERENCE: Section 309 and 311(c)(1) of the Denali Commission Act of 1998 (Title III of Division C of Public Law 105-277), as amended by section 1960 of SAFETEA-LU and section 1520 of MAP-21.

CFR REFERENCE: None

ELIGIBILITY: Planning, design, engineering, and construction of road and other surface transportation infrastructure identified on the list of transportation projects developed by the Denali Access System Program Advisory Committee. In addition, under the provisions of section 309(f), funding for a construction project may include an additional 10 percent of the total cost of construction, to be used for future maintenance of the project.

BACKGROUND: Section 1960 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59, August 10, 2005) established the Denali Access System Program by adding section 309 to the Denali Commission Act of 1998 (DCA).

Under the provisions of section 309(j) of the DCA, $15 million was authorized for each of fiscal years 2006 through 2009. Under the provisions of section 1102(f) of SAFETEA-LU, Redistribution of Certain Authorized Funds, and section 110(e) of the Department's annual appropriation act, only the amount of the authorized funds for which obligation authority (OA) was provided was made available to the Denali Commission for obligation. The remaining funds were distributed to the States in accordance with sections 1102(f) and 110(e). As a result, the actual allocation distributed to the Denali Commission each

year was determined by multiplying the SAFETEA-LU authorized amount by the calculated obligation limitation percentage for that fiscal year.

In addition to the above funds authorized for the Denali Access System Program, under the provisions of section 309(i) of the DCA, the State of Alaska may transfer up to 15 percent of its Surface Transportation Program (STP) apportionment to the Denali Access System Program. The Transportation Enhancement set-aside under 23 U.S.C. 133(d)(2) as in affect prior to MAP-21 did not apply to these transfers.

Section 309(b) of the DCA, as amended, requires the establishment of a Denali Access System Program Advisory Committee to:

- Advise the Denali Commission on surface transportation needs of Alaska Native villages and rural communities, including projects for the construction of essential access routes within Alaska Native villages and rural communities, and for the construction of roads and facilities necessary to connect isolated rural communities to a road system;
- Advise the Denali Commission on considerations for coordinating transportation planning among the Alaska Native villages, rural communities, the State, and other governmental entities;
- Establish an annual list of transportation project priorities and funding recommendations for Alaska Native villages and rural communities; and
- Facilitate the Denali Commission's work when a transportation project involves more than one region.

Under the provisions of section 309(d), the Denali Commission shall encourage, to the maximum extent practicable, the use of businesses and employees that are residents of Alaska in the construction of the Denali Access System Program projects.

Under the provisions of section 309(e), The Denali Commission shall determine appropriate design standards and technology for each Denali Access System Program project, considering the location and functionality of the project.

Under the provision of section 309(h), funds made available for the Denali Access System Program, including any Alaska STP funds transferred to the Denali Access System Program, may be used to meet the non-Federal share of the costs of projects under title 23.

Omnibus Appropriations Act, 2009 (PL 111-8) provided $5,700,000 from the General Fund for the Denali Access System Program as authorized under section 1960 of Public Law 109-59. These funds remain available until expended.

The extensions of SAFETEA-LU for fiscal years 2010 through 2012 extended the program and provided $15 Million each year. For FY 2011 and 2012, the program was determined to be “sufficiently funded” and the funds were redistributed to Alaska under section 411(d)(4) of the applicable extension act.

Section 1520 of the Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) did not provide any additional funding for the Denali Commission but maintained the provision permitting transfers from Alaska of up to 15% of STP funding. In addition, MAP-21 made revisions to the program related to how the commission may accept gifts for the purpose of carrying out the program (section 305(c) of the DCA) and also how transfers from Federal agencies are to be treated (section 311 of the DCA). Transfers under MAP-21 are available until expended and the funds are “merged” with other funds made available to the program.

On December 4, 2015, the President signed the Fixing America’s Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to the program.

ADDITIONAL INFORMATION: Contact the Office Program Administration (HIPA).

Disadvantaged Business Enterprises
Updated March 18, 2013

STATUS: ACTIVE

PROGRAM CODES: Same as source funds

FEDERAL SHARE: Same as source funds

PERIOD AVAILABLE: Same as source funds

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 1101(b) of MAP-21

CFR REFERENCE: 49 CFR 26

ELIGIBILITY: Section 1101(b) of the Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) requires that not less than 10 percent of the amounts authorized to be appropriated under the provisions of Titles I, III, and V (for Title 23 highway projects, transit projects, and transportation research, respectively) must be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. Annually, each State must survey and compile a list of small business concerns in the State and notify the Secretary of Transportation in writing of the percentage of such concerns that are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are both women and socially or economically disadvantaged individuals.

BACKGROUND: The U.S. DOT Disadvantaged Business Enterprise (DBE) Program ensures equal opportunity in transportation contracting markets, addresses the effects of discrimination in transportation contracting, and promotes increased participation in Federally funded contracts for small, socially and economically disadvantaged businesses. With the passage of Title VI of the Civil Rights Act of 1964, Federal agencies were required to provide equitable treatment in the delivery of programs and services. The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424), the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) and the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-204), Section 1101(b) of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) and Section 1101(b) of the SAFETEA-LU emphasized the Department of Transportation's commitment to ensure equal opportunity in contracting.

The STAA required that not less than 10 percent of the amounts authorized for federally assisted highway and transit projects be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. The STURAA continued the 10 percent requirement, added women to the group presumed socially and economically disadvantaged, established a size standard for participation, and required a directory of certified firms. The ISTEA retained the provisions of the DBE program and required a study of the program by the Comptroller General. Section 1101 (b) of TEA-21 continued authorization of the DBE Program, changed the funding provisions to Titles I - Federal-aid Highways; Title III - Public Transportation; and Title V - Research, and ensured a State's continued eligibility to receive Federal funds if a Federal court issued a final order rendering the application of the State's DBE Program to be unconstitutional.

MAP-21 Section 1101(b) -- Authorization of Appropriations/Disadvantaged Business Enterprises (DBE) continues the DBE program as previously authorized under TEA-21 and SAFETEA-LU. The

program continues to apply to funds made available under Title I, III and V, and funds made available for highway safety under 23 USC § 403. The U.S. Congress raised the gross receipts cap to $22,410,000 to determine whether a business meets the size standard applicable to small businesses interested in participating in the DBE program. The cap is to be adjusted annually by the U.S. Secretary of Transportation for inflation.

ADDITIONAL INFORMATION: Contact the Office of Civil Rights (HCR).

Disadvantaged Business Enterprise Supportive Services (DBE/SS)
Updated March 18, 2013

STATUS: ACTIVE

PROGRAM CODES:
- H480 -- DBE Supportive Services FYs 2004 - 2005 (Extensions of TEA-21)
- L480 -- DBE Supportive Services FYs 2006 – 2009 (SAFETEA-LU)
- L48E – DBE Supportive Services (SAFETEA-LU Extension – P.L. 111-068)
- XXXX – DBE Supportive Services (MAP-21 P.L. 112-141)

EXPIRED PROGRAM CODES:
- 12C0 -- DBE Supportive Services before FY 1995
- 96G0 -- DBE Supportive Services FY 1995
- 96S0 -- DBE Supportive Services FY 1996
- 9AH0 -- DBE Supportive Services FY 1997
- Q480 -- DBE Supportive Services FYs 1998 - 2003

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. §140(c) (as amended by MAP-21 Section 1109)

CFR REFERENCE: 23 CFR 230.201-207 (Subpart B)

ELIGIBILITY: Subject to the availability of funds under 23 U.S.C. 140(c), a State highway agency may establish procedures to develop and conduct training and provide technical assistance specifically for the benefit of disadvantaged, minority, and women-owned businesses. Supportive services funds cannot be used to finance the training of State highway employees, to provide services in support of such training or to provide bonus payments to supportive services contractors. The allocation of funds is based upon the State submitting a workstatement that identifies performance-based programs to the Division Office. The Headquarters Office Of Civil Rights (HCR) must concur in the workstatement before funds are allocated to the Division Office for obligation.

BACKGROUND: DBE supportive services funding was first authorized under the Surface Transportation Assistance Act of 1982 (Public Law 97-424), Section 119(c) and codified in 23 U.S.C. 140(c). It is FHWA's policy to promote increased participation of DBEs in Federal-aid highway contracts, in part, through the development and implementation of cost effective supportive services programs through the State highway agencies.

Section 1208(c) of the Transportation Equity Act for the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-130) continued the Secretary's authority to deduct up to $10 million for the administration of DBE/SS programs but changed the funding source from 23 U.S.C. 104(a) to 23 U.S.C. 104(b)(3).

Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU), continued the Secretary's authority to deduct up to $10 million for the administration of DBE/SS programs and maintained the funding source of 23 U.S.C. 104(b)(3).

Section 1109 of the Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) continues the Secretary's authority to deduct up to $10 million for the administration of DBE/SS programs but changed the funding source from 23 U.S.C. 104(b)(3) to 23 U.S.C. 104(a).

ADDITIONAL INFORMATION: Contact the Office of Civil Rights (HCR).

Elimination of Hazards at Railway-Highway Crossings
Updated January 11, 2017

STATUS: ACTIVE

PROGRAM CODES:

- LS40 and LS50 – SAFETEA-LU
- LS4E and LS5E – SAFETEA-LU Extension (P.L. 111-068)
- LS4R and LS5R – Restoration of SAFETEA-LU Rescinded Funds (P.L. 111-147)
- MS40 – Railway-Highway – Hazard Elimination (MAP-21 - P.L. 112-141)
- MS50 – Railway-Highway – Protective Devices (MAP-21 – P.L. 112-141)
- MS4E – Railway-Highway – Hazard Elimination (MAP-21 - Extension)
- MS5E – Railway-Highway – Protective Devices (MAP-21 – Extension)
- ZS40 – Railway-Highway – Hazard Elimination (FAST Act - P.L. 114-94)
- ZS50 – Railway-Highway – Protective Devices (FAST Act - P.L. 114-94)

EXPIRED PROGRAM CODES: 1380, 1390, 13H0, 13J0, 13K0, 13L0, 13M0, 13N0, 13W0, 13Y0

FEDERAL SHARE: 90 percent, with certain safety improvements eligible for 100 percent Federal funding under 23 U.S.C. 120(c).

PERIOD AVAILABLE: FY + 3 years

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. §130 (as amended by FAST Act Section 1108 and Section 1412), 23 U.S.C. §120(c)

CFR REFERENCE: 23 CFR 140--Subpart I, 646 and 924

ELIGIBILITY: All at-grade public crossing safety improvement projects meeting the eligibility description in 23 U.S.C. §130 are eligible for funding, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, the relocation of highways to eliminate grade crossings, and projects at grade crossings to eliminate hazards posed by blocked grade crossings due to idling trains.

BACKGROUND: Federal-aid funding for improvements at railway-highway crossings began with the Highway Safety Act of 1973 (Title II of Public Law No. 93-87). The Intermodal Surface Transportation Efficiency Act of 1991 (Public Law No. 102-240) later funded these improvements as part of a set-aside from the Surface Transportation Program. This set-aside was in effect from Fiscal Years 1992 through 2005.

Section 1401 of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, established the Highway Safety Improvement Program as a core Federal-aid funding program. The purpose of this program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. As part of the HSIP, SAFETEA-LU established an annual set aside, during the life of the bill and extensions, of $220 million for improvements at public railway-highway crossings. Half of these funds were apportioned to the states by formula and the other half was apportioned to the states in the ratio that total public railway-highway crossings in each state bear to the total of such crossings in all states. Each state received a minimum of ½ of 1% of the $220M

crossings fund. Funding code LS40 was reserved for hazard elimination while funding code LS50 was reserved for protective devices. This set-aside of HSIP funding began in FY 2006 and continued through the life of the bill including extensions.

States are required to submit annual reports, under 23 U.S.C. §130(g), on the progress being made to implement the railway-highway crossings program and on the effectiveness of the improvements implemented. Biennial reports to Congress from the Secretary of Transportation on the railway-highway crossings program are also required as of 2006.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) extended the 23 U.S.C. 130 Program. The SAFETEA-LU apportionment and minimum continued unchanged under MAP-21, as did all other 23 U.S.C. 130 requirements. MAP-21 did remove two 23 U.S.C. 130(l) subsection specific definitions (public crossing and State).

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act continues all prior program eligibilities, and extends eligibility to include projects at railway-highway grade crossings to eliminate hazards posed by blocked crossings due to idling trains. [FAST Act § 1412] The FAST Act also authorized new amounts for the Railway-Highway Crossings program. [FAST Act § 1108]

ADDITIONAL INFORMATION: Contact the Office of Safety Design (HSSD)

Emergency Relief Program
Updated March 5, 2013

STATUS: ACTIVE

PROGRAM CODES:

- 0980 - Federal-aid highways (funds from 23 U.S.C. 125)
- 0990 - Roads on Federal lands (funds from 23 U.S.C. 125)
- 09V0 - Federal-aid highways (funds from 23 U.S.C. 125)
- 09W0 - Roads on Federal lands (funds from 23 U.S.C. 125)
- Separate program codes are assigned to additional Emergency Relief (ER) funds made available by supplemental appropriation as follows:
- 0830 - Loma Prieta Earthquake only, P.L. 101-130
- 0880/0890 - ER Non-Cap and ERFO Non-Cap (see discussion below)
- 0870 - Hurricanes Andrew and Iniki and Typhoon Omar only, P.L. 102-368
- 09E0/09F0 - (Federal-aid highways/roads on Federal lands); Northridge Earthquake, P.L. 103-211
- 09G0/09K0 - (Federal-aid highways/roads on Federal lands); Any disaster, P.L. 103-211
- 09H0 - Loma Prieta Earthquake only, P.L. 103-211
- 09L0/09M0 - (Federal-aid highways/roads on Federal lands); 1996 Mid-Atlantic, Northeast and Northwest floods or other disasters, P.L. 104-134
- 09N0/09P0 - (Federal-aid highways/roads on Federal lands); Hurricanes Fran and Hortense or other disasters, P.L. 104-208
- 09Q0/09R0 - (Federal-aid highways/roads on Federal lands); December 1996/January 1997 floods in western States or other disasters, P.L. 105-18
- 09T0/09U0 - (Federal-aid highways/roads on Federal lands); An additional amount for the ER Program for emergency expenses resulting from floods and other natural disasters, as authorized by 23 U.S.C. 125, P.L. 105-174
- 09X0/09Z0 - (Federal-aid highways/roads on Federal lands); An additional amount for the ER Program for emergency expenses resulting from floods and other natural disasters, as authorized by 23 U.S.C. 125, P.L. 106-346
- 09Y0 - (Federal-aid highways); For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States as authorized by 23 U.S.C. 125, P.L. 107-117 and P.L. 107-206
- 09S0/08W0 - (Federal-aid highways/roads on Federal lands); An additional amount for the ER Program for emergency expenses resulting from 2004 Hurricanes Charley, Frances, Gaston, Ivan, and Jeanne, as authorized by 23 U.S.C. 125, P.L. 108-324
- 09J0/08X0 - (Federal-aid highways/roads on Federal lands); An additional amount for the ER Program, as authorized by 23 U.S.C. 125, P.L. 108-447
- ER50 - (Fed.-aid hwys); For emergency expenses related to 2005 Hurricanes Katrina, Rita, and Wilma; and other disasters eligible under 23 U.S.C. 125 that occurred prior to Hurricane Wilma, P.L. 109-148
- ER60 - (Fed.-aid hwys); An additional amount for the ER program as authorized under 23 U.S.C. 125, P.L. 109-234 and P.L. 110-28
- 55D0 - (Fed.-aid hwys); For expenses to carry out the repair and reconstruction of the Interstate 35W bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, P.L. 110-161
- ER70 - (Fed.-aid hwys); An additional amount for the ER program as authorized under 23 U.S.C. 125, P.L. 110-329
- 09VE – Federal-aid highways (funds from 23 U.S.C. 125)
- ER80 - (Federal-aid Highways); An additional amount for the ER Program, as authorized under 23 U.S.C. 125, for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 112-55
- ER90 – An additional amount for the ER Program as authorized under 23 U.S.C. 125, P.L. 113-2
- M9V0 - Federal-aid highways (funds from 23 U.S.C. 125)

EXPIRED PROGRAM CODES: 0900, 0920, 0930, 0940, 0950, 0960, 0970, 09A0, 09B0, 09C0, 09D0, 0840

FEDERAL SHARE: In accordance with 23 USC 120, including sliding scale adjustment for States with high percentages of Federally-owned public lands.

- Emergency repair work to restore essential travel, minimize the extent of damage, or protect the remaining facilities, accomplished in the first 180 days after the disaster occurs, may be reimbursed at 100% Federal share; time period may be extended for delay in the ability to access damaged areas.
- For eligible permanent repairs to restore damaged facilities, up to 90% Federal share is allowed if total eligible expenses incurred by the State due to natural disasters or catastrophic failures in a Federal fiscal year exceeds the State's apportionments under 23 USC 104 for the fiscal year in which the event occurred.
- The Federal share for repair work on Federal land, Federal land access, and tribal transportation facilities is 100%.

PERIOD AVAILABLE: Until expended

FUND: Highway Account of the Highway Trust Fund (with provisions to provide supplemental funding from the General Fund)

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: 23 U.S.C. 120(e) and 125, Sections 1107 and 1508 of MAP-21 (Public Law 112-141); Sections 1112 and 1937 of the 2005 SAFETEA-LU (Public Law 109-59),

CFR REFERENCE: 23 CFR 668

ELIGIBILITY: Funding under this program is to aid Federal, State and local highway agencies with unusually heavy expenses of repairing serious damage to Federal-aid highways and roads on Federal lands resulting from natural disasters or catastrophic failures from an external cause.

By law, the FHWA can provide up to $100 million in ER funding for repairs to Federal-aid highways and roads on Federal lands in a State for each natural disaster or catastrophic failure that is found eligible for funding under the ER program. Also, the total ER obligations for U.S. Territories (American Samoa, Commonwealth of Northern Mariana Islands, Guam, and Virgin Islands) is limited to $20 million in any fiscal year. For a large disaster that exceeds the $100 million per State cap, Congress may pass special legislation lifting the cap for that disaster.

Detailed eligibility information concerning ER funding for Federal-aid highways may be found in the Emergency Relief Manual available online at http://www.fhwa.dot.gov/reports/erm/.

Detailed information covering eligibility of repairs for roads on Federal lands may be found in the Emergency Relief for Federally Owned Roads Disaster Assistance Manual available online at http://www.efl.fhwa.dot.gov/erfo/manual_downloads.htm.

BACKGROUND: The first legislation authorizing use of funds for the emergency repair and restoration of roads damaged by natural disasters was the Hayden-Cartwright Act of 1934, but only regularly apportioned funds could be used. The Federal-Aid Highway Act of 1956 provided the first legislation authorizing separate funds for the emergency relief program and codified emergency relief legislation in Section 125 of Title 23.

Prior to the Federal-aid Highway Act of 1978 (Public Law 95-599), 60 percent of the ER expenditures for any fiscal year came from the Highway Trust Fund and the remaining 40 percent came from the General Fund. For FY 1979 and subsequent years, 100 percent of the ER expenditures were authorized to be appropriated from the Highway Trust Fund.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) imposed a $30 million limitation per State per disaster for occurrences.

The 1984 Highway Improvement Act (Public Law 98-229) authorized $150 million to provide funding for States that had received eligible damage beyond the $30 million limitation. These "non-cap" funds were used only for disasters subject to the cap and were controlled under the now obsolete appropriation codes 0880 and 0890 (ER Non-Cap and ERFO Non-Cap).

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) (a) raised the emergency relief cap to $100 million for each natural disaster and/or catastrophic failure in a State after December 31, 1985, (b) made the Territories eligible for ER funds with a cap of $5 million per fiscal year, and (c) provided that the Federal share for Federal-aid system ER projects should be the same as for the system on which the project was located, except for emergency work done in the first 90 days after an occurrence which remained at 100 percent, and except on Federal roads, where both emergency and permanent repairs were at 100 percent.

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) limited the use of ER funds on Federal-aid highways to only National Highway System (NHS) routes. This oversight was later corrected under the provisions of the Dire Emergency Supplemental Appropriations Act of 1992, Public Law 102-302, dated June 22, 1992, which allowed ER funds to be used for repairing all Federal-aid highways.

The 1991 ISTEA also changed the time period for eligible emergency repairs with 100 percent Federal funding from 90 days to 180 days for natural disasters and catastrophic failures occurring on or after December 18, 1991.

The 1991 ISTEA also increased the total obligation limit for ER projects in any fiscal year in the Territories from $5 million to $20 million starting with Federal FY 1992.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) continued the annual funding of $100 million through a permanent authorization in Section 125 of Title 23, United States Code; however, commencing with TEA-21, authorizations are available until expended.

The Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) continued the annual funding of $100 million through a permanent authorization in Section 125 of Title 23, United States Code. Authorizations continued to be available until expended. In addition to the permanent authorization, SAFETEA-LU authorized, from the General Fund of the Treasury, such sums as may be necessary to supplement the permanent annual authorization in years when ER allocations exceed $100 million. Appropriation legislation as necessary to make the additional funds available.

SAFETEA-LU, Section 1937 made ER funds available, without requiring any further emergency declaration, for the construction of necessary measures for the continuation of roadway services or the impoundment of water to protect roads, or both, at Devils Lake in North Dakota. The maximum amount of ER funds to be provided for this purpose was not to exceed $10 million in any fiscal year, up to a total amount of $70 million. This funding limitation did not apply to ER in response to an eligible event occurring after the date of enactment of SAFETEA-LU or an authority under any other provision of law.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) sections 1107 and 1508 made changes to the ER program.

MAP-21 ER eligibilities are continued, with some changes as follows (these are discussed in more detail below):

- Addition of actual and necessary costs of maintenance and operation of transit service as eligible activity to provide a temporary substitute for highway traffic service.
- Debris removal is eligible only if the event is not declared a major disaster by the President or where the event is declared a major disaster by the President but the debris removal is not eligible for assistance under the Stafford Act.
- Section 1107 of MAP-21 provides that the total cost of a project funded under 23 U.S.C. 125 may not exceed the cost of repair or reconstruction of a comparable facility. A "comparable facility" is a facility that meets the current geometric and construction standards required for the types and volume of traffic that the facility will carry over its design life. Additional guidance will be included in the next revision of the Emergency Relief Manual.
- Section 1007 of MAP-21 incorporates into 23 U.S.C. 125 a restriction that ER funds may not be used to repair or reconstruct a bridge if the construction phase of a replacement structure is included in the approved statewide transportation improvement program at the time of an eligible event. A similar provision already exists in 23 CFR 668.109(c)(7).

MAP-21 changes to the ER program include the following:

- The $100 million cap on obligations in a State for a single event is removed for events that occur after the implementation of MAP-21.
- Tribal transportation facilities, Federal lands transportation facilities, and other Federally-owned roads open to public travel are eligible for ER funding.

Under MAP-21, the State's application for ER funds must include a comprehensive list of all eligible project sites and repair costs within 2 years after the event. As provided in 23 U.S.C. 125(d)(1)(B), States are required to submit an application for ER funding to FHWA within two calendar years of the date of disaster. The application must include a comprehensive list of all eligible project sites and repair costs. (MAP-21 § 1107).

Complementing this statutory change noted above, 23 CFR 668 contains guidance on expeditious construction of ER projects.

- 23 CFR 668.105(h) provides that ER projects shall be promptly constructed and that projects that have not advanced to the construction obligation stage by the end of the second fiscal year following the disaster occurrence will not be advanced unless suitable justification to warrant retention is furnished to the FHWA.
- 23CFR 668.111(b)(2) provides that unless very unusual circumstances prevail, the damage survey summary report should be prepared within 6 weeks following the applicant's notification.
- 23 CFR 668.113(a) provides that the State should submit to the FHWA Division Administrator a program of projects which defines the work needed to restore or replace the damaged facilities within 3 months of the receipt of the initial disaster notification.

Section 1107 of MAP-21 placed limits on the ER eligibility for debris removal. As a result, under 23 U.S.C. 125(d)(3), in certain instances, debris removal previously eligible for ER funding will only be eligible for FEMA funding. Four scenarios regarding debris removal eligibility following a natural disaster or catastrophic failure from an external cause may include, but are not limited to:

1. The event is declared to be an emergency by the Governor, but there is no Presidential declaration of a major disaster under the Stafford Act. The Secretary concurs with the Governor's emergency declaration.
   If the Secretary concurs with the Governor's emergency declaration, ER funds may participate in debris removal on eligible sites on Federal-aid highways in the same manner as before MAP-21. ER funds will only be available in those counties included in the Governor's emergency declaration and any amendments for the same event.

2. The event is declared to be an emergency or a major disaster by the President under the Stafford Act and debris removal is eligible for assistance under sections 403, 407, or 502 of the Act. There may or may not be a Governor's emergency declaration.
   FEMA will fund debris removal on affected highways, including Federal-aid highways, in accordance with FEMA's Public Assistance Program. FHWA will not participate in debris removal costs, including any excess costs not covered by FEMA.
3. The event is declared to be an emergency or major disaster by the President, but FEMA has determined that debris removal is not eligible for its assistance.
   The ER funds can participate in debris removal costs on eligible sites on Federal-aid highways for sites that FEMA has determined to be ineligible under its program. FHWA division offices should request documentation of FEMA's determination that the debris removal is not eligible under the Stafford Act. Care should be taken to ensure that the reason for FEMA's decision of ineligibility is not also a reason for ER ineligibility.
4. The event is declared to be an emergency or major disaster by the President and debris removal is eligible for assistance from FEMA. There is also a Governor's emergency declaration. However, the Governor's declaration covers more counties than the President's declaration. The Secretary has concurred with the Governor's declaration.
   ER may participate in debris removal costs on eligible sites on Federal-aid highways in the same manner as before MAP-21 for those sites subject to the Governor's declaration but not the President's declaration.

When Stafford Act funds are used for debris removal, the requirements of 44 CFR 206.224 will apply. These requirements are elaborated further in the FEMA Public Assistance Policy Digest which can be found at http://www.fema.gov/pdf/government/grant/pa/pdigest08.pdf.

When Title 23 funds are used for debris removal, the requirements of 23 CFR 668 will apply. These requirements are elaborated further in the Emergency Relief Manual which can be found at http://www.fhwa.dot.gov/reports/erm/. Debris typically includes trees, tree limbs, other woody materials, sand, mud, silt, gravel, rocks, etc.

This change will apply to all new events that are eligible under the Stafford Act occurring after October 1, 2012.

Section 1107 of MAP-21 added "additional transit service" as an eligible ER expense when providing substitute traffic service around a damaged facility. Now, under 23 U.S.C. 125(d)(5), the actual and necessary costs of operation and maintenance of ferryboats and additional transit service providing temporary substitute highway traffic service, less the amount of fares charged, are eligible for ER participation.

Section 1107 of MAP-21 allows up to five percent of the ER authorization to be used for projects that the Secretary determines are necessary to protect the public safety or to maintain or protect roadways that are included within the scope of an emergency declaration and the Governor deems to be an ongoing concern in order to maintain vehicular traffic on the roadway. (23 U.S.C. 125(g)). Guidance will be included in the next revision of the Emergency Relief Manual.

The MAP-21 revised 23 U.S.C. 120(e)(3) provides that the 180 day time period for 100 percent eligibility of emergency repairs will be extended if a State cannot access a site to evaluate damages and the cost of repair. (MAP-21 § 1508)

Since the ability to access facilities to evaluate damages and the cost of repair is location specific, it will be necessary for a State to request, and the FHWA Division Office to approve and document, extensions on a case-by-case basis for specific locations that cannot be accessed. Such extensions should not be extended for all sites in the disaster area unless all sites are not accessible. This extension is for

situations where the site cannot be physically accessed. It should not be granted for sites that can be physically accessed but where the assessment is not made in a timely manner for other reasons.

The MAP-21 revised 23 U.S.C. 120(e)(4) allows the Federal share for permanent repairs to be increased to 90 percent on any Federal-aid highway if a State's eligible annual ER expenses exceed the State's combined annual Federal-aid apportionments for the fiscal year in which the disasters occurred. (MAP-21 § 1508). This applies to the cumulative cost of all eligible ER expenses related to disasters that occurred during the fiscal year. Division Offices should thoroughly review estimates to determine that the combined damage estimate is likely to exceed the combined annual appropriation prior to committing funding at the higher Federal share.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA) for information about the ER program for Federal-aid highways, or visit HIPA's ER Program website at http://www.fhwa.dot.gov/programadmin/erelief.cfm. Contact the Office of Program Development (HFPD) for information about ER assistance for roads on Federal lands.

Equity Bonus (Formerly Minimum Guarantee)
Updated January 25, 2017

STATUS: Active until Equity Bonus funds are rescinded, expended, or until they expire.

PROGRAM CODES:

- LZ10 – Equity Bonus, Exempt from Limitation
- LZ1E – Equity Bonus, Exempt from Limitation (SAFETEA-LU Extension – P.L. 111-068)
- LZ1R – Equity Bonus, Exempt from Limitation (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- LZ20 – Equity Bonus, Subject to Special Limitation
- LZ2E - Equity Bonus, Subject to Special Limitation (SAFETEA-LU Extension – P.L. 111-068)
- LZ2R - Equity Bonus, Subject to Special Limitation (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- TE20 – Equity Bonus, Exempt from Limitation (projects undertaken by Federal Lands Highways)

EXPIRED PROGRAM CODES: HZ10 and HZ20

FEDERAL SHARE: Federal share for the funds programmatically distributed to other programs have the same Federal share as those programs. For the remainder of the funds ($2,639 million per year), the Federal share is determined under Section 120 of Title 23, U.S.C., that is, the Federal share is generally 80 percent, subject to the sliding scale adjustment. When the funds are used for Interstate projects to add high occupancy vehicle or auxiliary lanes, but not other lanes, the Federal share may be 90 percent, also subject to the sliding scale adjustment. Certain safety improvements listed in 23 USC 120(c) have a Federal share of 100 percent.

PERIOD AVAILABLE: To remain available for 4 years

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: See text below

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Varies. The funds resulting from this apportionment are subject to obligation controls in force at the time of obligation. $639 million is exempt from obligation limitation. $2 billion receives special no year limitation.

STATUTORY REFERENCE: Pre-MAP-21 23 U.S.C. Section 105

CFR REFERENCE: None

ELIGIBILITY: Same as source funds

BACKGROUND:

The Equity Bonus program replaces TEA-21's Minimum Guarantee program.

The Equity Bonus ensures that each State receives a specific share of the aggregate funding for major highway programs (Interstate Maintenance, National Highway System, Bridge, Surface Transportation Program, Highway Safety Improvement Program, Congestion Mitigation and Air Quality Improvement, Metropolitan Planning, Appalachian Development Highway System, Recreational Trails, Safe Routes to School, Rail-Highway Grade Crossing, Coordinated Border Infrastructure programs, and Equity Bonus itself, along with High Priority Projects), with every State guaranteed at least a specified percentage of that State's share of contributions to the Highway Account of the Highway Trust Fund. The specified percentage, referred to as a relative rate of return, is 90.5% for 2005 and 2006, 91.5% for 2007, and 92% for 2008 and 2009.

States with certain characteristics will receive a share of apportionments and High Priority Projects that is the greater of the relative rate of return approach described above or their average annual share of total apportionments and High Priority Projects under TEA-21. This applies to States with:

- a population density of less than 40 persons per square mile and of which at least 1.25% of total acreage is under Federal jurisdiction; or
- a total population less than 1 million; or
- a median household income is less than $35,000; or
- a 2002 Interstate fatality rate greater than 1 per 100M VMT; or
- a State with an indexed State motor fuel tax rate higher than 150% of the Federal motor fuel excise tax rate as of the date of enactment of SAFETEA-LU.

In any given year, no State is to receive less than a specified percentage of its average annual apportionments and High Priority Projects under TEA-21. These percentage floors are 117% for 2005, 118% for 2006, 119% for 2007, 120% for 2008, and 121% for 2009.

All but $2,639,000,000 per year is programmatically distributed to the Interstate Maintenance, National Highway System, Bridge, Surface Transportation Program, Highway Safety Improvement Program, and Congestion Mitigation and Air Quality Improvement programs. Of the remainder, $639,000,000 is exempt from the obligation limitation and $2,000,000,000 receives special no year limitation.

Amounts programmatically distributed to other programs take on the eligibilities of those programs. The remaining $2,639,000,000 has the same eligibilities as STP funds, but is not subject to the STP safety setaside, the transportation enhancement setaside or the suballocations to sub-State areas.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) sec 1519 repealed 23 U.S.C. 105 (Equity Bonus Program).

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program which was repealed by MAP-21.

ADDITIONAL INFORMATION: Contact the Office of the Chief Financial Officer (HCF).

Excess Funds And Funds For Inactive Projects
Updated January 11, 2017

STATUS: INACTIVE

PROGRAM CODES: LA10 and LA20

FEDERAL SHARE: Same as source funds

PERIOD AVAILABLE: Available for obligation through fiscal year 2008

FUND: Highway Trust Fund or General Funds

FUND DISTRIBUTION METHOD: Funds designated for a specific surface transportation project (STP) or activity under a public law or report accompanying a public law prior to fiscal year 1991.

TYPE OF AUTHORITY: Contract and Budget

SUBJECT TO OBLIGATION LIMITATION: Exempt from the limitation on obligations if they were originally exempt from the limitation when initially made available for obligation. LA20 is exempt from Obligation Limitation. LA10 is subject to Obligation Limitation.

STATUTORY REFERENCE: Section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users (SAFETEA-LU), Public Law 109-59, 23 U.S.C. 118

CFR REFERENCE: None

ELIGIBILITY: The funds that are eligible were designated for a specific STP or activity under a public law or report accompanying a public law prior to fiscal year 1991. Funds obligated under this section must be used for projects and activities in the same State as the original earmark, and funds should be used for transportation projects and activities in the same geographic region within the State as the earmarked projects.

BACKGROUND: The SAFETEA-LU established this section to improve efficiency in the administration of Federal-aid highway programs.

Under this provision funds earmarked prior to 1991 for projects can be used by a State for any STP-eligible purpose if the funds are "excess" or "inactive".

Excess funds include funds obligated for a specific project or activity that remain available after the project or activity has been completed or cancelled, and any unobligated balance of funds allocated for a project or activity that the State certifies are no longer needed for the project or activity.

Funds are determined to be **inactive** if they are obligated but have no expenditures during any 1-year period or are available to carry out a project but unlikely to be obligated within 1 year, as certified by the State. If a State certifies that funds, which would otherwise be identified as inactive, are still needed for their original purpose, the Secretary may determine that the funds will remain available for that original purpose. Such certification by a State must be accompanied by a report that includes the status of, and estimated completion date for, the project.

Section 1603 does not apply to Emergency Relief funds or discretionary funds allocated by the Secretary for which the Secretary has the authority to withdraw the funds for use on other projects.

ADDITIONAL INFORMATION: Contact the Office of the Chief Financial Officer (HCF-1).

Federal Lands Access Program
Updated January 11, 2017

STATUS: ACTIVE

PROGRAM CODES:
- M210 – Federal Lands Access Program (MAP-21 P.L. 112-141)
- M21E – Federal Lands Access Program (MAP-21 Extension)
- Z210 – Federal Lands Access Program (FAST Act P.L. 114-94)

FEDERAL SHARE: The Federal share payable for the Federal Lands Access Program (Access Program) shall be in accordance with 23 U.S.C. 120. The sliding scale provision of 23 U.S.C. 120(b) may apply for States with higher percentages of Federal lands.

Funds authorized for the Tribal Transportation Program (23 U.S.C. 202) and the Federal Lands Transportation Program (23 U.S.C. 203) may be used to pay the non-Federal share of any project funded under title 23 or chapter 53 of title 49 that provides access to or within Federal land or tribal land. However, Access Program funds may NOT be used as such a match.

Other Federal funds not authorized under titles 23 or 49, may also be used to pay the non-Federal share of any transportation project funded under title 23 or chapter 53 of title 49 that is within, adjacent to, or provides access to Federal land.

PERIOD AVAILABLE: The funds made available under this program will be available for the current year plus three additional years

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Funds are distributed by formula among States that have Federal lands managed by the National Park Service, the U.S. Forest Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the U.S. Army Corps of Engineers.

80% of funds go to States that contain at least 1.5% of the national total of public lands, and the remaining 20% going to States with less than 1.5% of the national total.

Funds are distributed by formula based on the following factors *:
- 30% based on the State's share of total recreational visitation in all States.
- 5% based on the State's share of total Federal land area in all States.
- 55% based on the State's share of total Federal public road miles in all States.
- 10% based on the State's share of total number of Federal public bridges in all States.

* Necessary data is to be provided by the Federal Land Management Agencies (FLMAs).

Prior to distribution of Access Program and Federal Lands Transportation Program (FLTP) funds, the Secretary may set aside up to 5% of funds each fiscal year under both programs for transportation planning activities, including system-wide transportation planning, asset management, and innovation deployment (23 U.S.C. 201(c)(8)).

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: FAST Act § 1120; 23 USC 201, 204

CFR REFERENCE:

ELIGIBILITY: Funds made available under the Access Program shall be used to pay the cost of:

A. transportation planning, research, engineering, preventive maintenance, rehabilitation, restoration, construction, and reconstruction of Federal Lands Access Transportation Facilities located on or adjacent to, or that provide access to, Federal land, and-
   - o adjacent vehicular parking areas;

- acquisition of necessary scenic easements and scenic or historic sites;
- provisions for pedestrians and bicycles;
- environmental mitigation in or adjacent to Federal land to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity;
- construction and reconstruction of roadside rest areas, including sanitary and water facilities; and
- other appropriate public road facilities, as determined by the Secretary;

B. operation and maintenance of transit facilities; and
C. any transportation project eligible for assistance under title 23 that is within or adjacent to, or that provides access to, Federal land.

In regard to (B) above, "operation and maintenance of transit facilities" includes the operation of all components of a transit system, including vehicles.
The eligibility under (C) above includes transit capital projects eligible under Chapter 53 of title 49, United States Code, that are also eligible under title 23 and that are within or adjacent to, or that provides access to, Federal lands open to the public

BACKGROUND: The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) section 1119 established the Federal Lands Access Program (Access Program). The Access Program provides funds for projects on Federal Lands access transportation facilities that are located on or adjacent to, or that provide access to Federal lands.

The goal of the Access Program is to improve transportation facilities that provide access to, are adjacent to, or are located within Federal lands. The Access Program supplements State and local resources for public roads, transit systems, and other transportation facilities, with an emphasis on high-use recreation sites and economic generators. The program is designed to provide flexibility for a wide range of transportation projects in the 50 States, the District of Columbia, and Puerto Rico. A Programming Decisions Committee (PDC) within each State will make programming decisions and should develop a multi-year program of projects.

The Access Program compliments the Federal Lands Transportation Program (FLTP). It also compliments other Federal programs for transportation improvements, such as the Defense Access Roads program in 23 U.S.C. 210 and the Forest Development Roads and Trails program in 23 U.S.C. 205. It recognizes the importance of safe and seamless access to and within Federal lands. Receipt of Access Program funding by a State or local government does not affect the overall responsibility for construction, maintenance, and operations of the facilities. That responsibility continues to lie with the State or local government that owns and operates the facility.

"*Federal lands access transportation facility"* is defined as a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title or maintenance responsibility is vested in a State, county, town, township, tribal, municipal, or local government. The program contains the following provisions:

Programming decisions committee:

- Each State is required to create a committee composed of a representative of the FHWA, a representative of the State DOT, and a representative of the appropriate political subdivisions of the State. This committee will make programming decisions for Access Program funds.
- The committee is required to cooperate with applicable Federal agencies within the State prior to any joint discussion or final programming decision.
- The committee shall give preference to projects that provide access to, are adjacent to, or are located within high-use Federal recreation sites or Federal economic generators, as identified by the FLMAs.

Program administration:

- *Point of obligation* is the authorization by the Secretary, or the Secretary of the appropriate FLMA if the agency is the contracting office, of engineering and related work for the development, design, and acquisition associated with a construction project, whether performed by contract or agreement authorized by law, or the approval of plans, specifications, and estimates (PS&E) (except for Federal salaries and expenses) for all project work performed by USDOT or FLMAs, regardless of funding source.
- *Planning*
  - Transportation planning procedures for the Access Program must be consistent with Statewide and Metropolitan planning processes.

- Regionally significant Access Program projects must be developed in cooperation with State and metropolitan planning organizations and included in Federal lands access program plans, Federal lands transportation plans, tribal transportation program plans, State and metropolitan plans, and transportation improvement programs.

- *Data collection* --FLMAs are required to collect data necessary to support the Access Program, FLTP, and Tribal Transportation Program, including inventory and condition of Federal lands and tribal transportation facilities and bridge inspection and inventory information on tribal bridges and any Federal bridge open to the public.
- *Reimbursable agreements* may be used with State, local and/or tribal governments, in addition to agreements between Federal agencies.
- *Transfers* -- Funds made available for the Access Program and the FLTP may be voluntarily transferred by the Secretary of Transportation within and between those programs with the concurrence, as appropriate, of the affected FLMAs, State DOTs, and local government agencies. Transferred funds must be credited back at a later date.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). Section 1120 of the FAST Act provided only minor changes to the program including reporting requirements and provision the set-aside funds may be used for cooperative research and technology deployment and bridge inspections (23 U.S.C. 201(c)(7) and (8)).

ADDITIONAL INFORMATION: Additional information is contained in the FAST Act Implementation Guidance for Federal Lands Access Program guidance document at http://www.fhwa.dot.gov/fastact/guidance.cfm . Contact the Federal Lands Highway Program Office of Project Development (HFPD).

Ferry Boat Discretionary (FBD) Program
Updated January 25, 2017

STATUS: ACTIVE until FBD funds are rescinded or expended.

PROGRAM CODES:
- 3270 - FYs 1992-1997
- Q950 - FYs 1998-2003
- H950 - FYs 2004-2005
- L950 - FYs 2006-2009
- L95E – SAFETEA-LU Extension (P.L. 111-068)

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 129(c) and 147 (as in effect prior to MAP-21); SAFETEA-LU Sections 1101(a)(13) and 1801

CFR REFERENCE: None

ELIGIBILITY: FBD funds may be used for the construction of ferry boats and ferry terminal facilities in accordance with 23 U.S.C. 129(c).

BACKGROUND: Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) created the FBD program for funding the construction of ferry boats and ferry terminal facilities in accordance with 23 U.S.C. 129(c). Section 1064 authorized $14 million for FY 1992, $17 million for each of FYs 1993 through 1996, and $18 million for FY 1997.

Section 410 of the FY 1993 DOT Appropriations Act (Public Law 102-388) amended 23 U.S.C. 129(c) to expand eligible uses of Federal-aid highway funds to ferries on any route classified as a public road except an Interstate route, and to include passenger-only ferries as well.

Section 313(c) of the National Highway System Designation Act of 1995 (Public Law 104-59) amended 23 U.S.C. 129(c) to include ferry boats that operate between the United States and Canada.

Section 1207(a) of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) amended 23 U.S.C. 129(c) to expand the eligibility criteria to include ferry boats and ferry terminal facilities that are publicly "operated," and those with the public authority having a "majority ownership interest" provided the operation provides substantial public benefits.

Section 1207(b) of TEA-21 amended section 1064 of ISTEA to include a required annual $20 million set-aside, beginning in FY 1999, from funds made available for the FBD program to be used for projects within marine highway systems in Alaska, New Jersey and Washington that were part of the National Highway System.

Section 1101(a)(10) of TEA-21 authorized $30 million for FY 1998, and $38 million for each of FYs 1999 through 2003.

The Surface Transportation Extension Acts of 2003, 2004 (Parts I through V), and 2005 (Parts I through VI) authorized continued funding for the FBD program at FY 2003 levels until the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) was enacted on August 10, 2005.

Section 1801(a) of SAFETEA-LU added the FBD program to title 23 under section 147, "Construction of ferry boats and ferry terminal facilities."

Section 147(c) of title 23, as added by section 1801(a) of SAFETEA-LU, required that priority be given in the allocation of FBD funds to ferry systems and public entities responsible for developing ferries that:

- provide critical access to areas that are not well-served by other modes of surface transportation;
- carry the greatest number of passengers and vehicles; or
- carry the greatest number of passengers in passenger-only service.

Section 1101(a)(13) of SAFETEA-LU authorized $285 million for the FBD program for FYs 2005 through 2009 as follows:

FY	FBD Authorization
2005	$38,000,000
2006	$55,000,000
2007	$60,000,000
2008	$65,000,000
2009	$67,000,000

The amount actually available for the FBD program each year was less than the authorized amount shown due to the imposition of the annual obligation limitation lop-off, in accordance with section 1102(f) of SAFETEA-LU. In addition, 23 U.S.C. 147(d) continued the $20 million annual set-aside for Alaska, New Jersey and Washington that was first established in TEA-21. This $20 million was set aside from the available funds after imposition of the obligation limitation lop-off under section 1102(f).

In addition to the above authorizations provided in section 1101, there was funding authorized from the General Fund of the Treasury of such sums as may be necessary to carry out the provisions of the FBD program under 23 U.S.C. 147 for FYs 2006 through 2009. These funds were subject to annual appropriation.

Section 1801(c) of SAFETEA-LU repealed section 1064 of ISTEA.

By extension of SAFETEA-LU, the FBD was continued through FY 2012 at the same levels as FY 2009. In FY 2011 and 2012, the set-aside program for Alaska, New Jersey, and Washington was determined to be “sufficiently funded” under the provision of the applicable extension act. The funds and obligation authority were then redistributed to those States for use for programs identified under 23 U.S.C. 104(b) and 144 as in effect prior to MAP-21.

Moving Ahead for Progress in the 21st Century (MAP-21) revised 23 U.S.C. 147 which effectively ended the discretionary program and created the Ferry Boat and Ferry Terminal Facilities Program (FBP) which distributes the funding by formula. See the applicable guide page for details.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program which was replaced by the Ferry Boat and Ferry Terminal Facilities Program (FBP) by MAP-21.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Ferry Boat and Terminal Facilities Construction Program (FBP)
Updated November 1, 2012

STATUS: ACTIVE

PROGRAM CODES: M950

FEDERAL SHARE: 80%

PERIOD AVAILABLE: Until expended

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 129(c) and 147, MAP-21 Section 1121

CFR REFERENCE: None

ELIGIBILITY: FBP funds may be used by ferry systems and public entities responsible for developing ferries for the construction of ferry boats, ferry terminals, and ferry maintenance facilities in accordance with 23 U.S.C. 129(c).

BACKGROUND: Section 1121 of the Moving Ahead for Progress in the 21st Century Act (MAP-21; PL 112-141) revised 23 U.S.C. 147 and created the FBP for funding construction of ferry boats and terminal facilities in accordance with 23 U.S.C. 129(c). 23 U.S.C. 147(e) provides that $67 Million will be made available in FY 2013 and 2014 for the program. This program replaced the Ferryboat Discretionary Program originally created under Section 1064 of ISTEA in 1991.

The amount actually available for the FBP program each year will be less than the authorized amount shown due to the imposition of the annual obligation limitation lop-off, in accordance with section 1102(f) of MAP-21.

MAP-21 establishes that the funds will be allocated to eligible entities by formula: 20% by the number of passengers carried; 45% by the number of vehicles carried; and 35% by route miles serviced. The funds may only be used by the specified public entity as allocated.

Construction of ferry boats and ferry terminal facilities may carry both ferry boats carrying cars and passengers or passengers only to be eligible for Federal-aid and it must be determined that it is not feasible to build a bridge, tunnel, combination thereof, or other normal highway structure in lieu of the use of such ferry. Construction as defined by 23 USC 101(a)(4) includes reconstruction, resurfacing, restoration, rehabilitation, and preservation and all phases necessary and leads directly to construction including design, environmental studies, and right-of-way.

In addition, ferry boat and ferry terminal facilities are only eligible if all the following are met:

- The ferry boat or ferry terminal facility to receive federal-aid participation must be publicly owned or operated or majority publicly owned if the Secretary determines with respect to a majority publicly owned ferry or ferry terminal facility that such ferry boat or ferry terminal facility provides substantial public benefits;
- The operating authority and the amount of fares charged for passage on the ferry must be under the control of the State or other public entity, and all revenues derived therefrom must be applied to actual and necessary costs of operation, maintenance and repair, debt service, negotiated management fees, and, in the case of a privately operated toll ferry, for a reasonable rate of return;
- The ferry may be operated only within the State (including the islands which comprise the State of Hawaii and the islands which comprise any territory of the United States) or between adjoining States

or between a point in a State and a point in the Dominion of Canada. Except with respect to operations between the islands which comprise the State of Hawaii, operations between the islands which comprise any territory of the United States, operations between a point in a State and a point in the Dominion of Canada, and operations between any two points in Alaska and between Alaska and Washington, including stops at appropriate points in the Dominion of Canada, no part of a ferry operation shall be in any foreign or international waters; and, FBP funding may not be used for approach roads. Approach roads are eligible for other apportioned funding such as NHPP and STP under 23 USC 129(b).

If a ferry funded with any type of Federal-aid is to be sold, leased, or otherwise disposed must receive prior approval from the FHWA Administrator. The Federal share of any proceeds from such a disposition will be credited to the State in accordance with 23 USC 129(c)(6).

See the Ferry Boat Discretionary Program information for prior program history and information.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Freight Intermodal Distribution Pilot Grant Program
Updated January 11, 2017

STATUS: INACTIVE - MAP-21 repealed SAFETEA-LU Section 1306. Funds have been fully expended.

PROGRAM CODE: LJ10

FEDERAL SHARE: The Federal share is generally 80 percent, subject to the sliding scale adjustment. When the funds are used for Interstate the Federal share may be 90 percent, also subject to the sliding scale adjustment. Certain safety improvements listed in 23 USC 120(c) have a Federal share of 100 percent.

PERIOD AVAILABLE: Until expended and not transferable

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract, to remain available until expended

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: MAP-21 §1519 repealed SAFETEA-LU §1306

CFR REFERENCE: None

ELIGIBILITY: Projects that help relieve congestion, improve transportation safety, facilitate international trade, and encourage public private partnership and may include projects for the development and construction of intermodal freight distribution and transfer facilities at inland ports.

BACKGROUND: The purpose of the program is to make grants to states to:

- facilitate and support intermodal freight transportation initiatives at the State and local levels to relieve congestion and improve safety, and
- provide capital funding to address infrastructure and freight distribution needs at inland ports and intermodal freight facilities.

SAFETEA-LU authorized $6,000,000 in funding amounts for this program for each of the years 2005 through 2009. From the funds made available to carry out Section 1306, the Secretary shall allocate 20% of the amount designated for each project in each of the aforementioned years.

When discretionary funding is available, funding for projects will be awarded through a selection process conducted by the Secretary that requires States to submit an application.

In awarding funding, priority will be given to projects that:

- Reduce congestion into and out of international ports located in the United States
- Demonstrate ways to increase the likelihood that freight container movements involve freight containers carrying goods
- Establish or expand intermodal facilities that encourage the development of inland freight distribution centers

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) §1519 repealed this program. Program Code LJ10 funds have been fully obligated and expended.

ADDITIONAL INFORMATION: Contact the Office of Freight Management and Operations (HOFM)

Future Strategic Highway Research Program Updated January 12, 2017

STATUS: ACTIVE – until funds are obligated and expended or rescinded

PROGRAM CODE: BPAC 15X0432060-0000-0404320801

FEDERAL SHARE: 100 percent (unless otherwise provided by law)

PERIOD AVAILABLE: Until expended

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Grants, cooperative agreements

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Post MAP-21 23 U.S.C. 503, 505; MAP-21 §§ 52003, 52005; 23 U.S.C. 510; SAFETEA-LU, Public Law 109-59, Section 5210

CFR REFERENCE: None

ELIGIBILITY: The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59), established the Future Strategic Highway Research Program (commonly referred to as SHRP II) to be carried out through the National Research Council (NRC) in consultation with AASHTO. The Program is based on the NRC Special Report 260, entitled **Strategic Highway Research: Saving Lives, Reducing Congestion, Improving Quality of Life** and National Cooperative Highway Research Program Project 20-58. It emphasized the four areas of renewal, safety, congestion, and capacity.

BACKGROUND: The Future Strategic Highway Research Program (commonly referred to as SHRP II), authorized in SAFETEA-LU, is the second Strategic Highway Research Program to be established by Congress. SHRP II was created to address complex goals requiring integrated and atypical approaches to reducing crashes, renewing highway infrastructure, increasing highway capacity, and providing reliable travel times.

SHRP II is being conducted under a Memorandum of Understanding among the NRC (parent organization of the Transportation Research Board, TRB), AASHTO and FHWA. Under SAFETEA-LU, the NRC is charged with managing the program through TRB. TRB is further instructed to consult with a wide variety of stakeholders in developing the program under this section.

In January 2007, TRB released a targeted SHRP-II research plan designed to advance highway performance and safety. This research plan replaces the one originally developed for the program when it was proposed to be funded at $450 million over 7 years.

The SHRP II program includes an analysis of the following:

- Renewal of aging highway infrastructure with minimal impact to users of the facilities.
- Driving behavior and likely crash causal factors to support improved countermeasures.
- Reducing highway congestion due to nonrecurring congestion.
- Planning and designing new road capacity to meet mobility, economic, environmental, and community needs.

A one-time report on implementation of the Future Strategic Highway Research Program (SHRP II) results was prepared for Congress and covered results to date and plans for implementation.

The report included:

- an identification of the most promising results of research under the program (including the persons most likely to use the results);

- a discussion of potential incentives for, impediments to, and methods of, implementing those results;
- an estimate of costs of implementation of those results; and
- recommendations on methods by which implementation of those results should be conducted, coordinated, and supported in future years, including a discussion of the administrative structure and organization best suited to carry out those recommendations.

Total contract authority for FY 2006 -2009 for SHRP II is $205,000,000, with $51,250,000 authorized each year. Limitations on contract authority for the Surface Transportation Research, Development, and Deployment Program and the Obligation Ceiling established for Title V Research Programs will limit the amount available for obligation.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) provides for the continued use of existing SAFETEA-LU carryover funds, but also provides that SHRP2 implementation is an eligible activity under the Technology and Innovation Deployment Program (TIDP) in each of FYs 2013 and 2014. These funds are contract authority from the Highway Account of the Highway Trust Fund and funds are available until expended. At the request of a State, the Secretary may transfer funds apportioned or allocated to that State to another State or to FHWA to fund research, development and technology transfer activities of mutual interest on a pooled fund basis. Funds are subject to the overall Federal-aid obligation limitation and the obligation limitation associated with these funds is available for four fiscal years. Funds from this source may be used for administrative costs. Additionally, the States may make available a percentage of their State Planning and Research (SP&R) funds to the Secretary to supplement funding of the program if the percentage to be made available is agreed upon by ¾ of the States. The activities carried out under the program will be based on the report submitted to Congress by the TRB on the strategies and administrative structure to be used for implementation of F-SHRP results. For TIDP funds, the Federal share for cooperative research and development agreements shall be 80%, unless otherwise determined by the Secretary. For SP&R funds, the Federal share is 80% unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). While SHRP2 implementation remains eligible to be funded out of the Technology and Innovation Deployment Program, the FAST Act set aside no additional funding for SHRP2 implementation. Implementation activities are continuing and are expected to conclude with funds allocated in previous years.

ADDITIONAL INFORMATION: For additional information contact the Office of Program Development and Evaluation (HRPD).

High Priority Projects (HPPs) Program
Updated January 25, 2017

STATUS: ACTIVE until High Priority Projects Program funds are rescinded or expended.

PROGRAM CODES:

- Q920 – Funds allocated to States with special HPPs obligation authority (TEA-21 Section 1602 HPPs, FYs 1998-2003)
- Q930 – Funds transferred from program code Q920 by States for use with regular Federal-aid program obligation authority (TEA-21, Section 1602 HPPs, FYs 1998-2003)
- HY10 – Funds allocated to States with special HPPs obligation authority (SAFETEA-LU Section 1702 HPPs 1-3676, FY 2005)
- HY20 – Funds allocated to States with special HPPs obligation authority (SAFETEA-LU Section 1702 HPPs 3677-5173, FY 2005)
- LY10 – Funds allocated to States with special HPPs obligation authority (SAFETEA-LU Section 1702 HPPs 1-3676, FYs 2006-2009)
- LY20 – Funds allocated to States with special HPPs obligation authority (SAFETEA-LU Section 1702 HPPs 3677-5173, FYs 2006-2009)
- L930 – Funds transferred from program code Q920 by States for use with regular Federal-aid program obligation authority (SAFETEA-LU, Section 1702 HPPs, FYs 2005-2009)

PROGRAM CODES FOR SPECIFIC PROJECTS: T1Y0, T2Y0, TAY0, TCY0, TDY0, TY20, TYA0, TYB0, TYC0, TYD0, TYE0, TYF0, TYL0, TYM0, TYN0, TYP0, TYQ0, TYR0, TYS0, TYT0, TYW0, TYY0, QC80, QC90, R920, R9A0, R9B0, R9C0, R9D0, R0E0, R9F0, R9G0, R9H0, R9J0, R9K0, R9L0, R9M0, R9N0, R9P0, T9N0

FEDERAL SHARE: Under the provisions of pre-MAP-21 23 U.S.C. 117(c) [second subsection (c) under section 117], Federal share is 80 percent. Exceptions to the 80 percent Federal share are as follows (23 U.S.C. references are pre-MAP-21):

- Under the provisions of 23 U.S.C. 120(h), the Federal share of any HPP in 23 U.S.C. 117 in the U.S. Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, shall be 100 percent.
- Under the provisions of section 1212(h) of TEA-21, as re-designated by title IX of Public Law 105-206, the Federal share for any HPP under 23 U.S.C. 117 for renovation and construction of the Baltimore Washington Parkway in Prince Georges County, Maryland shall be 100 percent [HPP 1020 in section 1602 of TEA-21].
- Under the provisions of 23 U.S.C. 117(c), as amended by section 363 of the FY 2001 DOT Appropriations Act (Public Law 106-346), the Federal share for HPP 1419, Shiloh Military Park project, in section 1602 of TEA-21, shall be 100 percent.
- Under the description for Rhode Island HPP 4850 in section 1702 of SAFETEA-LU, the Federal share is 50 percent.
- Under the provisions of section 1913 of SAFETEA-LU, the Federal share for any project for the construction of a bridge between Bismarck and Mandan, North Dakota, shall be 90 percent [HPP 200 in section 1702 of SAFETEA-LU].
- Under the provisions of section 1964 of SAFETEA-LU, the Federal share for HPPs in section 1702 of SAFETEA-LU in the States of Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota, shall be determined in accordance with 23 U.S.C. 120(b), which includes the sliding scale increase.
- Under the provisions of section 184 of the FY 2006 Transportation Appropriations Act (Public Law 109-115), the Federal share for Vermont HPPs 5094 and 5096 in section 1702 of SAFETEA-LU shall be subject to 23 U.S.C. 120(c), Increased Federal Share for Certain Safety Projects.

PERIOD AVAILABLE: Until expended, under the provisions of pre-MAP-21 23 U.S.C. 117(f)

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes, but the special obligation authority is available until obligated, under the provisions of 23 U.S.C. 117(g) as in effect prior to MAP-21.

STATUTORY REFERENCE: 23 U.S.C. 117 as in effect prior to MAP-21 (was repealed by MAP-21 Sec 1519). Sections 1101(a)(13) and 1601-1603 of TEA-21, and Sections 1101(a)(16) and 1701-1703 of SAFETEA-LU are not affected by MAP-21 Sec. 1519 repeal.

CFR REFERENCE: None

ELIGIBILITY: Information relative to eligible activities (i.e., studies, preliminary engineering, construction, etc.) is specified in the project description in Section 1602 of TEA-21 or Section 1702 of SAFETEA-LU.

BACKGROUND: Section 1601 of the Transportation Equity Act for the 21st Century (TEA-21, P.L. 105-178, June 9, 1998), created the High Priority Projects Program under 23 U.S.C. 117. Section 1101(a)(13) of TEA-21 authorized over $9.3 billion for FYs 1998 through 2003 for the HPPs program. Section 1602 of TEA-21, as amended by the TEA-21 Restoration Act (Title IX of the Internal Revenue Service Restructuring and Reform Act of 1998, P.L. 105-206, July 22, 1998), authorized 1850 HPPs to utilize this funding.

Under the provisions of 23 U.S.C. 117(b), as established by section 1601(a) of TEA-21, the funds were allocated to the States by project in accordance with the following schedule:11 percent in FY 1998, 15 percent in FY 1999, 18 percent each in FY 2000 and FY 2001, and 19 percent each in FY 2002 and FY 2003.

The allocated TEA-21 funds could only be used for the particular project for which they were provided. Under the provisions of TEA-21 section 1212(g), as re-designated by title IX of Public Law 105-206, and, as amended by section 356 of the FY 1999 DOT Appropriations Act [section 101(g) of the FY 1999 Omnibus Appropriations Act (Public Law 105-277)] and section 348 of the FY 2000 DOT Appropriations Act (Public Law 106-69), the States of Alaska, Idaho, Minnesota, New Jersey, and West Virginia could pool their HPP funds to use on any of their high priority projects, as long as no project's authorized amount was reduced. This allowed these States to advance some of their HPPs during the TEA-21 years by utilizing HPP funds from their other HPPs until the full authorized TEA-21 HPP amounts were made available in FY 2003.

Section 1701(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59, August 10, 2005) amended 23 U.S.C. 117 to provide for additional HPPs authorized in section 1702 of SAFETEA-LU. Section 1101(a)(16) of SAFETEA-LU authorized over $14.8 billion for FYs 2005 through 2009 for the 5,091 HPPs authorized in section 1702 of SAFETEA-LU. The HPPs in section 1702 are numbered from 1 through 5,173, but there are no projects associated with 82 of the HPP numbers in section 1702.

Under the provisions of pre MAP-21 23 U.S.C. 117(c) [first subsection (c) added by section 1701(b) of SAFETEA-LU], 20 percent of the authorized amounts for the projects in section 1702 are to be allocated in each of FYs 2005 through 2009.

Under the provisions of section 1102(c)(4)(A) of SAFETEA-LU, the obligation authority for the HPPs numbered 1 through 3676 in section 1702 of SAFETEA-LU is distributed by project. The obligation authority for HPPs numbered 3677 and above is distributed by State.

Under the provisions of pre-MAP-21 23 U.S.C. 117(e), Advance Construction, a State may advance a HPP without the aid of Federal funds and be reimbursed with the Federal HPP funds as they become available.

Under the provisions of section 1936 of SAFETEA-LU, a State may advance a HPP under pre-MAP-21 23 U.S.C. 117 with Federal-aid highway funds apportioned under pre-MAP-21 23 U.S.C. 104(b), from a program for which the HPP is eligible. Apportioned funds utilized for this shall be restored from HPP funds when they are made available.

Under the provisions of section 1935 of SAFETEA-LU, States may obligate funds allocated for section 1702 HPPs numbered above 3676, section 1301 Projects of National and Regional Significance numbered above 18, section 1302 National Corridor Infrastructure Improvement Program projects numbered above 27, and all section 1934 Transportation Improvements projects for any of the other projects within these limits, as long as the authorized amount for any of these projects in SAFETEA-LU is not reduced. This provision permits States to advance some of these projects, during the SAFETEA-LU years until the full authorized amounts are available in FY 2009, by utilizing allocations amongst these programs/projects.

Under the provisions of section 1102(j) of SAFETEA-LU, States may utilize obligation authority provided for section 1702 HPPs numbered 1 through 3676 for any other section 1702 HPP in the same State. Any obligation authority used in this manner shall be restored to the original project the following fiscal year.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) contained no new earmarks and sec 1519 repealed 23 U.S.C. 117 (High Priority Projects).

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program which was repealed by MAP-21.

ADDITIONAL INFORMATION: Contact the Office Program Administration (HIPA).

High Risk Rural Roads Program (HRRRP)
Updated January 25, 2017

STATUS: ACTIVE

PROGRAM CODE:

- LS20 – High Risk Rural Road (SAFETEA-LU – P.L. 109-59)
- LS2E - High Risk Rural Road (SAFETEA-LU Extension – P.L. 111-068)
- LS2R - High Risk Rural Road (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- MS60 – High Risk Rural Road Special Rule (MAP-21 - P.L. 112-141)
- MS6E – High Risk Rural Road Special Rule (MAP-21 Extensions)
- ZS60 - High Risk Rural Road Special Rule (FAST Act - P. L. 114-94)

FEDERAL SHARE: 90 percent, subject to the sliding scale adjustment. Certain safety improvements are eligible for 100 percent Federal funding under 23 U.S.C. 120(c).

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. §148(a)(1), (a)(4)(B)(xix), and (g)(1).

CFR REFERENCE: N/A

ELIGIBILITY: HRRRP funds may be used to carry out construction and operational improvements on roadways functionally classified as a rural major or minor collector or a rural local road with significant safety risks, as defined by the State in accordance with an updated State Strategic Highway Safety Plan.

BACKGROUND: Section 1401 of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, established the Highway Safety Improvement Program as a core Federal-aid funding program. The purpose of this new program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. As part of the HSIP SAFETEA-LU introduced a new set-aside provision, the High Risk Rural Roads Program (HRRRP), codified as 23 U.S.C. §148(f). The HRRRP provides $90 million per year to the states from FY 2006 through FY 2009.

The purpose of the HRRRP is to achieve a significant reduction in traffic fatalities and incapacitating injuries on major or minor collectors, and/or rural local roads. Pre-MAP-21 23 U.S.C. §148(a)(1) defined a high risk rural road as "*any roadway functionally classified a rural major or minor collector or rural local road on which the accident rate for fatalities and incapacitating injuries exceeds the statewide average for functional classes of roadway; or that will likely have increases in traffic volume that are likely to create an accident rate for fatalities and incapacitating injuries that exceeds the statewide average for those functional classes of roadway.*" As part of the HSIP annual reporting requirements, States are required to report on basic program information, methods used to select high risk rural roads, and detailed information assessing the HRRRP projects.

Section 1112 of the Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) amends 23 U.S.C. 148 and removes the HRRRP set-aside provision. 23 U.S.C. §148(a)(1) MAP-21 provides a revised definition of “High Risk Rural Road”, but continues the inclusion of construction and operational

improvements on high risk rural roads as an eligible HSIP project. The term ‘high risk rural road’ means any roadway functionally classified as a rural major or minor collector or a rural local road with significant safety risks, as defined by a State in accordance with an updated State strategic highway safety plan. While the SAFETEA-LU specific set-aside for high risk rural roads was not continued, MAP-21 does contain a special rule (23 U.S.C. 148(g)(1)) requiring additional obligation of funds for high risk rural road projects if the fatality rate on rural roads in a State increases over the most recent 2-year period for which data are available. The special rule requires the State to obligate, in the next fiscal year, an amount for high risk rural roads equal to at least 200 percent of the amount of funds the State received for fiscal year 2009 for high risk rural roads. Program Codes were established for these special rule funds (MS60 and MS6E).

On December 4, 2015, the President signed the Fixing America’s Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to 23 U.S.C. 148 provisions related to High Risk Rural Roads cited above as amended by MAP-21 Section 1112. The Program Code for the special rule funds is ZS60.

ADDITIONAL INFORMATION: Contact the Office of Safety Programs (HSSP)

Highway Bridge Program (HBP) *(Formerly the Highway Bridge Replacement And Rehabilitation Program - HBRRP)*
Updated February 11, 2014

STATUS: ACTIVE until HBP funds are obligated and expended, rescinded, transferred, or until the funds lapse

PROGRAM CODES:

- Q100 – HBRRP-Apportioned, 65% On Federal-aid Highways (through FY 2003)
- Q110 – HBRRP-Apportioned, 15% Off Federal-aid Highways (through FY 2003)
- Q120 – HBRRP-Apportioned, 20% On/Off Federal-aid Highways (through FY 2003)
- H100 – HBRRP-Apportioned, 65% On Federal-aid Highways (FY 2004 - 2005)
- H110 – HBRRP-Apportioned, 15% Off Federal-aid Highways (FY 2004 - 2005)
- H120 – HBRRP-Apportioned, 20% On/Off Federal-aid Highways (FY 2004 - 2005)
- H1C0 – HBP apportioned 85% On/Off Federal-aid Highways (STEA, FY 2005)
- L110 – HBP Apportioned 15% Off Federal-aid Highways (SAFETEA-LU, FY 2006 – 2009)
- L1C0 – HBP Apportioned 85% On/Off Federal-aid Highways (SAFETEA-LU, FY 2006 - 2009)
- L11E – HBP Apportioned 15% Off Federal-aid Highways (SAFETEA-LU Extension – P.L. 111-068)
- L1CE – HBP Apportioned 85% On/Off Federal-aid Highways (SAFETEA-LU Ext. – P.L. 111-068)
- L11R – HBP Apportioned 15% Off Federal-aid Highways (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L1CR – HBP Apportioned 85% On/Off Federal-aid Highways (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L10R – HBRRP Apportioned 65% On Federal-aid Highways (Restored - P.L. 111-147 Sec. 413)
- L12R – HBRRP Apportioned 20% On/Off Federal-aid Highways (Restored - P.L. 111-147 Sec. 413)
- HQ00 – HBRRP Apportioned, 65% On Federal-aid Highways - Additional Obligation Limitation (Consolidated Appropriations Act 2008 – P.L. 110-161)
- HQ10 – HBRRP Apportioned, 15% Off Federal-aid Highways – Additional Obligation Limitation (Consolidated Appropriations Act 2008 – P.L. 110-161)
- HQ20 – HBRRP Apportioned, 20% On/Off Federal-aid Highways – Additional Obligation Limitation (Consolidated Appropriations Act 2008 – P.L. 110-161)
- HQC0 – HBP Apportioned 85% On/Off Federal-aid Highways – Additional Obligation Limitation (Consolidated Appropriations Act 2008 – P.L. 110-161)
- LQ10 – HBP Apportioned 15% Off Federal-aid Highways – Additional Obligation Limitation (Consolidated Appropriations Act 2008 – P.L. 110-161)
- LQC0 – HBP Apportioned 85% On/Off Federal-aid Highways – Additional Obligation Limitation (Consolidated Appropriations Act 2008 – P.L. 110-161)
- LQ1E – HBP Apportioned 15% Off Federal-aid Highways – Additional Obligation Limitation (SAFETEA-LU Extension – P.L. 111-068)
- LQCE – HBP Apportioned 85% On/Off Federal-aid Highways – Additional Obligation Limitation (SAFETEA-LU Extension – P.L. 111-068)

FEDERAL SHARE: 80% (ISTEA); 80% (TEA-21); 80% including sliding scale under 23 U.S.C. 120 (SAFETEA-LU and SAFETEA-LU Extension), 90% for bridges on the Interstate system (SAFETEA-LU and SAFETEA-LU Extension)

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Pre-MAP-21 23 U.S.C. 144, SAFETEA-LU Section 1101, 1114, and 1805, MAP-21 Sections 1106, 1108, 1111, and 1523.

CFR REFERENCE: 23 CFR 650D

ELIGIBILITY: HBP funds may be used for:

- The total replacement of an eligible structurally deficient or functionally obsolete highway bridge on any public road with a new facility constructed in the same general traffic corridor,
- The rehabilitation that is required to restore the structural integrity of an eligible structurally deficient or functionally obsolete bridge on any public road, as well as the rehabilitation work necessary to correct major safety (functional) defects,
- The painting and application of calcium magnesium acetate applications, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions on bridges that are eligible for replacement or rehabilitation,
- Seismic retrofits, systematic preventive maintenance, installation of scour countermeasures, and bridge inspection activities, and
- The replacement of ferryboat operations in existence on January 1, 1984, the replacement of bridges destroyed before 1965, low-water crossings, and bridges made obsolete by Corps of Engineers (COE) flood control or channelization projects and not rebuilt with COE funds.

Structurally deficient and functionally obsolete highway bridges eligible for replacement or rehabilitation must be over waterways, other topographical barriers, other highways, or railroads. The condition of highway bridges may also be improved through systematic preventative maintenance.

BACKGROUND: Section 204 of the Federal-aid Highway Act of 1970 (Public Law 91-605) established a "Special Bridge Replacement Program" which was codified in 23 U.S.C. 144. Projects under this program had to be on a Federal-aid highway system.

Section 124 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) retitled and amended 23 U.S.C. 144 to provide a "Highway Bridge Replacement and Rehabilitation Program (HBRRP)" that was applicable to bridges both on and off the Federal-aid highway system (i.e., on and off-system bridges). It was stipulated that not less than 15 percent of the State's apportionments for FYs 1979-1982 nor more than 35 percent were to be spent off-system. The optional 20 percent of these funds, the portion between 15-35 percent, could be spent either for on-system or off-system bridge replacement or rehabilitation.

Section 124 also established the Discretionary Bridge Program (DBP) component of the HBRRP. The DBP was authorized an appropriation of $100,000,000.00 for the replacement and rehabilitation of high cost highway bridges and for the seismic retrofit of highway bridges.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) continued the HBRRP with the same 15-20-65 percent spending requirements and provided authorizations through FY 1986.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) (a) continued the 15-20-65 percent spending requirements, (b) allowed States, beginning with the FY 1987 apportionments, to use bridge funds to replace ferryboat operations in existence on January 1, 1984, to replace bridges destroyed before 1965, for low-water crossings, and for bridges made obsolete by COE flood control or channelization projects and not rebuilt with COE funds, (c) provided States that carry out bridge improvement projects with State funding on noncontroversial off-system bridges eligible for HBRRP funding to apply 80 percent of the cost of such projects expended after April 2, 1987, as a credit for the non-Federal share of other HBRRP projects carried out by the State, and (d) made the availability period for apportioned bridge funds the fiscal year plus 3 years with lapsed funds to be reapportioned to the other States.

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued the HBRRP. The formula and requirements of the program were basically unchanged from previous years.

The 1991 ISTEA also contained the following provisions:

- Not less than 15 percent of a State's apportionment, nor more than 35 percent, was to be spent on bridges off of Federal-aid highways (i.e., bridges on local roads and rural minor collectors). The remaining 65 percent, up to a maximum of 85 percent, of the apportionment was to be spent for bridges on Federal-aid highways,
- It allowed Federal participation in bridge painting, seismic retrofitting, and calcium magnesium acetate applications. [Section 1028(b)],
- The DBP was continued at a substantially lower funding level, and with a new timber bridge component. [Sections 1028(d) and 1039],
- Up to 40 percent of a State's HBRRP apportionment (i.e., mandatory 65 percent and optional 20 percent funds) could be transferred to the National Highway System (NHS) or the Surface Transportation Program (STP). Transferred amounts were not subject to the STP set-asides and sub-State distribution requirements. [Section 1028(g)], and
- New requirements were established concerning Indian reservation road (IRR) bridges. Each fiscal year, not less than 1 percent of the amount apportioned to each State which had an Indian reservation within its boundaries was transferred to the Secretary of the Interior. These funds were to be expended to replace, rehabilitate, paint, or apply calcium magnesium acetate to deficient highway bridges located on Indian reservation roads. [Section 1028(f)].

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) authorized $20.4 billion for FYs 1998-2003 for the HBRRP. It also continued the HBRRP discretionary program component and authorized the set-aside of $100 million for each of FYs 1999-2003 for discretionary allocation by the Secretary for major bridges with the provision that not to exceed $25 million would be available only for seismic retrofit of bridges, including projects in the New Madrid fault region. It also authorized set-aside of $25 million for FY 1998 for seismic retrofit of the Golden Gate Bridge.

TEA-21 changed the HBRRP eligible work activities to include: sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures. Also, the IRR and timber bridge set-asides were eliminated.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) authorized $21.6 billion (Section 1101) for FY 2005 - 2009 for the Highway Bridge Program (Section 1114). It discontinued the HBRRP discretionary program replacing it with $100 million of set-aside projects specified in statute. SAFETEA-LU added systematic preventative maintenance as eligible activity on bridges. Seismic retrofit, systematic preventative maintenance and scour mitigation have been specified as eligible activities for highway bridges irrespective of their eligibility for replacement or rehabilitation. Bridge painting and the application of sodium acetate/formate or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions are eligible activities, together with replacement and rehabilitation, for deficient eligible bridges.

In SAFETEA-LU, the criteria for expenditure of funds on bridges off of the Federal-aid system was modified. The minimum of 15% of the apportionment was retained but the maximum of 35% was eliminated (Section 1114). SAFETEA-LU also modified the Federal participation. Federal participation rates are set by 23 USC 120.

SAFETEA-LU added a provision (Section 1805) whereby bridge owners must make debris from bridge demolition activities under the Highway Bridge Program eligible for beneficial use. Beneficial use is defined as the application for purposes of shore erosion control or restoration, ecosystem restoration and marine habitat creation. Recipients of the debris bear all additional costs and assume all the responsibilities of complying with standards and laws.

The Consolidated Appropriations Act, 2008 (P.L. 110-161) provided an additional obligation limitation of $1,000,000,000 for the purpose provided for in 23 U.S.C. 144(e). This obligation limitation was apportioned in accordance with Section 144 and made available for purposes eligible under that section. Obligation limitation was provided to supplement not supplant each State's planned obligation for such purposes. The additional obligation limitation had only a 3-year period of availability which lapsed on 9/30/2010.

The program was extended until October 1, 2012 under the SAFETEA-LU extension acts.

Section 1111 of the Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) amends 23 U.S.C. 144 and discontinues the Highway Bridge Program. Highway bridges continue to be eligible under the Surface Transportation Program (STP) and the new National Highway Performance Program (NHPP). The STP (23 U.S.C. 133 as amended by MAP-21) and NHPP (23 U.S.C. 119 as amended by MAP-21) provide funding with specific programmatic eligibilities and requirements for bridges and tunnels.

Section 1108 of MAP-21 provides a set-aside for minimum expenditures on bridges not on Federal-aid highways (off-system bridges) within the STP program under 23 U.S.C. 133(g). Credit for bridges not on Federal-aid highways (bridge credits), is also continued and also provided for in the STP program under 23 U.S.C. 133(g).

Section 1106 of MAP-21 establishes a minimum standard for NHS bridge conditions for the purposes of establishing a penalty threshold. If more than 10% of the total deck area of NHS bridges in a State is on structurally deficient bridges for three consecutive years after enactment of MAP-21, the State must devote NHPP funds equal to 50% of the State's FY 2009 Highway Bridge Program apportionment under SAFETEA-LU to improve bridge conditions during the following fiscal year and each year thereafter if the percentage of deck area on structurally deficient bridges remains above 10%.

Section 1523 amended Section 1805 of SAFETEA-LU applying the requirement of making debris from demolished bridges and overpasses made available for beneficial use to the NHPP program.

Section 1111 of MAP-21 amends 23 U.S.C. 144 and provides for the National bridge and tunnel inventory and inspection standards.

Carryover funding continues to be available for the original purpose under the applicable rules of the pre-MAP-21 Highway Bridge Program.

ADDITIONAL INFORMATION: Contact the Office of Bridge Technology (HIBT).

Highway Infrastructure Program
Updated January 25, 2017

STATUS: ACTIVE

PROGRAM CODES: LHIP (2010)

FEDERAL SHARE: 80%

PERIOD AVAILABLE: FY2010 to FY 2012

FUND: General Fund

FUND DISTRIBUTION METHOD: Apportionment

TYPE OF AUTHORITY: Budget

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Division A of the Consolidated Appropriations Act, 2010 section 122 (P.L. 111-117)

CFR REFERENCE: None

ELIGIBILITY: Funds for this program may be used for those activities included in 23 U.S.C. Sections 133(b) (see Surface Transportation Program).

BACKGROUND: Section 122 in Division A of the Consolidated Appropriations Act, 2010 authorized $650 million for the "restoration, repair, construction, and other activities eligible under paragraph (b) of section 133 of title 23, United States Code." (See eligibility of Surface Transportation Program (STP)). Note that the special rule permitting obligation of a portion of STP funds on minor collectors in areas of less than 5,000 population does not apply to these funds.

The funds will be apportioned to the States in the same manner as the obligation limitation distributed in FY2010 and administered as if apportioned under chapter 1 of title 23, U.S.C. It should be noted that Disadvantaged Business Enterprises requirements under section 1101(b) of SAFETEA-LU (Public Law 109-59) and Buy America requirements also apply to this program.

Once the period of availability has ended, September 30, 2012, these funds lapse and are no longer available to be re-obligated. Obligated balances are available for expenses incurred until September 30, 2017 at which point all unexpended balances expire.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program. Obligated balances remain available for expenses incurred until September 30, 2017, at which time all unexpended balances expire.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Highway Safety Improvement Program (HSIP)
Updated January 25, 2017

STATUS: ACTIVE

PROGRAM CODE:

- LS30 – Highway Safety Improvement Program (HSIP) – SAFETEA-LU
- LS3E - HSIP – SAFETEA-LU (SAFETEA-LU Extension – P.L. 111-068)
- LS3R - HSIP – SAFETEA-LU (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- LS10 – HSIP 10% limit tracking (see Background)
- LS1E – HSIP 10% limit tracking (SAFETEA-LU Extension – P.L. 111-068) (see Background)
- MS30 – HSIP - MAP-21(P.L. 112-141, Section 1101(a)(1))
- MS3E – HSIP – MAP-21 Extensions
- ZS30 – HSIP – FAST Act (P.L. 114-94)

FEDERAL SHARE: 90 percent, subject to the sliding scale adjustment. Certain safety improvements are eligible for 100 percent Federal funding under 23 U.S.C. 120(c).

PERIOD AVAILABLE: FY + 3 years

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. §148 and 23 USC 104(b)(3)

CFR REFERENCE: 23 CFR 924

ELIGIBILITY: HSIP funds may be obligated to carry out; (A) any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail; (B) as provided in subsection 23 U.S.C. 148(g)(special rules for High-Risk Rural Road Safety and Older Drivers); or (C) any project to maintain minimum levels of retroreflectivity with respect to a public road without regard to whether the project is included in an applicable State strategic highway safety plan. Terms, including “highway safety improvement project” are defined in 23 U.S.C. 148.

BACKGROUND: The HSIP funds highway safety improvements. The Highway Safety Program began with the Highway Safety Act of 1973 (Title 23 of Public Law No. 93-87) and was later consolidated into the Railway-Highway Crossings Program (23 U.S.C. 130) and the Hazard Elimination Program (23 U.S.C. 152). The Intermodal Surface Transportation Efficiency Act of 1991 (Public Law No. 102-240) later funded these programs as part of the Surface Transportation Program (STP), under which 10% of the States' STP funds were set aside for these programs.

The program continued with set-aside funding from the STP through FY 2005 until the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, established the HSIP as a new core Federal-aid funding program. SAFETEA-LU authorized $5.06 billion to carry out this program over four years through FY 2009 and expanded the types of projects that can be defined as highway safety improvement projects. If a State met certification and followed implementation requirements, a State could use up to ten percent of its HSIP funding for non-infrastructure safety activities. These activities were tracked using the LS10 funding code which was set up as a draw down from the general HSIP funding code LS30 and limited the state to the ten percent amount.

The purpose of the HSIP is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. The HSIP emphasizes a data-driven, strategic approach to improving highway safety that focuses on results. To obligate funds under the HSIP, a state must develop and implement a Strategic Highway Safety Plan (SHSP), produce a program of projects or strategies based on data analysis, evaluate the SHSP on a regular basis, and submit annual reports such as the HSIP report, which includes reporting on the high risk rural roads program. In addition, as part of the new HSIP States are required to submit an annual report describing not less than 5 percent of their highway locations exhibiting the most severe safety needs.

The pre-MAP-21 HSIP contained the following set-asides:

- $220 million per year for railway-highway crossing improvements (See separate write-up for the railway-highway crossing improvement program)
- $90 million per year for construction and operational improvements on high-risk rural roads (See separate write-up for the High-Risk Rural Roads Program)

Section 1112 of the Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) amends 23 U.S.C. 148. Sec 148 continues the HSIP as a core program and continues the 23 U.S.C. 130 set-aside for railway-highway crossing improvements. While the SAFETEA-LU specific set-aside for high risk rural roads (HRRRP) was not continued, MAP-21 does contain a special rule requiring additional obligation of funds for high risk rural road projects if the fatality rate on rural roads in a State increases over the most recent 2-year period for which data are available.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act continues the overarching requirement that HSIP funds be used for safety projects that are consistent with the State's strategic highway safety plan (SHSP) and that correct or improve a hazardous road location or feature or address a highway safety problem. Under MAP-21, the HSIP statute listed a range of eligible HSIP projects. However, the list was non-exhaustive, and a State could use HSIP funds on any safety project (infrastructure-related or non-infrastructure) that met the overarching requirement. In contrast, the FAST Act limits HSIP eligibility to only those listed in statute—most of which are infrastructure-safety related.

In addition to this change, the FAST Act specifically identifies the following activities on the inclusions list:

- Installation of vehicle-to-infrastructure communication equipment.
- Pedestrian hybrid beacons.
- Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands.
- Other physical infrastructure projects not specifically enumerated in the list of eligible projects.

The FAST Act continues the prohibition on the use of HSIP funds for the purchase, operation, or maintenance of an automated traffic enforcement system (except in a school zone). [FAST Act § 1401]

ADDITIONAL INFORMATION: Contact the Office of Safety Programs (HSSP)

Highway Use Tax Evasion Projects
Updated January 25, 2017

STATUS: ACTIVE

PROGRAM CODES:
- FY 2016-2020 – Z960 (allocated funds); ZT3E (1/4 of one-percent of STP funds) (FAST Act)
- FY 2015 – M96E (allocated funds); MT3E (1/4 of one-percent of STP funds)(MAP-21 extensions)
- FY 2013-2014 – M960 (allocated funds); MT30 (1/4 of one-percent of STP funds)(MAP-21)
- FY 2010-2012 – L96E (allocated funds): LT3E (1/4 percent of STP funds)(SAFETEA-LU Extensions)
- FY 2005-2009 - L960 (allocated funds); LT30 (1/4 percent of STP funds)(SAFETEA-LU)
- FY2003-2005 - H960 (allocated funds); HT30 (1/4 percent of STP funds)(STEA 2003, 2004, 2005)
- FY1998-2003 - Q960 (allocated funds); QT30 (1/4 percent of STP funds)(TEA-21)
- FY 1991-1998 - 3340 (ISTEA)

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: Until expended for allocated funds; FY + 3 years for STP funds

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocated funds and STP apportioned funds

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 143

CFR REFERENCE: None

ELIGIBILITY: Funds for Highway Use Tax Evasion Projects are to be used to:
- Expand efforts to enhance motor fuel tax enforcement
- Fund additional Internal Revenue Service (IRS) staff, but only to carry out functions described in 23 U.S.C. 143(c)
- Supplement motor fuel tax examinations and criminal investigations
- Develop automated data processing tools to monitor motor fuel production and sales
- Evaluate and implement registration and reporting requirements for motor fuel taxpayers
- Reimburse State expenses that supplement existing fuel tax compliance efforts
- Analyze and implement programs to reduce tax evasion associated with other highway use taxes
- Support efforts between States and Indian tribes to address issues relating to State motor fuel taxes
- Analyze and implement programs to reduce tax evasion associated with foreign imported fuel
- Intergovernmental enforcement efforts, including research and training

BACKGROUND: Highway Use Tax Evasion Projects were first authorized by the Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240).

The Transportation Equity Act for the 21st Century (1998 TEA-21, Public Law 105-178), as amended, authorized funding to be appropriated from the Highway Trust Fund for Highway Use Tax Evasion Projects. Section 1114 of TEA-21 extended the program eligibilities and added as a priority, the requirement for the IRS to establish and operate an automated fuel reporting system. Funds were allocated to the IRS and the States at the discretion of the Secretary. Also, section 1114 of TEA-21 authorized 1/4 percent of the Surface Transportation Program funds apportioned to a State each fiscal year to be used on initiatives to halt the evasion of payments of motor fuel taxes.

Section 1115 of the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (2005 SAFETEA-LU, Public Law 109-59) expanded the eligibilities and added the opportunity for

intergovernmental enforcement efforts. Funding was provided to IRS for the development, operation and maintenance of highway use excise tax reporting systems. The IRS and States using tax compliance funds are required to provide an annual report on projects, examinations, audits and criminal investigations. The report must include an estimated annual yield from such activities. IRS is required to provide an additional report on the status of the development, operation and maintenance of the automated systems for use in excise tax enforcement.

Section 1110 of the Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) amends 23 U.S.C. 143, and provides for the program, not to exceed $10,000,000 from administrative funds made available under 104(b) for each fiscal year 2013 and 2014. The Highway Use Tax Evasion Projects program continues to provide funding to the Internal Revenue Service, other Federal agencies and the States to carry out intergovernmental enforcement efforts along with training and research to reduce evasion of payment of motor fuel and other highway use taxes. The Secretary has discretion in the allocation of funds to the Internal Revenue Service, other Federal agencies and the States, except that $2 million must be made available only to carry out intergovernmental enforcement efforts, including research and training. In addition, the provision remains for each State to use up to ¼ of 1 percent of the funds apportioned to the State each fiscal year for the Surface Transportation Program on initiatives to halt the evasion of payment of motor fuel taxes.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act continues to fund this program through a deduction, not to exceed $4 million per year (down from not to exceed $10 million per year under MAP-21) for each of FYs 2016-2020, from the funds authorized for FHWA's administrative expenses. [FAST Act § 1110(1); 23 U.S.C. 143(b)(2)(A)] The FAST Act continues to allow the Secretary discretion in the allocation of funds to the Internal Revenue Service, other Federal agencies and the States, except that $2 million must be made available only to carry out intergovernmental enforcement efforts, including research and training. [23 U.S.C. 143(b)(2)(B)] The FAST Act continues the authority of a State to use up to 0.25 percent of its Surface Transportation Block Grant Program apportionment on initiatives to halt the evasion of payment of motor fuel taxes. [23 U.S.C. 143(b)(8)] The FAST Act does not modify any of the program's eligibilities or features.

ADDITIONAL INFORMATION: Contact the Office of Highway Policy Information (HPPI).

Highways for LIFE
Updated January 25, 2017

STATUS: ACTIVE until funds are obligated and expended, rescinded, or until the funds lapse

PROGRAM CODE:
- LV50 – Highways for LIFE Pilot Program (SAFETEA-LU)
- LV5E – Highways for LIFE Pilot Program (SAFETEA-LU Extension – P.L. 111-068)

FEDERAL SHARE: Up to 100% (Up to 20% of the project cost may be Highways for LIFE funds - with a limit of $5,000,000 per project)

PERIOD AVAILABLE: The HfL funds can be carried three years beyond the year it is allotted to the HfL program office. However, we expect the FHWA division offices to obligate the HfL funds within one year of being allocated to the selected HfL projects. Once the HfL funds are obligated, they do not expire.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes. Obligation limitation is applied during the allocation of funds to the HfL program office. HfL funds are not counted against the State's obligation authority.

STATUTORY REFERENCE: SAFETEA-LU §§1101 and 1502, Public Law 109-59

CFR REFERENCE: n/a

ELIGIBILITY: The proposed HfL project must construct, reconstruct, or rehabilitate a route or connection on a Federal-Aid highway eligible for assistance under Chapter 1 of Title 23, United States Code and the project must use innovative technologies, manufacturing processes, or contracting methods that improve safety, reduce congestion due to construction, and improve quality.

BACKGROUND:

A new discretionary program of SAFETEA-LU that provides funding to demonstrate and promote state-of-the-art technologies, elevated performance standards, and new business practices in the highway construction process that result in improved safety, quality and user satisfaction, faster construction, and reduced congestion from construction. The purpose is to significantly accelerate the adoption to standard practice of technologies to dramatically improve the Nation's highway system.

Program Elements
- **Projects:** Provide incentive funding to State DOTs for the construction of highway projects that incorporate innovations that improve safety, reduce construction congestion and improve quality. A highway project is eligible to apply for Highways for LIFE funding if it constructs, reconstructs or rehabilitates a route or connection on an eligible Federal-aid highway and uses innovative technologies, manufacturing processes, financing or contracting methods that meet performance goals for safety, congestion and quality. Based on the level of incentive funding provided in SAFETEA-LU, it is anticipated that individual project funding levels will be in the $500,000 to $1,000,000 range per project.
- **Technology Partnerships:** Provide incentive funding for the adaptation of proven innovations from outside the U.S. highway community so that the innovations are ready for use by the U.S. highway community.
- **Technology Transfer:** Markets innovations to highway practitioners and managers; introduces and delivers ready to use innovations to the highway community and provides training and technical assistance.

- **Information Dissemination:** Provides information to the States, industry, public and FHWA about Highways for LIFE, project success stories and innovations.
- **Stakeholder Input and Involvement:** Provides information for States, industry and highway users about Highways for LIFE and provide mechanisms to solicit feedback for the implementation of the program.
- **Monitoring and Evaluation:** Gathers information on all the program elements to improve the performance of the elements, document the benefits and explain the expenditures.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) did not extend this program. Carryover funding continues to be available for the original purpose under the rules that applied under the pre-MAP-21 Highways for LIFE program.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program which was not extended by MAP-21.

ADDITIONAL INFORMATION: Contact the Highways for LIFE (HIHL) Office.

Indian Reservation Roads (IRR)
Updated January 25, 2017

STATUS: ACTIVE until funds are obligated and expended, rescinded, or until the funds lapse

PROGRAM CODES:
F110 – Indian Reservation Roads STEA03
F11E – Indian Reservation Roads SAFETEA-LU Extension
9830 – Indian Bridges and Roads SAFETEA-LU
983E – Indian Bridges and Roads SAFETEA-LU Extension

EXPIRED PROGRAM CODES: 1630 (P.L. 97-424); 4110, 41A0, and 4120 (TEA-21)

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Effective FY 05, allocated using a new relative need distribution formula developed under negotiated rule making

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Pre-MAP-21 23 U.S.C. 101, 202, 203 and 204

CFR REFERENCE: 25 CFR 170

ELIGIBILITY: Indian Reservation Roads (IRR) funds may be used on eligible IRR facilities as defined in 23 U.S.C. 101 and included in Appendix A to Subpart B of 25 CFR 170.

BACKGROUND: The IRR Program is co-administered by the FHWA's Federal Lands Highway Office and the BIA. The specific responsibilities of each agency are included in 23 U.S.C. 204 and 25 U.S.C. 318(a). The IRR Program was established on May 26, 1928, by Public Law 520 (Codified at 25 U.S.C. 318(a)). Up to 1982, the program was funded through annual DOI appropriations. The IRR Program became part of the coordinated Federal Lands Highways Program (FLHP) with the passage of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424), which also changed the funding source from General Funds to the Highway Trust Fund. On May 24, 1983, a BIA and the FHWA Memorandum of Agreement was executed to carry out 1982 STAA provisions. All subsequent Highway Authorizations have included the IRR Program as part of the Federal Lands Highway Program. SAFETEA-LU establishes funding levels of $300 million in FY05, and concludes in FY09 at a level of $450 million after yearly increases in between.

The IRR system inventory consists of approximately 25,800 miles of public road on Indian reservations that are owned by the BIA, approximately 31,000 miles of State and local public roads that provide access both to and within the reservations, roughly 1700 miles of tribally owned roads, and 875 miles of other miscellaneous roads. IRR Program funds can be used to pay the non-Federal share of the cost of any project whose Federal share is funded under Title 23 or Chapter 53 of Title 49.

In FY 05, a new relative need distribution factor (RNDF) was developed through negotiated rulemaking. The funds are provided to the BIA or the DOI Office of Self-Governance for allocation to the tribes. RNDF is based on population (20 percent), vehicle miles traveled (30 percent), and cost-to-construct (50 percent). Information regarding transportation planning, the development of a tribal priority list or TIP, long-range transportation plans, IRR inventory, and all other facets of the IRR Program can be found in 25 CFR 170.

Changes to the IRR Program as a result of SAFETEA-LU (§ 1119) include: funding the Indian Reservation Roads Bridge Program (IRRBP) at a level of $14 million per fiscal year (23USC 202(d)(4)(B)); providing the option for eligible tribes to enter into funding agreements with FHWA (23 USC 202(d)(5)); requiring the FHWA to conduct a comprehensive inventory of the IRR system by August 2007; and allowing a tribe to utilize up to 25 percent of its share of IRR Program funds for maintenance (23 USC 204(c)).

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) did not extend this program. Eligibilities exist within the new Tribal Transportation Program (TTP) MAP-21 program. Carryover IRR funding continues to be available for the original purpose under the rules that applied under the pre-MAP-21 Indian Reservation Roads program.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program which was not extended by MAP-21.

ADDITIONAL INFORMATION: Contact the Federal Lands Highway Office of Program Development (HFPD).

Indian Reservation Roads Bridge Program (IRRBP)
Updated January 25, 2017

STATUS: ACTIVE until funds are obligated and expended, rescinded, or until the funds lapse

PROGRAM CODES:
9830 – Indian Bridges and Roads SAFETEA-LU
983E – Indian Bridges and Roads SAFETEA-LU Extension

FEDERAL SHARE: BIA and Tribally owned bridges at 100 percent. State and local owned bridges at 80 percent.

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: By first-come first-served method within the funding limits set forth in 23 CFR 661.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Pre-MAP-21 23 U.S.C. 202(d)(4)(B)

CFR REFERENCE: 23 CFR 661

ELIGIBILITY: IRRBP funds may be obligated for projects to replace, rehabilitate, seismically retrofit, install scour protection, paint, or apply anti-icing compositions on highway bridges located on Indian reservation roads. Bridges must be structurally deficient or functionally obsolete.

BACKGROUND: The need to provide funding for IRR bridges was first recognized during ISTEA, when each year not less than 1 percent of the amount apportioned to a State having an Indian reservation within its boundaries was transferred to the Secretary of the Interior to expend for eligible projects. In TEA-21, a $13 million set-aside from the IRR Program was established to specifically address IRR Bridges. Eligible activities only included those related to construction and construction monitoring. SAFETEA-LU eliminates the set-aside from the IRR Program and provides an additional $14 million of HTF for an IRRBP. In addition, SAFETEA-LU has expanded the eligible activities to include those related to planning and design.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) did not extend this program. Eligibilities exist within the new Tribal Transportation Program (TTP) MAP-21 program. Carryover IRRBP funding continues to be available for the original purpose under the rules that applied under the pre-MAP-21 Indian Reservation Roads Bridge program.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program which was not extended by MAP-21.

ADDITIONAL INFORMATION: Contact the Federal Lands Highway Office of Program Development (HFPD).

Innovative Bridge Research and Deployment (IBRD) Program
Updated January 25, 2017

STATUS: ACTIVE until remaining funds are rescinded or expended

PROGRAM CODES:

- 5L20 – Bridge Research and Deployment Program (P.L. 109-059)
- 5L2E – Bridge Research and Deployment Program (P.L. 111-068)

EXPIRED PROGRAM CODES: HX20 - IBRC (see discussion in background)

FEDERAL SHARE: Determined by the Secretary

PERIOD AVAILABLE: -FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Grants, Cooperative Agreements and Contracts

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: pre-MAP-21 23 U.S.C. 503(b) (was added by Section 5202 of the SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (SAFETEA-LU, Public Law 109-59))

CFR REFERENCE: None

ELIGIBILITY: The program allowed for grants, cooperative agreements and contracts with the States, other Federal agencies, universities and colleges, private sector entities, and non-profit organizations to pay the Federal share of the cost of bridge repair, rehabilitation, replacement, and new construction to demonstrate the application of innovative design, materials, and construction methods. Bridge projects on any public roadway were eligible.

SOLICITATION PROCEDURE FOR STATE BRIDGE PROJECTS: The FHWA annually solicited candidates from State Departments of Transportation (DOTs), who were the only entities that could submit candidates. The State DOTs coordinated with local and Federal agencies; universities and colleges; private sector entities; and, nonprofit organizations within their respective States to develop viable candidate bridge projects. After review and consultation with the State DOT, the FHWA Division Office submitted candidate projects to the Director, Office of Bridge Technology, in Washington D.C. An FHWA panel evaluated projects based on the criteria established in the solicitation and recommended for Secretary's approval. **SOLICITATION PROCEDURE FOR RESEARCH, DEPLOYMENT AND EDUCATION:** A portion of the funds were set aside for research, deployment and education activities satisfying one of the eight goals of the Program. This was carried out jointly by the FHWA's Office of Infrastructure, Research and Deployment and the Office of Bridge Technology.

BACKGROUND: The Innovative Bridge Research and Deployment Program (IBRD) was a continuation of FHWA's previous Innovative Bridge Research and Construction (IBRC) program, which was established under the Transportation Equity Act for the 21st Century (TEA-21). The IBRC program was authorized by Congress for six years, FY1998 - FY2003. The program was extended for 20 months (through May 31, 2005) with full funding for FY 2004 and with partially funding for FY 2005 due to extensions of TEA-21.

The IBRD program was established by Congress to promote, demonstrate, evaluate and document the application of innovative designs, materials, and construction methods in the construction, repair, and

rehabilitation of bridges and other highway structures. The intent was to help in the development of improved methods to detect bridge scour and economical bridge foundation design that withstand bridge scour and also help States in removing barriers to use innovative technologies and mainstream technologies in their bridge design and construction practices. A portion of the Funds were available for State bridge projects for each of Fiscal Years (FYs) 2005 through 2009 with the exception of FY 2008 in which Congress rescinded the IBRD Program. Congress authorized $13.1 million per year of which $4.125 million was designated for high performance concrete technology research and deployment activities. The actual amount available varied in yearly congressional appropriations. Funds are available until expended.

As listed in Section 5202 (b) of SAFETEA-LU, Public Law 109-59, the goals of the program were:

A. The development of new, cost-effective, innovative highway bridge applications;
B. The development of construction techniques to increase safety and reduce construction time and traffic congestion;
C. The development of engineering design criteria for innovative products, materials, and structural systems for use in highway bridges and structures;
D. The reduction of maintenance costs and life-cycle costs of bridges, including costs of new construction, replacement or rehabilitation of deficient bridges;
E. The development of highway bridges and structures that will withstand natural disasters;
F. The documentation and wide dissemination of objective evaluations of the performance and benefits of these innovative designs, materials, and construction methods;
G. The effective transfer of resulting information and technology; and,
H. The development of improved methods to detect bridge scour and economical bridge foundation designs that will withstand bridge scour.

The program was extended until October 1, 2012 under the SAFETEA-LU extension acts.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) sec 52003 repealed the IBRD program by deleting and replacing 23 U.S.C. 503. Carryover IBRD funding continues to be available for the original purpose, as described in the project specific application, under the rules that applied under the pre-MAP-21 Innovative Bridge Research and Development Program.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program which was repealed by MAP-21.

ADDITIONAL INFORMATION: Contact the Office of Bridge Technology (HIBT)

Intelligent Transportation Systems (ITS) Integration
Updated January 25, 2017

STATUS: ACTIVE until remaining funds are rescinded or expended..

PROGRAM CODES:

- J700, R700, QT80 and HT80 - Metropolitan Areas
- J720, R720, QT50 and HT50 - Northeast Corridor
- J730, R730, QT60 and HT60 - Great Lakes
- J740 and R740 - Hazardous Materials Monitoring
- QT40 and HT40 - Rural Areas
- J760, R760, QT70 and HT70 - CVO

FEDERAL SHARE: 50 percent ITS funding. Total of 80 percent from all Federal sources.

PERIOD AVAILABLE: Until expended

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation for contracts and cooperative agreements

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: In SAFETEA-LU (P.L 109-59), Section 5101(a)(6). Sections 5208 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: ITS integration funds may be used to accelerate ITS integration and interoperability in metropolitan and rural areas and must be selected through competitive solicitation and meet certain detailed criteria. In metropolitan areas, funding shall be used primarily for integration; for projects outside metropolitan areas, funding may also be used for installation costs.

BACKGROUND: Section 5001(a)(6) of the TEA-21 authorized $679 million for FYs 1998-2003 for the ITS deployment program. Section 5001(c)(4)(A) directs the following amounts be made available to carry out Section 5208 relating to ITS integration: $74 million for FY 1998, $75 million for FY 1999, $80 million for FY 2000, $83 million for FY 2001, $85 million for FY 2002, and $85 million for FY 2003. It also stipulates that at least 10 percent of these funds will be directed toward rural areas.

SAFETEA-LU authorizes ITS Deployment funds for 1 year only: Section 5101(a)(6) provides $122 million in fiscal year 2005 (for TEA-21 section 5208 and 5209). In metropolitan areas, the funds may only be used for integrating existing (legacy) systems, or integrating new systems funded from other sources. Deployment of ITS infrastructure components are not eligible for metropolitan projects. In rural areas, the funds may be used for integrating legacy systems, as well as for deploying new ITS infrastructure components.

Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) did not continue funding for TEA-21 section 5208.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act did not provide funding for TEA-21 section 5208.

ADDITIONAL INFORMATION: Contact the Office of Intelligent Transportation Systems Joint Program Office (HOIT).

Intelligent Transportation Systems (ITS) Research And Development
Updated January 25, 2017

STATUS: ACTIVE

PROGRAM CODES:
- QT20 – ITS Standards TEA-21 (P.L. 105-178)
- HT20 – ITS Standards STA03 (P.L. 108-088)
- LT20 – ITS Research (P.L. 109-059)
- LT2E – ITS Research (P.L. 111-068)
- MT20 – ITS MAP-21 (P.L. 112-141)
- ZT20 – ITS FAST Act (P.L. 114-94)

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: Until expended, not transferable

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocations for contracts, cooperative agreements and competitive contracts

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 512-519; FAST Act § 6002, 6005-6010; MAP-21 section 51001(a)(4), 52001, and 53001 through 53006; Sections 5001 and 5201 through 5213 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: Priority will be given to projects that:
(1) enhance mobility and productivity through improved traffic management, incident management, transit management, freight management, road weather management, toll collection, traveler information, or highway operations systems and remote sensing products;
(2) use interdisciplinary approaches to develop traffic management strategies and tools to address multiple impacts of congestion concurrently;
(3) address traffic management, incident management, transit management, toll collection traveler information, or highway operations systems;
(4) incorporate research on the potential impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates;
(5) enhance intermodal use of intelligent transportation systems for diverse groups, including for emergency and health-related services;
(6) enhance safety through improved crash avoidance and protection, crash and other notification, commercial motor vehicle operations, and infrastructure-based or cooperative safety systems; or
(7) facilitate the integration of intelligent infrastructure, vehicle, and control technologies.

BACKGROUND: Section 5001(a)(5) of the TEA-21 authorized $603.2 million for FYs 1998-2003 for ITS standards, research, operational tests and development as described in TEA-21 sections 5204, 5205, 5206, and 5207. The purpose of the ITS Research and Development program is to carry out a comprehensive program of intelligent transportation system research, development and operational tests of intelligent vehicles and intelligent infrastructure systems. The above funds are available for obligation in the same manner as if they were apportioned under Chapter 1 of Title 23. A National ITS program plan

must be maintained and updated as necessary and transmitted to the Congress as a part of the Surface Transportation Research and Development Strategic Plan.

Moving Ahead for Progress in the 21st Century Act (MAP-21) continued funding for 23 U.S.C. 512-518 (section 51001(a)(4)) as amended by MAP-21. Section 53005 of MAP-21 supports the ITS program for development, implementation, and maintenance of the National ITS Architecture and all related provisions. Section 53005 also requires USDOT to promote the use of systems engineering methods in the widespread deployment and evaluation of intelligent transportation systems. This is similar to the current provision for ITS projects funded by the Highway Trust Fund at 23 CFR 940.11. Section 53005 also requires that ITS projects conform to the appropriate regional ITS architecture, applicable standards, and protocols. This is similar to the current provision for ITS projects at 23 CFR 940.5.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act continues the ITS program, which provides for the research, development, and operational testing of Intelligent Transportation Systems (ITS) aimed at solving congestion and safety problems, improving operating efficiencies in transit and commercial vehicles, and reducing the environmental impact of growing travel demand. Guided by the required five-year ITS Strategic Plan, the program is currently focused on significantly reducing crashes through advanced safety systems based on interoperable wireless communications among surface transportation vehicles of all types, traffic signals, other infrastructure systems, pedestrians, wireless devices, and automated vehicle systems. Of the total authorized for the ITS Program, the FAST Act requires DOT to set aside an unspecified amount for each of FYs 2016-2020 as one component of the $60 million in funding for the Advanced Transportation and Congestion Management Technologies Deployment Program. [FAST Act § 6004] The FAST Act continues without change the activities eligible under the ITS Program but limits the ability to use program funds for the construction of physical surface transportation infrastructure. The FAST Act adds to the ITS Program a new goal: enhancement of the national freight system and support to national freight policy goals. [FAST Act § 6005; 23 U.S.C. 514(a)(6)] The FAST Act requires DOT, under the ITS Program, to implement activities that assist in the development of cybersecurity research to help prevent hacking, spoofing, and disruption of connected and automated transportation vehicles. [FAST Act § 6006; 23 U.S.C. 514(b)(10)] The FAST Act states that funds made available for operational tests of ITS under the ITS Program— 1) shall be used primarily for the development of ITS infrastructure, equipment, and systems; and 2) to the maximum extent practicable, shall not be used for the construction of physical surface transportation infrastructure unless the construction is incidental and critically necessary to the implementation of an ITS project. [FAST Act § 6010; 23 U.S.C. 519]

ADDITIONAL INFORMATION: Contact the Intelligent Transportation Systems Joint Program Office (HOIT).

International Highway Transportation Outreach Program
Updated January 25, 2017

STATUS: ACTIVE until remaining funds are rescinded or expended

PROGRAM CODES:

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: Until expended

FUND: Highway account of the Highway Trust Fund (HTF)

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: MAP-21 Section 52006; Pre-MAP-21 23 U.S.C. 506 and Section 5206 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59)

CFR REFERENCE: None

ELIGIBILITY: Activities carried out under this program may include:

- development, monitoring, assessment, and dissemination in the U.S. of information about highway transportation innovations in foreign countries that could significantly improve highway transportation in the U.S.,
- research, development, demonstration, training and other forms of technology transfer or exchange,
- informing foreign countries about the technical quality of U.S. highway transportation goods and services through participation in trade shows, seminars, expositions, and other such activities,
- offering technical services of the FHWA that cannot be readily obtained from U.S. private sector firms to be incorporated into the proposals of U.S. private sector firms undertaking highway transportation projects outside the U.S., if the costs of such services will be recovered under the terms of the project,
- conducting studies to assess the need for or feasibility of highway transportation improvements in foreign countries, and
- gathering and disseminating information on foreign transportation markets and industries.

BACKGROUND: Section 5206 of SAFETEA-LU provides a set-aside of funds authorized in Section 5101(a)(1) of $300,000 for each of FYs 2005-2009 to carry out international outreach.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) sec 52006 repealed the program by deleting 23 U.S.C.506. Carryover funding for this program continues to be available for the original purpose under the rules that applied under the pre-MAP-21 program.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program which was repealed by MAP-21.

ADDITIONAL INFORMATION: Contact the Office of International Programs (HPIP).

Interstate Construction
Updated January 25, 2017

STATUS: ACTIVE Until funds apportioned for FY 1996 (the final authorization) and previous years are obligated, transferred or lapsed.

PROGRAM CODES:
- 0420 -- Interstate
- 0430 -- Interstate, 100 percent
- 04C0 -- Interstate, 1956
- 04P0 -- Interstate, TMFW
- 0500 -- Interstate, 1/2 percent Minimum
- 0550 -- Urgent Supplemental Non-Interstate
- 05C0 -- Interstate, 1/2 % Minimum, TMFW
- 0590 -- Interstate, 1/2 percent Minimum, 100 percent Federal Participation
- 17A0 -- Interstate Transfer, New York, 1986
- 1870 -- Interstate, Shakwak Project
- 1880 -- Interstate, I-287 Bypass
- 8230 -- Interstate Substitution, Before FY-84, from GF
- A510 -- Interstate, 1/2 percent Minimum
- EC20 -- Interstate, 1/2 percent Minimum, Combined Road Plan Demo
- EG20 -- Interstate, 1/2 percent Minimum, Combined Road Plan Demo., 100 percent
- X420 -- Interstate 1/4 percent National Highway Institute

FEDERAL SHARE: The normal pro-rata Federal share is 90 percent for projects on the Interstate System. However, the Federal share is reduced to 80 percent by provisions in the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), if any of the projects add new capacity, unless the new capacity is provided through high occupancy vehicle or auxiliary lanes.

PERIOD AVAILABLE: Interstate Construction (IC) funds, which were made available one year in advance, were available until the last day of the fiscal year for which funds were apportioned. The apportionments for FYs 1991, 1992 and 1996 are available until expended. All lapsed funds were included with the funds set aside for the Interstate Discretionary Program.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment, by formula, based on the cost-to-complete the Interstate System

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Pre-MAP-21 23 U.S.C. 101(b), 103(c), 103(d), 118(b), 119(b), and 120(c). Sections 108(b) and (c) of the Federal-aid Highway Act of 1956 (Public Law 84-627). Section 1001 of the 1991 ISTEA.

CFR REFERENCE: 23 CFR 476

ELIGIBILITY: IC funds may be used for the initial construction of remaining portions of the Dwight D. Eisenhower National System of Interstate and Defense Highways. However, only work eligible under the provisions of the Federal-Aid Highway Act of 1981 and included in the 1981 Interstate Cost Estimate is eligible for IC funding.

BACKGROUND: Planning for the Interstate System began in the late 1930's. The Federal-Aid Highway Act of 1938 (Public Law 75-584) directed the Bureau of Public Roads (BPR) to study the feasibility of a

toll-financed system of three east-west and three north-south super highways. The BPR's report, *Toll Roads and Free Roads*, which was submitted to Congress in 1939, demonstrated that a toll network would not be self-supporting and advocated a 26,700-mile interregional highway network.

In 1941, President Franklin D. Roosevelt appointed a National Interregional Highway Committee to evaluate the need for a national expressway system. The committee's January 1944 report, *Interregional Highways*, supported a system of 33,900 miles, plus an additional 5,000 miles of auxiliary urban routes.

In response to these recommendations, the Federal-aid Highway Act of 1944 (Public Law 78-521) authorized the designation of a national system of Interstate highways, of up to 40,000 miles, but provided no specific funds for such construction. The designation of the system, in cooperation with the States, was initially accomplished in 1947. However, even though primary and urban system funds were available for Interstate work, no funds had yet been authorized specifically for the Interstate System, and, as a result, progress on construction was slow.

The Federal-aid Highway Act of 1952 (Public Law 82-413) provided the first specific funding for Interstate construction, but it was only a token amount, $25 million per year for each of FYs 1954-1955. The Federal pro rata share was 50 percent.

The Federal-aid Highway Act of 1954 (Public Law 83-350) authorized $175 million for each of FYs 1956-1957 and increased the Federal pro rata share to 60 percent.

In response to prompting by President Dwight D. Eisenhower, Congress enacted the Federal-aid Highway Act of 1956 (Public Law 84-627), which brought the Interstate System to its current status. The 1956 Act:

- Provided annual authorizations totaling $25 billion through FY 1969, the year the Interstate System was to be completed. It also established a new method for apportioning funds among the States; increased Federal participation to 90 percent; increased the proposed length of the Interstate System to 41,000 miles; added "Defense" to the system name (i.e., "National System of Interstate and Defense Highways"); and authorized the inclusion of toll roads in the system, but denied Federal participation in toll roads.
- Required that the Interstate System be built using uniform geometric and construction standards adequate for 1975 anticipated traffic. Standards were developed by State highway agencies, acting through the American Association of State Highway and Transportation Officials (AASHTO), and adopted by the FHWA. They included requirements for 12-foot wide travel lanes, 10-foot wide right hand shoulders, full control of access, and up to 70 mph design speeds. The 1975 traffic volume requirement was later changed to a more general 20-year design period to allow for evolution of the system.
- Created the Highway Trust Fund. Revenue from the Federal gas and other motor-vehicle user taxes was to be credited to the Highway Trust Fund to pay the Federal share of Interstate and all other Federal-aid highway projects. This guaranteed construction on a "pay-as-you-go" basis and satisfied one of President Eisenhower's primary requirements, that the program be self-financing without contributing to a Federal budget deficit.

The Federal-Aid Highway Act of 1968 (Public Law 90-495) authorized expansion of the Interstate System to 42,500 miles. Subsequent legislation made slight modifications to the authorized mileage. When completed, the Interstate System will include approximately 42,795 miles.

The Federal-aid Highway Act of 1976 (Public Law 94-280) established the Interstate Gap Closing Program (Program Code 0450), and provided the first funding for resurfacing, restoring, and rehabilitating the Interstate System, in what later became the Interstate 4R Program (Program Code 0440) in the Federal-aid Highway Act of 1981 (Public Law 97-134).

In order to accelerate construction of the Interstate System, the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) reduced the period of availability of apportioned funds from 4 years to 2 years, and stipulated that each State was to receive at least a minimum of 1/2 percent of the

total Interstate apportionments for each of FYs 1980-1983. When such amounts exceeded the costs of completing the Interstate System in a State, the excess could be used for Interstate 4R projects. If not needed for Interstate 4R work, the excess could be approved for use on primary, secondary, and urban system projects, and on hazard elimination projects within a State.

The Federal-aid Highway Act of 1981 (Public Law 97-134) approved the 1981 Interstate Cost Estimate (ICE) and further limited the eligibility for Interstate construction funding to previously approved work included in the 1981 ICE. As a result of the growing concern over the length of time it was taking to complete the initial construction phase of the Interstate System, Congress provided a new definition for the eligibility of Interstate construction funds. The new definition generally restricted Interstate funding to the work necessary to provide a minimum level of acceptable service. Work no longer eligible for Interstate construction under this definition became eligible for Interstate 4R funding.

Section 218 of the Urgent Supplemental Appropriations Act of 1982 (Public Law 97-216) provided an alternative for the use of certain Interstate construction funds that were in danger of lapsing. It allowed the Secretary to approve the use of Interstate construction funds (a) on projects for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System in accordance with the provisions of 23 U.S.C. 119, or (b) for those purposes for which funds apportioned for the primary, secondary, and urban systems might be expended, in a State that had received no more than 1/2 percent of the total Interstate apportionment for FY 1983, and where necessary in order to fully utilize Interstate System funds apportioned through FY 1982.

Section 116(c) of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424), permitted the transfer of a State's Interstate apportionment to the Interstate 4R Program. The amount eligible for transfer was limited to the Federal share of the cost to complete segments of the Interstate System open to traffic as shown in the most recent ICE, up to a maximum of 50 percent of the total Interstate apportionment. Subsequent legislation dropped the 50 percent requirement. If a transfer was requested and approved, the latest ICE was reduced by the amount transferred.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) authorized apportionments through FY 1993 for completion of the Interstate System. The 1987 STURAA also retained the 1/2 percent minimum apportionment to States for Interstate construction; approved the 1987 ICE for apportioning the FY 1988 authorization; required the submission of a 1989 ICE to be used for apportioning FY 1991-1992 authorizations and a 1991 ICE to be used for apportioning the FY 1993 authorization; stipulated that if, before the apportionment of funds for any fiscal year, the Secretary and a State agreed that all of the amount to be apportioned to that State were not needed for a fiscal year, the amount not needed could be put into the Interstate discretionary fund prior to the apportionment in accordance with the provisions of 23 U.S.C. 118(b)(2); stipulated that upon the request of a State, the availability period for Interstate construction funds apportioned prior to October 1, 1989, could be reduced to one year, and funds apportioned on or after October 1, 1989, would be available until expended; and permitted all States, except Massachusetts, to transfer their Interstate construction apportionment to their Interstate 4R or primary apportionments in an amount not to exceed the Federal share of the costs of open-to-traffic segments included in the most recent ICE.

On October 15, 1990, Public Law 101-427 changed the name to "The Dwight D. Eisenhower National System of Interstate and Defense Highways".

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued the Interstate Construction program, but declared in Section 1001(a) that the IC funds authorized by the 1991 ISTEA would be the final authorizations of funding to complete construction of the Interstate System. In addition, the 1991 ISTEA:

- Authorized $1.8 billion per year for each of FYs 1993-1996 to be appropriated out of the Highway Trust Fund for completion of the Interstate System. These funds could be supplemented with other funds, such as National Highway System (NHS) funds. Low priority work could be dropped from the Interstate Program. (Section 1001(f) of the 1991 ISTEA).

- Approved the 1991 Interstate Cost Estimate (ICE), but did not change the eligibility criteria for IC funds. Only work eligible under the provisions of the Federal-Aid Highway Act of 1981 and included in the 1981 ICE is eligible for IC funding. (Section 1001(b) of the 1991 ISTEA).
- Discontinued the 1/2 percent minimum apportionment to States for Interstate construction. (Section 1001(h) of the 1991 ISTEA).
- Retained 23 U.S.C. 119(d), providing for the transfer of IC apportionments, essentially unchanged, except that transfers will be from IC funds to NHS or Interstate Maintenance (IM) funds. Requests to transfer IC funds are limited to the Federal share of the cost to complete open-to-traffic work included in the 1991 ICE and must be made in writing to the Office of Budget and Finance.
- Made available up to $20 million for each of FYs 1993-1996 for the Secretary of Transportation, in consultation with the Secretary of Defense, to use for the reconstruction of highways, or portions of highways, located outside the United States that are important to the national defense. (Section 1006(h) of the 1991 ISTEA). These funds were used on the Alaska Highway in Canada.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) provided that a State can request and receive approval to transfer IC funds to their NHS account up to the Federal share of the cost of construction of unbuilt elements including gap segments not open to traffic. The Interstate completion work represented by the transferred funds loses its eligibility for IC funding.

It also provided that a State can request and receive approval to transfer surplus IC funds to their NHS account if the State has fully financed all work eligible under the 1991 ICE. Surplus funds that are transferred are subject to the laws (including regulations, policies and procedures) relating to the apportionment to which the funds are transferred.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) did not change the IC funds transfer provisions under TEA-21. Therefore, they continue as follows:

- Under the provisions of 23 U.S.C. 119(b), a State may transfer an amount of its IC funds, that is equivalent to the Federal share of the cost of work to complete its Interstate segments open to traffic in the 1991 ICE, to its NHS or IM apportionments.
- Under the provisions of 23 U.S.C. 103(d)(1), a State may transfer an amount of its IC funds, that is equivalent to the Federal share of the cost of work to complete any unfinished Interstate segments including gap segments not open to traffic, to its NHS apportionment. The Interstate completion work represented by the transferred IC funds loses its eligibility for IC funding.
- Under the provisions of 23 U.S.C. 103(d)(2), a State may transfer surplus IC funds to its NHS apportionment, if it has fully financed all work eligible under the 1991 ICE.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) §1519 amended 23 U.S.C.103, 118(b), and 119. Carryover IC funding continues to be available for the original purpose, under the rules that applied under the pre-MAP-21 Interstate Construction program.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program. Carryover IC funding continues to be available for the original purpose, under the rules that applied under the pre-MAP-21 Interstate Construction program.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Interstate Discretionary
Updated April 20, 2007

STATUS: ACTIVE Until funds allocated from FY 1999, which have been carried over from previous years, are obligated, transferred or lapsed.

PROGRAM CODE: 0540

FEDERAL SHARE: Same as for Interstate Construction. The normal Federal share for projects on the Interstate System is 90 percent. However, the Federal share is reduced to 80 percent by provisions in the 1991 ISTEA, if the project adds new lanes, unless the new lanes are high occupancy vehicle or auxiliary lanes.

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Originally 23 U.S.C. 118(b)

CFR REFERENCE: None

ELIGIBILITY: Interstate Discretionary (ID) funds may be used for the same purposes as Interstate Construction funds. That is, ID funds may be used for the initial construction of remaining portions of the Dwight D. Eisenhower System of Interstate and Defense Highways. However, only work eligible under the provisions of the Federal-Aid Highway Act of 1981 and included in the 1981 Interstate Cost Estimate is eligible for ID funding.

BACKGROUND: In order to accelerate construction of the Interstate System, Section 115(a) of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) created the ID Program by shortening the lapse period for Interstate funds from 4 years to 2 years. It provided that lapsed funds could be made available to any other State applying for them for the Interstate System if that State (a) had obligated all its apportionments (except for amounts too small to pay for a project submitted for approval), (b) could obligate the funds within one year of the date they were made available, (c) could apply them to a ready-to-commence project, and (d) for construction projects, could begin construction within 90 days of obligation. Lapsed sums made available were to remain available until expended.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) continued the Interstate Discretionary Program, but (a) eliminated the requirement to obligate the funds within one year of the date they are made available, (b) specified priorities for distributing the discretionary funds, and (c) supplemented the funds for this program by setting aside $300 million from annual apportionments of Interstate construction funds beginning in FY 1984, and by transferring amounts of Interstate construction funds for routes (or portions) withdrawn from the system after enactment of the 1982 STAA.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) retained the $300 million Interstate discretionary fund set-aside and revised the priorities for distributing the funds as follows: First Priority -high cost projects which directly contribute to the completion of an Interstate segment which is not open to traffic, and high cost projects for construction of high occupancy vehicle lanes and other lanes on the Harbor Freeway in Los Angeles County, California; Second Priority - projects of high cost in relation to a State's apportionment; and Third Priority--conversion of Advance Construction Interstate projects.

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued the Interstate Discretionary program, but made the following revisions:

- Reduced the amount of funds set aside from the Interstate Construction Program for the Interstate Discretionary Program from $300 million annually to $100 million annually.
- Eliminated the priorities previously used in allocating Interstate Discretionary funds.

Conditions accompanying allocations of Interstate Discretionary funds were:

- When funds are allocated to a project, any unobligated balance cannot be used on another project without prior Headquarters clearance in writing. In addition, project underruns should be returned promptly.
- Allocated funds cannot be substituted for other funds already obligated.
- Funds are to be made available for ready-to-commence projects.

- Construction must begin within 90 days of obligation.
- Allocations must be obligated and administered in strict accord with the allocation memorandum.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Interstate Maintenance (IM)
Updated January 25, 2017

STATUS: ACTIVE until funds are obligated and expended, rescinded, transferred, or until the funds lapse

PROGRAM CODES:

- 04M0 - Interstate Maintenance (ISTEA)
- 04L0 - IM 100% Federal share for Safety Improvements (ISTEA)
- Q010 - IM (TEA-21)
- Q440 -- IM, 100 percent for Safety Improvements (TEA-21)
- 0AB0 -- Interstate Maintenance, Advance Construction
- H010 - IM (TEA-21 Extensions for FY2004 & FY2005)
- L010 - IM (SAFETEA-LU FYs 2006 thru 2009)
- L01E – IM (SAFETEA-LU Extension)
- L01R – IM (SAFETEA-LU Restored)

FEDERAL SHARE: 90 percent, including sliding scale, under the provisions of 23 U.S.C. 120

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Pre-MAP-21 23 U.S.C. 104(b)(4) and Pre-MAP-21 23 U.S.C. 119

CFR REFERENCE: None

ELIGIBILITY: Types of work eligible for IM funding include:

- Projects for resurfacing, restoration, rehabilitation, and reconstruction;
- Projects for the reconstruction or new construction of bridges, interchanges, and over crossings along existing Interstate routes, including the acquisition of right-of-way where necessary;
- Capital costs for operational, safety, traffic management, or intelligent transportation systems (ITS) improvements (operating costs are not eligible for IM funds); and
- Projects for preventive maintenance.
- Under the provisions of 23 U.S.C. 119(d), construction of new travel lanes, other than high occupancy vehicle (HOV) or auxiliary lanes, is not eligible for IM funding.

BACKGROUND: The Interstate Maintenance Program was established by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). It replaced the 3R portions of the I-4R Program, whereas the National Highway System (NHS) funding addressed the reconstruction (fourth "R") portion of the Interstate 4R Program. The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) expanded the IM program to include the fourth "R", reconstruction.

The Interstate 3R program was established by the Federal-aid Highway Act of 1976 (Public Law 94-280). It provided for resurfacing, restoring and rehabilitating those lanes on the Interstate System which had been in use for more than 5 years and were not on toll roads. Authorizations were made for FYs 1978 and 1979.

Section 116 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) codified the Interstate 3R Program as 23 U.S.C. 119, and required the States to (a) develop an Interstate System maintenance program and (b) certify annually that they were maintaining the system in accordance with the program. Section 105 of the 1978 Act permitted the States to transfer their Interstate 3R funds to their primary account upon certification that the funds were in excess of Interstate 3R needs.

The Federal-aid Highway Act of 1981 (Public Law 97-134) expanded the Interstate 3R program to a 4R program with the addition of reconstruction as an eligible item. Work eligible for I-4R funding included restoration, rehabilitation, resurfacing, and reconstruction for (a) activities included in the 1981 Interstate Cost Estimate but no longer eligible for Interstate construction funding, and (b) other work on the Interstate System not previously eligible for Interstate construction funding. Maintenance work that was not previously eligible under the 3R Program was still excluded. I-4R funds were generally not eligible for use on Interstate toll roads, but could be used on Interstate toll roads in use for more than 5 years if an agreement was reached between the State and the Secretary that (a) the toll road would become free upon the collection of enough tolls to pay for the road, and (b) the State would maintain it during the time tolls were collected. Interstate 4R funds were also made eligible for all Interstate routes designated under 23 U.S.C. 103 and 139(c), rather than just those in use for more than 5 years as specified in the 1976 Act.

Section 218 of the Urgent Supplemental Appropriations Act of 1982 (Public Law 97 216) provided an alternative for the use of certain Interstate construction funds that were in danger of lapsing. It allowed the Secretary to approve the use of Interstate construction funds on projects for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System in accordance with the provisions of 23 U.S.C. 119, or for those purposes for which funds apportioned for the primary, secondary, and urban systems might be expended, in a State that had received no more than 1/2 percent of the total Interstate apportionment for FY 1983, where necessary in order to fully utilize Interstate System funds apportioned through FY 1982.

Federal participation for this program was changed by various legislative actions. The Federal share was 90 percent prior to November 6, 1978; 75 percent from November 6, 1978 to December 28, 1981; and 90 percent from December 29, 1981, to the present.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) provided for the I-4R Discretionary program which is mentioned in the Interstate Maintenance Discretionary (IMD) section of this publication.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) reduced the availability period for I-4R funds from 4 years to 3 years (i.e., the FY for which funds were authorized, 1 year before, and 1 year after). Section 116 of the 1987 STURAA (a) permitted all States, except Massachusetts, to transfer their Interstate construction apportionment to their I-4R or primary apportionments, (b) permitted a State to transfer up to 20 percent of its I-4R apportionment to the primary apportionment in any fiscal year without showing that the funds were in excess of I-4R needs, and (c) codified toll agreement language in 23 U.S.C. 119.

The 1991 ISTEA established the IM Program, which replaced the 3R portions of the superseded I-4R Program. The NHS funding was intended to address the fourth "R".

The 1991 ISTEA modified 23 U.S.C. 104(b)(5)(B) to provide a new apportionment formula utilizing the same lane-mile (55 percent) and vehicular miles of travel (45 percent) factors, but including computations for Interstate routes designated under 23 U.S.C. 103 and 139(c), and for Interstate routes designated under 23 U.S.C. 139(a) before March 9, 1984. Each State was guaranteed at least 1/2 percent of the total IM funds apportioned annually. It also amended 23 U.S.C. 119(a) to permit the Secretary to approve IM funded projects for resurfacing, restoring, and rehabilitating routes on the Interstate System designated under 23 U.S.C. 103 and 139(c), and routes designated prior to March 9, 1984, under 23 U.S.C. 139(a) and (b).

The 1991 ISTEA also amended 23 U.S.C. 119(e) to allow IM funding for preventive maintenance activities when a State can demonstrate through its pavement management system that such work would

cost-effectively extend the Interstate pavement life. It further modified 23 U.S.C. 119(f) to allow a State to unconditionally transfer up to 20 percent of its IM apportionment to its NHS or Surface Transportation Program. Amounts in excess of 20 percent may also be transferred if a State (a) certified that the sums to be transferred were in excess of its needs for Interstate 3R work, and (b) certified that it was adequately maintaining the Interstate System.

The TEA-21 expanded the IM program to include reconstruction which allows IM funding to be used for new interchanges, new rest areas, additional noise walls, etc. The TEA-21 also extended IM fund usage to the following routes:

- routes on the Interstate System designated under 23 U.S.C. 103(c)(1) and in Alaska and Puerto Rico, under 23 U.S.C. 103(c)(4)(A);
- routes on the Interstate System designated before June 9, 1998, under subsections 139 (a) and (b) (as in effect before enactment of TEA-21);
- segments that become part of the Interstate System under Section 1105(e)(5) of the ISTEA, and
- toll roads, if subject to a 23 U.S.C. 129 agreement with the Secretary or continued in effect by Section 1012(d) of the 1991 ISTEA and not voided by the Secretary under Section 120(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

The TEA-21 also authorized $23.8 billion for FYs 1998-2003 for the IM program. After deducting $50 million in FY 1998 and $100 million in each of FYs 1999-2003 for the Interstate Maintenance Discretionary Program, the remainder was apportioned under the following formula:

- 33 and 1/3 percent based on each State's share of total lane miles all Interstate routes open to traffic;
- 33 and 1/3 percent based on each State's share of vehicle miles traveled on lanes on Interstate System routes open to traffic; and
- 33 and 1/3 percent based on each State's share of annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles.
- Each State is to receive a minimum of 1/2 percent of the total combined NHS and Interstate Maintenance (IM) apportionments.

Prior to the TEA-21, IM fund eligibility was limited to 3R work (resurfacing, restoration and rehabilitation) plus reconstruction of bridges, interchanges and overpasses along existing Interstate routes, including acquisition of right-of-way where necessary, but eligibility did not include the construction of new travel lanes other than high occupancy vehicle (HOV) lanes or auxiliary lanes.

Section 1107(a) of the TEA-21 modified 23 U.S.C. 119 and expanded IM eligibility to include reconstruction, the fourth "R". As a result, the construction of new interchanges and overpasses and the addition of new features, like rest areas, additional noise walls, etc., are now eligible for IM funding. The TEA-21 retained in 23 U.S.C. 119(d) the prohibition against funding added capacity. Therefore, the construction of new travel lanes other than HOV lanes or auxiliary lanes continues to be ineligible for IM funding.

The TEA-21 repealed provisions of 23 USC 119 dealing with preventive maintenance. However, preventive maintenance activities for all features of an Interstate highway are eligible for IM funding under the general eligibility provisions for preventive maintenance established in 23 U.S.C. 116(d).

Under the provisions of 23 U.S.C. 126, Uniform Transferability of Federal-Aid Highway Funds, a State may transfer up to 50% of its IM apportionment to its National Highway System, Surface Transportation Program, Congestion Mitigation and Air Quality Improvement Program, Bridge Program, or Recreational Trails Program apportionments..

The Surface Transportation Extension Acts of 2003, 2004 (Parts I through V), and 2005 (Parts I through VI) authorized continued funding for the IM program at FY 2003 levels until the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) was enacted on August 10, 2005.

SAFETEA-LU authorized $25.2 billion for FYs 2005-2009 for this program. After setting aside $100 million in each of FYs 2005 through 2009 for the IM Discretionary Program, in accordance with 23 U.S.C. 118(c)(1), as amended by section 1111(a) of SAFETEA-LU, the remaining funds are apportioned to the States using the same formula described above for TEA-21.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) did not extend this program. Eligibilities exist within other MAP-21 programs, but there is no distinct program or funding for this purpose. Carryover IM funding continues to be available for the original purpose under the rules that applied under the pre-MAP-21 Interstate Maintenance program.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program which was not extended by MAP-21.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Interstate Maintenance Discretionary (IMD)
Updated January 25, 2017

STATUS: ACTIVE until remaining funds are rescinded or expended

PROGRAM CODES:
- 0560 - I-4R Discretionary prior to the 1991 ISTEA
- 31B0 - I-4R Discretionary (ISTEA)
- 31D0 - I-4R Discretionary, 100 percent for Safety Improvements (ISTEA)
- Q020 - IMD (TEA-21)
- H020 - IMD (Surface Transportation Extension Acts of 2003, 2004 & 2005, FYs 2004 & 2005)
- L020 - IMD (SAFETEA-LU, FYs 2006 through 2009)
- L02E – IMD (SAFETEA-LU Extension, 2010 - 2012)

FEDERAL SHARE: 90 percent, including sliding scale provisions under 23 U.S.C. 120; 80 percent, including sliding scale provisions, for projects involving added single-occupancy vehicle lanes to increase capacity

PERIOD AVAILABLE: Until expended

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 118(c) (as in effect prior to MAP-21); SAFETEA-LU Section 1111(a)

CFR REFERENCE: None

ELIGIBILITY: IMD funds may be allocated to the States for resurfacing, restoring, rehabilitating, and reconstructing most existing routes or portions thereof on the Interstate System, including providing additional Interstate capacity.

BACKGROUND: The IMD Program continued the I-4R Discretionary Program which was established by Section 115(a) of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424). Funds for the initial I-4R Discretionary Program were derived from lapsed I-4R apportionments and were available to States that (a) had obligated all their I-4R apportionments, except for amounts too small to pay for a project submitted for approval, and (b) were willing and able to obligate the funds within 1 year of the date they were made available, apply them to a ready to commence project, and, for construction work, begin work within 90 days of obligation.

Section 114 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) provided for a $200 million per year set-aside for each of FYs 1988-1992 from the I-4R authorization for continuation of the I-4R Discretionary Program and provided criteria/factors to be used in distributing the discretionary funds.

Section 1020 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) provided funds for the continuation of the I-4R Discretionary Program. These funds were set-asides from the National Highway System funds.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) continued this program by authorizing set-asides from the IM funds of $50 million in FY 1998 and $100 million in each of FYs 1999-2003. These funds are provided for resurfacing, restoration, rehabilitation and reconstruction of any route or portion thereof on the Interstate System (other than a route designated under 23 U.S.C. 139 as in

effect before the enactment of TEA-21 and any toll road on the Interstate not subject to a Secretarial agreement under 23 U.S.C. 119(e) as in effect on December 17, 1991.

The funds could be used by any State that had:

- Obligated or demonstrated that it would obligate in the fiscal year all its Interstate Maintenance apportionments, except for amounts too small to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, or reconstructing the Interstate System which had been submitted for approval, and
- Indicated it was willing and able to obligate the funds within 1 year of the date they were made available, apply them to a ready to commence project, and, for construction work, begin work within 90 days of obligation.
- Previous years transfer of IM funds to other core programs do not count as obligation of funds.

SAFETEA-LU continued funding for the IMD program by authorizing $100 million for each of FYs 2005 through 2009, under the provisions of 23 U.S.C. 118(c)(1), as amended by section 1111(a) of SAFETEA-LU. Under the provisions of section 1102(f) of SAFETEA-LU, only the amount of this $100 million for which obligation authority is provided is actually available for obligation. Therefore, the available funds were reduced by any obligation limitation imposed for the fiscal year.

IMD funds continued to be allocated to the States on the basis of applications in accordance with 23 U.S.C. 118(c)(2). However, for FY 2002 through 2010, Congress designated most of the available IMD funds each year for specific projects they list in the conference report accompanying the annual appropriations act. In addition, Congress included a provision from 2002 through 2006 in the appropriations act that declared the designated projects to be eligible for IMD funds "notwithstanding any other provision of law." This eligibility provision overrides the statutory eligibility and priority consideration criteria in 23 U.S.C. 118(c).

The program was extended until October 1, 2012 under the SAFETEA-LU extension acts.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) sec 1519(b)(1)(B) repealed the IMD program by deleting and replacing 23 U.S.C.118(c). Carryover IMD funding continues to be available for the original purpose, as described in the project specific application, under the rules that applied under the pre-MAP-21 Interstate Maintenance Discretionary program.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program which was repealed by MAP-21.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Interstate System Construction Toll Pilot Program
Updated January 25, 2017

STATUS: ACTIVE – However, as this pilot program has been effectively mainstreamed under the general tolling program, FHWA will no longer be accepting applications for this program.

PROGRAM CODES: N/A

FEDERAL SHARE: N/A

PERIOD AVAILABLE: N/A

FUND: N/A

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Section 1604(c) of the 2005 SAFETEA-LU (Public Law 109-59)

CFR REFERENCE: None

ELIGIBILITY: For the SAFETEA-LU Section 1604(c) program, tolls could be collected by a State or an interstate compact of States on a highway, bridge or tunnel on the Interstate System for the purpose of constructing new Interstate highways. Up to three separate facilities on the Interstate System could participate in the toll pilot program. It was not necessary that each facility be in a different State. If an interstate compact of States was formed, then a single project could span more than one State. To be eligible under the pilot program, an applicant must have demonstrated that financing the construction of the facility with the collection of tolls was the most efficient and economical way to advance the project.

Applications for eligible candidates were to include: an identification of the eligible facility; in the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization for the area has been consulted concerning the placement and amount of tolls on the facility; an analysis showing that financing the construction of the facility with the collection of tolls is the most efficient and economical way to advance the project; and a facility management plan outlining the implementation of the tolls, schedule and financing for the construction of the facility, a description of the public transportation agency administering the pilot program, and a description of whether consideration will be given to privatizing the maintenance and operations of the facility.

BACKGROUND: SAFETEA-LU Section 1604(c) established the program authorizing up to 3 toll pilot facilities on the Interstate System for the purpose of constructing new Interstate highways.

Before participating in the toll pilot program, a State were to execute an agreement with FHWA that provides that all toll revenues will only be used for:

- debt service,
- reasonable return on investment of any private person financing the project, and
- costs necessary for the improvement of and proper operation and maintenance of the facility including reconstruction, resurfacing, restoration, and rehabilitation.

There was no special Federal funding specifically authorized for this program. During the term of the pilot program, Interstate Maintenance funds may not be used on the facility for which tolls are being collected under this program.

Other program features include:

- the State plan for implementing tolls on the facility takes into account the interests of local, regional, and interstate travelers;
- the State will develop, manage, and maintain a system that will automatically collect tolls;
- non-compete agreements are prohibited -- a State may not enter into an agreement with a private entity that prevents the State from improving or expanding capacity of adjacent roads to address conditions resulting from diverted traffic;
- all applications for participation in this pilot program must be received by FHWA before August 10, 2015.

This program, which expires on August 9, 2015, was not directly affected by the Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141). However, MAP-21 does amend Section 129 to include the initial construction of any highway, whether on or off the Interstate System, as an eligible activity for tolling. As this pilot program has thus been effectively mainstreamed under the general tolling program, FHWA will no longer be accepting applications for this program. Division Offices should direct project sponsors interested in constructing new Interstate highways, bridges, or tunnels as toll facilities to the requirements under Section 129.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act allows DOT to approve a State's application for tolling under the ISCTPP (SAFETEA-LU § 1604(c)) if at least part of the application was submitted before the original deadline specified in SAFETEA-LU (i.e., before August 10, 2015). [FAST Act § 1411(d)]

ADDITIONAL INFORMATION: Contact the Office of Innovative Program Delivery (HIN).

Interstate System Reconstruction and Rehabilitation Pilot Program
Updated January 25, 2017

STATUS: ACTIVE

PROGRAM CODES: N/A

FEDERAL SHARE: N/A

PERIOD AVAILABLE: N/A

FUND: N/A

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Section 1216(b) of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: Tolls may be collected on 3 Interstate highways for the purpose of reconstructing and rehabilitating highways that could not otherwise be adequately maintained or functionally improved without collecting tolls. Each of the 3 Interstate highways are to be located in different States.

Applications for eligible candidates will include the age, condition and intensity of use of the facility; if applicable, consultation with the MPO regarding placement and amount of tolls; an analysis showing that the facility could not be maintained or improved to meet current or future needs from the State's apportionments and other revenues without tolls; and a facility management plan outlining the implementation of the tolls, schedule and financing for the reconstruction or rehabilitation, a description of the public transportation agency administering the tolls, and a description of whether the maintenance and operations will be privatized.

BACKGROUND: Each State selected under the toll pilot program must execute an agreement with FHWA that all toll revenues will be used only for:

- debt service,
- reasonable return on investment of any private person financing the project and
- costs necessary for the improvement of and proper operation and maintenance of the facility including reconstruction, rehabilitation, resurfacing, and restoration.

The pilot program shall be conducted for at least 10 years and during that period Interstate Maintenance funds under 23 U.S.C. 104(b)(4), as in effect prior to MAP-21, may not be used on the toll facility.

The toll pilot program may include any route on the Interstate system as described in 23 U.S.C. 103(c).

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) does not make any changes to this program. All three of the slots authorized for this program are conditionally reserved at the present time for States that are developing complete applications for the program. To date, no final applications have been approved and no tolling agreements have been executed under this program.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act sets time limits for a State with a provisionally-approved application for a pilot project to: (1) move from a provisionally-approved application to a complete application that

fully satisfies the program's eligibility criteria and selection criteria; (2) complete the environmental review and permitting process under the National Environmental Policy Act (NEPA) for the pilot project; and (3) execute a toll agreement with DOT. These time limits are—

- One year for provisional approvals in place *prior* to the enactment of the FAST Act (December 4, 2015); and
- Three years for provisional approvals *subsequent* to enactment of the FAST Act.

DOT may extend either provisional approval by an additional year if certain conditions are met. The State must demonstrate material progress toward the implementation of the project as evidenced by: (1) substantial progress in completing the environmental review and permitting process for the pilot project under NEPA; (2) funding and financing commitments for the pilot project; (3) expressions of support for the pilot project from State and local governments, community interests, and the public; and (4) submission of a facility management plan. [FAST Act § 1411(c); TEA-21 § 1216(b)(6)]

ADDITIONAL INFORMATION: Contact the Office of Innovative Program Delivery (HIN).

Local Technical Assistance Program (LTAP) *[Formerly the Rural Technical Assistance Program (RTAP)]*
Updated May 22, 2013

STATUS: ACTIVE

PROGRAM CODES:
- 94B0 – LTAP
- 4380 – LTAP (SAFETEA-LU FY 2006 - 2009)
- 438E - LTAP (SAFETEA-LU Extension – P.L. 111-068)
- M438 - LTAP (MAP-21 - P.L. 112-141)

EXPIRED PROGRAM CODES: 9450, 9460, 94A0, 96D0, 96F0, 96M0, 96N0, 9AC0, 9AD0

FEDERAL SHARE: LTAP centers - 50 percent; Tribal Technical Assistance Program (TTAP) centers - 100 percent; 100 percent for FHWA initiated technical projects

PERIOD AVAILABLE: Until expended

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation - See comments

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 504(b); MAP-21 §§ 51001(a)(3) and 52004

CFR REFERENCE: None

ELIGIBILITY: To provide access to surface transportation technology to 1) highway and transportation agencies in urbanized and rural areas; 2) contractors that perform work for the agencies; and 3) infrastructure security staff.

To provide education and training, technical assistance, and related support services to -
- assist rural, local transportation agencies and tribal governments, and the consultants and construction personnel working for the agencies and governments, to—
  - develop and expand expertise in road and transportation areas (including pavement, bridge, concrete structures, intermodal connections, safety management systems, intelligent transportation systems, incident response, operations, and traffic safety countermeasures);
  - improve roads and bridges;
  - enhance—
    - programs for the movement of passengers and freight; and
    - intergovernmental transportation planning and project selection; and
  - deal effectively with special transportation-related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;
- develop technical assistance for tourism and recreational travel;
- identify, package, and deliver transportation technology and traffic safety information to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with transportation-related problems (particularly the promotion of regional cooperation);
- operate, in cooperation with State transportation departments and universities—
  - local technical assistance program centers designated to provide transportation technology transfer services to rural areas and to urbanized areas; and
  - local technical assistance program centers designated to provide transportation technical assistance to tribal governments; and

- allow local transportation agencies and tribal governments, in cooperation with the private sector, to enhance new technology implementation.

BACKGROUND: The FY 1982 Department of Transportation and Related Agencies Appropriation Act (Public Law 97-102) made $5 million available for rural technical assistance. Congress directed that the funding be used for technical assistance to meet the growing demands placed on rural roads from increased urban sprawl and the increased size and weight of trucks carrying goods from farm to market.

To further develop the rural technical assistance concept, Congress, in FY 1983, directed that the funding be used to develop a RTAP program and implementation schedule setting forth the special needs of rural transportation and to identify how the RTAP program could help meet these needs.

FHWA was designated the lead agency for the program because of its experience with rural roads and its network of division offices working directly with the States.

To accomplish these goals, the FHWA, in cooperation with State highway agencies (SHA's) and universities, established a nationwide system of technology transfer (T^2) centers in the 50 States and Puerto Rico. These T^2 centers provide essential training to counties, small cities, and towns, and distribute a wide range of new technology to local agencies.

The centers operate under agreements with their respective SHAs which, in turn, have Federal-aid agreements with the FHWA. In most cases the centers receive assistance from SHAs and the FHWA field offices in the form of course instructors, technical advice, and technical materials. The program is operated principally through universities continuing education offices or special units designed to provide technical assistance to local officials, with some centers part of the SHA operation.

Section 6004 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued and expanded the RTAP under 23 U.S.C. 326 in the following manner:

- Technology transfer and technology assistance may be provided to urban local governments with populations between 50,000 and 1,000,000 in those States with two or more urbanized areas. This prompted a name change for the program to Local Technical Assistance Program (LTAP).
- Technical assistance packages are to be prepared and provided for pavement management systems, bridge management systems, safety management systems, use of travel and tourism for economic development, and intergovernmental transportation planning and project selection.
- At least two T^2 centers were to be established to serve the needs of the American Indian tribal governments and provide training on intergovernmental transportation planning and project selection and the use of tourism and recreation travel for economic development purposes.
- Section 5104 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) as amended by Title IX of Public Law 105-206 continued and expanded the LTAP under Title 23 United States Code, including an additional 5 TTAP Centers, and added the requirement to provide access to surface transportation technology to contractors that do work for local agencies served by LTAP.

The LTAP/TTAP goals are to:

- Provide local transportation agencies and American Indian tribal governments access to modern highway technology.
- Assist rural local transportation agencies and American Indian tribal governments to develop and expand their expertise in roads and transportation areas.
- Assist rural local transportation agencies and American Indian tribal governments to improve roads and bridges, and to enhance programs for the movement of passengers and freight.
- Promote effective networking and cooperation among Federal, State, local, tribal, and T^2 centers.

Annual funding for T^2 centers is 50 percent Federal LTAP funds of $150,000 and 50 percent or more matching funds obtained from (a) State, university, and local funds, (b) contributed resources and

services, (c) training funds, (d) SPR (formerly HPR) funds, and (e) safety funds. The TTAP centers are 100 percent Federally funded (50 percent FHWA, 50 percent BIA through the Federal Lands Highway Office).

The initial funds for FY 1982 were to remain available until expended. From FY 1982 through FY 1996, the FHWA has continued to include funding for LTAP, about $4 million per year, in its annual General Operating Expenses (GOE) budget. The 1991 ISTEA provided contract authority for LTAP of $6 million per year. These funds added to the annual GOE provided for an approximately $10 million per year for the program.

Under TEA-21, LTAP received $7 million contract authority for FYs 1998-1999, $8 million for FY 2000, $9 million for FY 2001 and $10 million for FYs 2002-2003. These amounts are subject to the obligation limitation. For FYs 1998-1999 the obligation limitation reduced the available funds for LTAP from the contract authority amount of $7 million to approximately $6.2 million per year. No GOE funds are available to supplement the program.

Under SAFETEA-LU, LTAP/TTAP received $11.1 million contract authority for FYs 2005-2009. These amounts are subject to the obligation limitation. No GOE funds are available to supplement the program. The program continued under SAFETEA-LU extensions.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) §§51001(a)(3) and 52004, continued the program with few changes. The Federal share for the Local Technical Assistance Program (LTAP) centers is 50% (§§ 52004(2); 23 USC 504 (b)(3)(A)), and the Tribal Technical Assistance Program centers have a 100% Federal share (§§52004(2); 23 USC 504(b)(3)(B)) of MAP-21; 23 U.S.C. 504). Amounts provided for Surface Transportation Workforce Development, Training, and Education or for State Planning and Research (SP&R) may be applied toward the non-Federal share for LTAP centers, up to 100%. (§§ 52004(4); 23 USC 504(e)(1)(G)). Carryover funds follow the post MAP-21 requirements.

ADDITIONAL INFORMATION: Contact the Director of Technical Services, Office of Technology Partnership Programs Team (DTS-TP-10).

Metropolitan Planning Funds
Updated July 23, 2013

STATUS: ACTIVE

PROGRAM CODES:
- 0850 -- PL-FYs 1992 – 1997
- 3BM0 -- PL flexed to FTA for consolidated planning grant - 1992 - 1997
- Q450 -- PL-FYs 1998 – 2005
- QA10 -- PL transferred to FTA for consolidated planning grant - 1998 – 2003
- H450 – PL (STEA03)
- L450 – PL (SAFETEA-LU FYs 2006 – 2009)
- L45E – PL (SAFETEA-LU Extension – P.L. 111-068)
- L45R – PL (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)

FEDERAL SHARE: 80 percent, subject to sliding scale, unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: MAP-21 has a new approach to formula program funding, authorizing a lump sum total instead of individual authorizations for each program. Once each State's combined total apportionment is calculated, an amount is set aside for the State's Metropolitan Planning program via a calculation based on the relative size of the State's FY 2009 Metropolitan Planning apportionment.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 104 and 134 (as amended by MAP-21)

CFR REFERENCE: 23 CFR 420 and 450

ELIGIBILITY: PL funds are available for MPOs to carry out the metropolitan transportation planning process required by 23 U.S.C. 134, including development of metropolitan area transportation plans and transportation improvement programs. Eligible activities include conducting inventories of existing routes to determine their physical condition and capacity, determining the types and volumes of vehicles using these routes, predicting the level and location of future population, employment, and economic growth, and using such information to determine current and future transportation needs. Under 23 U.S.C. 134, MPOs are responsible for developing, in cooperation with the State and affected transit operators, a long-range transportation plan and a transportation improvement program (TIP) for the area. Both the plan and the TIP must be fiscally constrained. The TIP also must be prioritized, and consistent with the transportation plan, and must include all projects in the metropolitan area that are proposed for funding with either Title 23 or Federal Transit Act (Title 49, U.S.C., Chapter 53) money.

BACKGROUND: Section 9 of the Federal-aid Highway Act of 1962 (Public Law 87-866) added Section 134 to Title 23, U.S.C., which required a continuing, comprehensive, and cooperative planning process in urban areas of 50,000 or more population. Prior to 1973, funding for this planning process was provided from existing programs. Section 112 of the Federal-aid Highway Act of 1973 (Public Law 93-87) added Section 104(f) to Title 23, to provide PL funds for MPOs to carry out the Section 134 process. One-half percent of certain categories of funds authorized under 23 U.S.C. 104 were deducted before apportionment and apportioned to the States for metropolitan planning based on each States share of population in urbanized areas. The optional use of 1/2 percent of minimum allocation funds for PL was added by Section 124 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17). The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) increased the deduction for PL funds to 1 percent. The Safe Accountable, Flexible, Efficient Transportation Equity Act: A legacy for Users (SAFETEA-LU, Public Law 109-59) increased the deduction for PL funds to 1.25 percent and specified the programs (IM, NHS, STP, CMAQ, and Bridge) that PL funds would be taken down from.

The Federal-aid Highway Act of 1976 (Public Law 94-280) amended 23 U.S.C. 104(f) to allow States receiving the minimum apportionment of PL funds to use these funds to finance transportation planning activities outside the urbanized areas, subject to approval of the Secretary, if the funds were in excess of that needed for urbanized area planning. In accordance with 23 U.S.C. 134(n), which was added by the 1991 ISTEA, any PL funds in any State that are not used for metropolitan planning under Section 134, may be made available by the MPO(s) to the State for statewide transportation planning under 23 U.S.C. 135. SAFETEA-LU moved this provision form section 134(n) to 23 USC 104(f)(3)(B).

The Federal share for the PL funds was initially administratively linked to the ratio for Highway Planning and Research (HPR) funds (now State Planning and Research funds). When the HPR Federal share was increased to 85 percent beginning in FY 1983, per Section 156 of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424), the PL ratio was also increased to 85 percent. Prior to FY 1983, the PL ratio was generally 80 percent. The 1982 STAA also provided (codified as 23 U.S.C. 120(j)) that the sliding scale rates were applicable to HPR; therefore, it was administratively determined that the sliding scale rates also applied to PL funds. Section 6001 of the 1991 ISTEA changed the name of HPR funds to State Planning and Research (SPR) funds and set the SPR matching ratio at 80 percent without sliding scale. At the same time, Section 120(j) was removed from 23 U.S.C.; thus the matching ratio for PL funds is now 80 percent with sliding scale in accordance with the general matching provisions of 23 U.S.C. 120.

The Transportation Equity Act for the 21st Century (TEA-21) did not alter the basic provisions for PL funds. However, with the restructuring of the Federal-aid highway program under the TEA-21, the categories of funds that PL funds are derived from has changed. In addition to increasing the PL takedown to 1.25 percent, SAFETEA-LU added a new provision [23 USC 104(4)(B)] that requires States to reimburse an MPO for PL funds expended within 30 days of receipt of a request for reimbursement form the MPO. The program was continued through the SAFETEA-LU Extensions.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) sec 1105 amended 23 U.S.C. 104 and Section 1201 amended 23 U.S.C. 134.
Modifications to the metropolitan planning process include the following:
Performance-based planning

- Metropolitan planning organizations (MPOs) will be required to establish and use a performance-based approach to transportation decision making and development of transportation plans.
- Each MPO will establish performance targets that address the MAP-21 surface transportation performance measures (see: National Goals and Performance Management Measures fact sheet).
- The performance targets selected by an MPO will be coordinated with the relevant State to ensure consistency to the maximum extent practicable.
- Performance targets selected by an MPO will be coordinated with public transportation providers, to the maximum extent practicable, to ensure consistency with sections 5326(c) and 5329(d) of title 49.
- MPOs are required to integrate into the metropolitan transportation planning process other performance-based transportation plans or processes.
- The MPOs will establish performance targets not later than 180 days after the date that the relevant State or public transportation provider establishes performance targets.
- Within 2 years of enactment of MAP-21, the structure of all MPOs will be required to include officials of public agencies that administer or operate public transportation systems.

Long Range Transportation Plan (Plan)

- The Plan will include a description of the performance measures and performance targets used in assessing the performance of the transportation system.
- The Plan will also include a system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the established performance targets.
- MPOs have the option of developing multiple scenarios for consideration during the development of the Plan.

Transportation Improvement Program (TIP)

- The TIP will include, to the maximum extent practicable, a description of the anticipated effect of the TIP toward achieving the performance targets established in the Plan, linking investment priorities to those performance targets.

Significant continuing provisions include:

- The minimum population required for an MPO remains at more than 50,000; Transportation Management Areas (TMAs) are those areas with a population greater than 200,000.
- The Plan must be prepared and updated every 4 years (or more frequently if the MPO elects to do so) in nonattainment areas and areas that were nonattainment and are now under a maintenance

plan. In other areas, the Plan will be prepared and updated on a 5 year cycle (or more frequently if the MPO elects to do so).

- The Plan covers a minimum 20-year planning horizon with air quality conformity and fiscal constraint.
- Public involvement remains a hallmark of the metropolitan planning process.
- The TIP is to be updated at least once every 4 years and approved by the MPO and Governor.
- A congestion management system is required in TMAs and the planning process in TMAs must be certified by the Secretary.

The Secretary is required to submit a report to Congress not later than 5 years after the date of enactment of MAP-21. The report is to evaluate:

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

ADDITIONAL INFORMATION: Contact the Office of Planning (HEPP).

National Corridor Infrastructure Improvement Program (NCIIP)
Updated January 25, 2017

PROGRAM STATUS: ACTIVE until remaining funds are rescinded or expended

PROGRAM CODE: LY50

FEDERAL SHARE: The Federal share is generally 80 percent, subject to the sliding scale adjustment. When the funds are used for Interstate the Federal share may be 90 percent (including projects to add high occupancy vehicle or auxiliary lanes, but not any other lanes), also subject to the sliding scale adjustment. Certain safety improvements listed in 23 USC 120(c) have a Federal share of 100 percent.

PERIOD AVAILABLE: Until expended and not transferable

FUND: Highway Account of the Trust Fund

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract, to remain available until expended

SUBJECT TO OBLIGATION LIMITATION: The NCIIP program is subject to obligation limitation that is set aside specifically for this program. The limitation is special no year limitation that remains available until used. [SAFETEA-LU Sections 1102(c)(4) & (g)]

For FY 2005 only, the obligation limitation set aside for the NCIIP projects program may be used as formula limitation. Any limitation used in this manner must be restored when the FY 2006 obligation limit is distributed. [SAFETEA-LU Section 1102(i)]

STATUTORY REFERENCE: MAP-21 §1519; SAFETEA-LU Section(s): 1101(a)(10), 1102, 1302, 1935, 1936, 1953;

CFR REFERENCE: None

ELIGIBILITY: Highway construction projects in corridors of national significance

BACKGROUND: SAFETEA-LU authorized the following funding amounts for this program:

Year	2005	2006	2007	2008	2009
Authorization	$195 M	$390 M	$487M	$487M	$390 M

Funds are subject to the overall Federal-aid obligation limitation. In addition, an unspecified amount of funding is authorized from the General Fund, which would require appropriation action to become available [SAFETEA-LU Section(s): 1102, 1953]

For each project designated in section 1302, the Secretary shall allocate a portion of the amount designated for that project: 10% in 2005, 20% for 2006, 25% for 2007, 25% for 2008 and 20% for 2009

The funds designated for a project in section 1302 are available only for that project with the following exception: Funds allocated for a project specified below may be obligated for any other of these projects in the same State:

- High Priority Projects listed in section 1702 and numbered 3677 or higher;
- Projects of National and Regional Significance listed in section 1301 and numbered 19 or higher;

- National Corridor Infrastructure Improvement Program projects listed in section 1302 and numbered 28 or higher; or
- Any Transportation Improvements project listed in section 1934

Except that the authorization for a project from the category list may not be reduced. [SAFETEA-LU Section 1935]

Corridor projects also may be advanced with funds apportioned under 23 U.S.C. 104(b) from a program under which the project would be eligible, and the funds are to be restored to that program from future allocations for the project. [SAFETEA-LU Section 1936]

In addition to the funding shown above for FY 2005, $140 M is provided for the National Corridor Planning and Development and Coordinated Border Infrastructure programs combined under sections 1118 and 1119 of TEA-21 to be administered under the terms of those sections. [SAFETEA-LU Section 1101(a)(19)]

When discretionary funding is available, funding for projects will be awarded through a selection process conducted by the Secretary that:

- requires States to submit an application
- gives priority to projects in corridors that are part of, or will be part of, the Dwight D. Eisenhower National System of Interstate and Defense Highways after completion, and to projects that will be completed within 5 years of allocation of funds for the project

  Projects will be selected with consideration of the extent to which:

- the corridor links two existing segments of the Interstate System
- the project facilitates major multi-state or regional mobility, economic growth, and development in areas underserved by highway infrastructure
- commercial traffic in corridor has increased since enactment of NAFTA and where traffic is projected to increase in the future
- international truck-borne commodities movement through the corridor
- the project will reduce congestion on an existing segment of the Interstate
- the project will reduce commercial and other travel time through a major freight corridor
- Federal funds will be leveraged - including use of innovative funding, other SAFETEA-LU or Title 23 funding, and other sources of Federal, State, local or private funding
- and the value of the cargo carried by commercial vehicle traffic in the corridor and the economic costs arising from congestion in the corridor

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) sec 1519(b)(2) repealed the NCIIP. Carryover NCIIP funding continues to be available for the original purpose, under the rules that applied under the pre-MAP-21 National Corridor Infrastructure Improvement Program.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program which was repealed by MAP-21.

ADDITIONAL INFORMATION: Contact the Office of Freight Management and Operations (HOFM)

National Highway Institute
Updated May 22, 2013

STATUS: ACTIVE

PROGRAM CODES:

- NHPP, STP, HSIP, and CMAQ may be used, at the discretion of the states, for workforce development, training and education purposes.

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: Same as source funds

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. §504 as amended by MAP-21 §52004

CFR REFERENCE: 23 CFR 260D

ELIGIBILITY: See Below

BACKGROUND: The National Highway Institute (NHI), a staff office in FHWA Headquarters, is responsible for identifying current and future technical training needs and for developing training to satisfy the identified needs in cooperation with FHWA program and field offices and State highway agencies (SHA). The NHI primary mission is to provide education and training to Federal, State, and local employees associated with Federal-aid highway work. The NHI provides this training and education primarily through a program of short courses aimed at States and the Local Transportation Assistance Program (LTAP) which is geared to serve local agencies.

The NHI focus is on training courses that are not readily available from consulting firms or educational institutions and which SHAs would not ordinarily develop for themselves. The training course offerings are geared toward topics involving new and rapidly changing technology and are frequently an integral part of the FHWA's overall technology transfer effort to communicate the results of recent research and new technology.

The NHI was established by Section 115 of the Federal-aid Highway Act of 1970 (Public Law 91-605) to provide funding for the education and training of State and local highway agency employees. It was codified as 23 U.S.C. 321.

Section 131 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17), modified 23 U.S.C. 321 and provided that a State could use up to 1/4 percent of its apportioned Interstate Construction, Interstate 4R, and Primary funds [previously a State could use up to 1/2 percent of Primary, Secondary, and Urban funds] for payment of up to 75 percent of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) for the education and training of State and local highway agency employees. The period available and lapse prevention were to be controlled by the system funds being utilized.

Section 6002 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amended 23 U.S.C. 321 and provided that a State could use up to 1/16 percent of all funds apportioned to a State for the Surface Transportation Program (STP) for payment of up to 80 percent of

the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) for the education and training of State and local highway agency employees.

Section 5104 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) changed 23 U.S.C. 321 to 23 U.S.C. 504, and provided that a State could use up to 1/2 percent of all funds apportioned to a State for the STP for payment of up to 80 percent of the cost of tuition and direct educational expenses (excluding salaries) for the education and training of State and local highway agency employees.

Section 5204(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) provides that funds from the Surface Transportation Program (STP), National Highway System (NHS), Bridge Program, Interstate Maintenance, and Congestion Mitigation and Air Quality (CMAQ) may be used, at the discretion of the states, for workforce development, training and education purposes. Funds may be used for training and education for in-service workers, and for transportation career "pipeline" activities including surface transportation career awareness, student internships and university or community college support. Funds used for workforce development, training and education purposes are available at 100% federal funding. A SHA match for funding is not required.

SAFETEA-LU did not explicitly replace the TEA-21 ½ percent of STP funds provision, and both the TEA-21 ½ percent provision and SAFETEA-LU 5204(e) are codified in 23 U.S.C. 504. While both provisions have been codified, the scope of SAFETEA-LU 5204(e) is much broader than the ½ percent STP provision in TEA-21, and will for practical application purposes supersede the TEA-21 ½ percent provision.

Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) continues the NHI provisions with a few changes, it also codified the SAFETEA-LU 5204(e) provision for the use of National Highway Performance Program, Surface Transportation Program, Highway Safety Improvement Program, and Congestion Mitigation and Air Quality Improvement Program funds for workforce development, training and education purposes.

ADDITIONAL INFORMATION: Contact the Office of Professional and Corporate Development (HPC).

National Highway Performance Program (NHPP)
Updated March 9, 2016

STATUS: ACTIVE

PROGRAM CODES:

- Z001 – NHPP (FAST Act)
- Z002 – NHPP Exempt (FAST Act)
- M0E1 – NHPP (MAP-21 Extension)
- M0E2 – NHPP Exempt (MAP-21 Extension)
- M001 – NHPP (MAP-21)
- M002 – NHPP Exempt (MAP-21)

FEDERAL SHARE: The Federal share is governed by 23 U.S.C. 120, except as provided in 23 U.S.C. 119(e)(5). It is generally 80 percent. The Federal share for projects on the Interstate System is 90 percent unless the project adds lanes that are not high-occupancy-vehicle or auxiliary lanes. For projects that add single occupancy vehicle capacity, that portion of the project will revert to the 80 percent level. An upward sliding scale adjustment is available to States having public lands. (See (http://www.fhwa.dot.gov/legsregs/directives/notices/n4540-12.cfm). States may choose a lower Federal share on Federal-aid projects as provided in 23 U.S.C. 120.

Certain types of improvements, predominantly safety improvements, listed in 23 U.S.C. 120(c)(1), may have a Federal share of 100 percent. This provision is limited to 10 percent of the total funds apportioned to a State under 23 U.S.C. 104. For more information, see the November 25, 2014 FHWA memorandum, "Increased Federal Share under 23 U.S.C. 120(c)(1)." (http://www.fhwa.dot.gov/federalaid/141125.cfm)

The Federal share for workforce development, training, and education activities carried out with NHPP funds under 23 U.S.C. 504(e)(1)(A)-(F), is 100 percent. Under 23 U.S.C. 504(b)(3)(A)(ii), NHPP funds can be used as the non-Federal share to match the 50 percent Federal share for projects funded by the Local Technical Assistance Program.

Section 1435 of the FAST Act amended section 1528 of MAP-21 concerning the Federal share for Appalachian Development Highway System (ADHS) projects as provided in 40 U.S.C. 14501. For FYs 2012 through 2050, the Federal share for local access roads and ADHS projects that contribute to the completion of the ADHS and are included in the latest approved Cost to Complete Estimate, may be up to 100 percent, as determined by the State. Work on completed segments of the ADHS or a section that was listed as ineligible in the latest approved Cost to Complete Estimate, could be eligible for NHPP or Surface Transportation Block Grant (STBG) funds, but only at a Federal share specified in 23 U.S.C. 120.

Projects incorporating Innovative Project Delivery as described in 23 U.S.C. 120(c)(3) may be increased by up to 5 percent of the total project cost not to exceed a 100 percent Federal share, subject to limitations in 23 U.S.C. 120(c)(3). (FAST Act §1408(a)) The Federal share for projects that are located on toll roads and subject to the provisions of 23 U.S.C. 129 is limited to 80 percent.

The Federal share for NHPP projects and activities is reduced to 65 percent for States that have not developed and implemented an asset management plan in the required time periods as provided in section 119(e)(5).

PERIOD AVAILABLE: NHPP funds are available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Thus funds are available for obligation for up to 4 years.

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes (M001, M0E1, Z001 funds), No (M002, M0E2, Z002 funds)

STATUTORY REFERENCE: 23 U.S.C. 119 (as amended by the FAST Act Section 1106, 1406, 1407, 1446), 23 U.S.C. 104(b)(1) (as amended by the FAST Act Section 1104), and 23 U.S.C. 144 (as amended by the FAST Act Section 1111)

CFR REFERENCE: None

ELIGIBILITY:

General Eligibility Requirements: NHPP funds may be obligated only for a project on an "eligible facility" that is a project, part of a program of projects, or an eligible activity supporting progress toward the achievement of national performance goals for improving infrastructure condition, safety, congestion reduction, system reliability, or freight movement on the NHS. Projects must be identified in the Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP) and be consistent with the Long-Range Statewide Transportation Plan and the Metropolitan Transportation Plan(s).

Under the NHPP, an "eligible facility" includes only those facilities located on the NHS, as defined in 23 U.S.C. 103, except as specified in the statute.

Eligible Activities: Subject to the general eligibility requirements shown above, the following activities are listed as eligible in 23 U.S.C. 119(d):

a. Construction, reconstruction, resurfacing, restoration, rehabilitation, preservation, or operational improvement of segments of the NHS. The terms "Construction" and "Operational improvement" are defined in 23 U.S.C. 101(a).
b. Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) of bridges on the NHS.
c. Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including impact protection measures, security countermeasures, and protection against extreme events) of tunnels on the NHS.
d. Inspection and evaluation, as described in 23 U.S.C. 144, of bridges and tunnels on the NHS, and inspection and evaluation of other highway infrastructure assets on the NHS. This includes, but is not limited to, signs, retaining walls, and drainage structures.
e. Training of bridge and tunnel inspectors, as described in 23 U.S.C. 144.
f. Construction, rehabilitation, or replacement of existing ferry boats and ferry boat facilities, including approaches that connect road segments of the NHS. Eligible ferry approaches are described in 23 U.S.C. 129(b). Eligible ferry boats and facilities are described in 23 U.S.C. 129(c).
g. Construction, reconstruction, resurfacing, restoration, rehabilitation, and preservation of, and operational improvements for, a Federal-aid highway not on the NHS, and construction of a transit project eligible for assistance under chapter 53 of title 49, U.S.C., if-
    (i) the highway project or transit project is in the same corridor as, and in proximity to, a fully access-controlled highway on the NHS;

(ii) the construction or improvements will reduce delays or produce travel time savings on the fully access-controlled highway described in clause (i) and improve regional traffic flow; and

(iii) the construction or improvements are more cost-effective, as determined by benefit-cost analysis, than an improvement to the fully access-controlled highway on the NHS.

h. Bicycle transportation and pedestrian walkways in accordance with 23 U.S.C. 217. The project or activity must be associated with an NHS facility.
i. Highway safety improvements on the NHS. The term "Safety improvement project" is defined in 23 U.S.C. 101(a).
j. Capital and operating costs for traffic and traveler information monitoring, management, and control facilities and programs. The project or activity must be associated with an NHS facility.
k. Development and implementation of a State asset management plan for the NHS, including data collection, maintenance, and integration and the cost associated with obtaining, updating, and licensing software and equipment required for risk-based asset management and performance-based management.
l. Infrastructure-based intelligent transportation systems capital improvements, including the installation of vehicle-to-infrastructure communication equipment. The project or activity must be associated with an NHS facility.
m. Environmental restoration and pollution abatement in accordance with 23 U.S.C. 328. The project must be associated with an NHS facility.
n. Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with 23 U.S.C. 329. The project or activity must be associated with an NHS facility.
o. Environmental mitigation efforts related to projects funded under this section, as described in 23 U.S.C. 119(g). The project or activity must be associated with an NHS facility.
p. Construction of publicly owned intracity or intercity bus terminals servicing the NHS.

The following activities are made eligible by other subsections of 23 U.S.C. 119, as amended by section 1106 of the FAST Act:

q. Upon request of a State and subject to the approval of the Secretary, if Transportation Infrastructure Finance and Innovation Act (TIFIA) credit assistance is approved for an NHPP-eligible project, then the State may use NHPP funds to pay the subsidy and administrative costs associated with providing Federal credit assistance for the project. (23 U.S.C. 119(h)).
r. Reconstruction, resurfacing, restoration, rehabilitation, or preservation of a bridge on a Federal-aid highway that is not on the NHS. To use this provision, States must ensure any obligations required under 119(f), NHS Bridge Condition requirements, are satisfied. The obligation requirements are discussed in Section F of this memorandum. (23 U.S.C. 119(i))
s. A State may use funds apportioned under this section for projects intended to reduce the risk of failure of critical infrastructure in the State. In this subsection, the term “critical infrastructure” means, those facilities the incapacity or failure of which would have a debilitating impact on national or regional economic security, national or regional energy security, national or regional public health or safety, or any combination of those matters. This eligibility is limited to facilities that are eligible under 23 U.S.C. 119(j).

The following activities were made eligible by other sections of title 23, U.S.C.:

t. Workforce development, training, and education activities under 23 U.S.C. 504(e).
u. Preferential parking for carpools associated with an NHS facility, including the addition of electric vehicle charging stations or natural gas vehicle refueling stations, as provided for in 23 U.S.C. 137(f).

BACKGROUND: The NHPP was authorized by the Moving Ahead for Progress in the 21st Century Act (MAP-21), on July 6, 2012 (Public Law 112-141). Section 1106 of MAP-21 amended 23 U.S.C. 119 and

Section 1101 authorizes funds for the NHPP. Section 1105 of MAP-21 amended 23 U.S.C. 104(b)(1) and provided for the apportionment of funds.

The NHPP shares some similarities with the previous National Highway System (NHS) program (See National Highway System).

The purposes of the National Highway Performance Program (NHPP) are (1) to provide support for the condition and performance of the National Highway System; (2) to provide support for the construction of new facilities on the National Highway System; and (3) to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in an asset management plan of a State for the National Highway System.

Under MAP-21, the National Highway System (NHS) is composed of approximately 220,000 miles of rural and urban roads serving major population centers, international border crossings, intermodal transportation facilities, and major travel destinations. See National Highway System for background on the pre-MAP-21 NHS. The NHS includes:

- The Interstate System.
- All principal arterials (including those not previously designated as part of the NHS) and border crossings on those routes.
- Intermodal connectors -- highways that provide motor vehicle access between the NHS and major intermodal transportation facilities.
- STRAHNET -- the network of highways important to U.S. strategic defense.
- STRAHNET connectors to major military installations.

NHPP requires State Performance Management consisting of a Performance Management component and an Asset Management component.

The NHPP was continued under MAP-21 extension legislation.

On December 4, 2015, the President signed the Fixing America's Surface Transportation Act (FAST Act) into law (P.L. 114-94). The FAST Act made minor amendments to the National Highway Performance Program (NHPP) contained in 23 U.S.C. 119. The general eligibility requirements were amended to delete the term "mobility" and add "congestion reduction" and "system reliability." Eligibility "l" for "Infrastructure-based intelligent transportation systems capital improvements" was amended to add the phrase "including the installation of vehicle-to-infrastructure communication equipment". Eligibilities "q", "r", and "s" were also added:

q. Upon request of a State and subject to the approval of the Secretary, if Transportation Infrastructure Finance and Innovation Act (TIFIA) credit assistance is approved for an NHPP-eligible project, then the State may use NHPP funds to pay the subsidy and administrative costs associated with providing Federal credit assistance for the project. (23 U.S.C. 119(h)).
r. Reconstruction, resurfacing, restoration, rehabilitation, or preservation of a bridge on a Federal-aid highway that is not on the NHS. To use this provision, States must ensure any obligations required under 119(f), NHS Bridge Condition requirements, are satisfied. The obligation requirements are discussed in Section F of this memorandum. (23 U.S.C. 119(i))
s. A State may use funds apportioned under this section for projects intended to reduce the risk of failure of critical infrastructure in the State. In this subsection, the term "critical infrastructure" means, those facilities the incapacity or failure of which would have a debilitating impact on national or regional economic security, national or regional energy security, national or regional public health or safety, or any combination of those matters. This eligibility is limited to facilities that are eligible under 23 U.S.C. 119(j).

Additionally, the FAST Act modified prior "2 consecutive reports" language in 23 U.S.C. 119 (e)(7) and 23 U.S.C. 119(f). The Fast Act also added a Bundling of Bridge Projects provision as 23 U.S.C. 144(j).

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

National Highway System (NHS)
Updated November 1, 2012

STATUS: ACTIVE until funds are obligated and expended, rescinded, transferred, or until the funds lapse

PROGRAM CODES:
- 3150 -- NHS-National Highway System (ISTEA)
- 31A0 -- NHS-100 percent Federal Participation for Safety Improvements (ISTEA)
- 0AC0 -- NHS-Advance Construction
- Q050 - NHS (TEA-21)
- Q410 - NHS (TEA-21 100% for Safety Improvements)
- H050 - NHS (TEA-21 Extensions for FY2004 & FY2005)
- L050 - NHS (SAFETEA-LU FYs 2006 thru 2009)
- L05E – NHS (SAFETEA-LU Extension – P.L. 111-068)
- L05R – NHS (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)

FEDERAL SHARE: 80 percent, including sliding scale, under the provisions of 23 U.S.C. 120. When NHS funds are used for Interstate projects (including projects to add high occupancy vehicle or auxiliary lanes, but not any other lanes), the Federal share may be 90 percent, including sliding scale.

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Pre-MAP-21 23 U.S.C. 103 and pre-MAP-21 23 U.S.C. 104(b)(1) **CFR REFERENCE:** None

ELIGIBILITY: Funds apportioned to a State for the NHS may be obligated for:
- Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of the NHS;
- Operational improvements for segments of the NHS;
- Construction of, and operational improvements for, a Federal-aid highway not on the NHS, and construction of a transit project eligible for assistance under chapter 53 of title 49 if (a) such highway or transit project is in the same corridor as, and in proximity to, a fully access-controlled NHS highway, (b) the construction or improvements will improve the level of service on the fully access-controlled NHS highway and improve regional travel, and (c) the construction or improvements are more cost-effective than improvements on the fully access controlled NHS highway would be to provide the same benefits;
- Highway safety improvements for segments of the NHS;
- Transportation planning in accordance with 23 U.S.C. 134 and 135;
- Highway research and planning in accordance with chapter 5 of title 23;
- Highway-related technology transfer activities;
- Capital and operating costs for traffic monitoring, management, and control facilities and programs;
- Fringe and corridor parking facilities;
- Carpool and vanpool projects;
- Bicycle transportation and pedestrian walkways in accordance with 23 U.S.C. 217;
- Development, establishment, and implementation of management systems under 23 U.S.C. 303;
- In accordance with all applicable Federal law (including regulations), participation in natural habitat and wetland mitigation efforts related to projects funded under this title, which may include participation in natural habitat and wetland mitigation banks, contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetland, and development of

statewide and regional natural habitat and wetland conservation and mitigation plans, including any such banks, efforts, and plans authorized under the Water Resources Development Act of 1990 (Public Law 101-640) (including crediting provisions). Contributions to the mitigation efforts described in the preceding sentence may take place concurrent with or in advance of project construction; except that contributions in advance of project construction may occur only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations);

- Publicly-owned intracity or intercity bus terminals;
- Infrastructure-based intelligent transportation systems capital improvements;
- Environmental restoration and pollution abatement in accordance with 23 U.S.C. 328; and
- Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with 23 U.S.C. 329.

BACKGROUND: The NHS, as authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), was designated by law in section 101(a) of the National Highway System Designation Act of 1995 (1995 NHSDA, Public Law 104-59).

The purpose of the NHS is to provide an interconnected system of principal arterial routes which serve major population centers, international border crossings, ports, airports, public transportation facilities, other intermodal transportation facilities, and other major travel destinations; meet national defense requirements; and serve interstate and interregional travel. As of January 2005, the NHS contained 164,923 miles of highways, including all Interstate routes, a large percentage of urban and rural principal arterials, connectors to major intermodal terminals, the defense strategic highway network, and major strategic highway connectors. About 2700 NHS miles are not yet open to traffic.

The 1991 ISTEA authorized $21.0 billion to be appropriated out of the Highway Trust Fund for FYs 1992-1997. These funds were apportioned to the States based on a State's percentage share of apportionments for FYs 1987-1991.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) authorized $28.5 billion for FYs 1998-2003 for this program. After deducting $36.4 million per fiscal year for the Territories and $18.8 million per fiscal year for the Alaska Highway, the remainder was apportioned to the States under the following formula:

- 25 percent in the ratio of mileage of principal arterials (excluding Interstate) in each State bears to total mileage of principal arterials (excluding Interstate) in all States.
- 35 percent in the ratio that total vehicle miles of travel on principal arterials (excluding Interstate) in each State bears to total vehicle miles of travel on principal arterials (excluding Interstate) in all States.
- 30 percent in the ratio that the total diesel fuel used on highways in each State bears to the total diesel fuel used on highways in all States.
- 10 percent in the ratio that the quotient from dividing total mileage of principal arterials in a State by the total population in a State bears to the quotient from dividing total mileage of principal arterials in all States by total population in all States.
- Each State is to receive a minimum of 1/2 percent of the total combined NHS and Interstate Maintenance (IM) apportionments.

The TEA-21 added designated connectors to major intermodal terminals to the initial NHS designated system and provided that the authorized maximum mileage of the NHS is 178,250 miles. It also provided

authority for the Secretary to approve modifications to the NHS if the modification meets criteria in 23 U.S.C. and enhances the NHS.

The Surface Transportation Extension Acts of 2003, 2004 (Parts I through V), and 2005 (Parts I through VI) authorized continued funding for the NHS program at FY 2003 levels until the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) was enacted on August 10, 2005.

SAFETEA-LU authorized $30.5 billion for FYs 2005-2009 for this program. After deducting $40 million in each of FYs 2005 and 2006 and $50 million in each of FYs 2007 through 2009 for the Territories, and $30 million per fiscal year for the Alaska Highway, the remaining funds were apportioned to the States using the above formula.

Section 6006 of SAFETEA-LU expanded eligibility for NHS funds to include environmental restoration and pollution abatement, and control of noxious weeds and establishment of native species, as described under sections 328 and 329 of title 23.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) did not extend this program. Eligibilities generally exist within other MAP-21 programs, including the National Highway Performance Program (NHPP)(See NHPP in the Guide). Carryover NHS funding continues to be available for the original purpose under the rules that applied under the pre-MAP-21 National Highway System program; however, these carryover NHS funds may be expended on the MAP-21 expanded NHS.

ADDITIONAL INFORMATION: Contact the Office of Interstate and Border Planning (HEPI) and/or the Office of Program Administration (HIPA).

National Historic Covered Bridge Preservation
Updated December 3, 2012

STATUS: ACTIVE until NHCBP funds are expended, or rescinded

PROGRAM CODES:
- 9BA0 - National Historic Covered Bridge Preservation Program (FY 2000 & 2001)
- Q060 - National Historic Covered Bridge Preservation Program (FY 2002 & 2003)
- LE30 – National Historic Covered Bridge Preservation Program (FY 2006 – 2009)
- LE3E - National Historic Covered Bridge Preservation Program (FY 2010 – 2012)

FEDERAL SHARE: 80 percent (TEA-21); 80 percent, including sliding scale under 23 U.S.C. 120 (SAFETEA-LU and SAFETEA-LU Extensions).

PERIOD AVAILABLE: Until expended

FUND: General under TEA-21, Highway Trust Fund under SAFTEA-LU and SAFETEA-LU Extensions

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget under TEA-21; Contract Authority under SAFETEA-LU and SAFETEA-LU Extensions

SUBJECT TO OBLIGATION LIMITATION: No - under TEA-21; Yes - under SAFETEA-LU and SAFETEA-LU Extensions

STATUTORY REFERENCE: Section 1519 of MAP – 21 repealed the program.

CFR REFERENCE: None

ELIGIBILITY: Projects are to provide for rehabilitation or repair of a historic covered bridge (listed or eligible for listing on the National Register of Historic Places); and for preservation of an historic covered bridge by installation of a fire protection system, including a fireproofing or fire detection and sprinklers. Projects may also include installation of a system to prevent vandalism and arson, or relocation of a bridge to a preservation site.

Additionally, funds may be used to collect and disseminate information concerning historic covered bridges, to foster educational programs relating to the history and construction techniques of such structures, conduct research on their history, and conduct research and study techniques on protecting them from rot, fire, natural disaster or weight-related damage. Projects must be carried out in the most historically appropriate manner and preserve the existing structure. Projects must also provide for replacement of wooden components with wooden components unless the use of wood is impractical for safety reasons.

BACKGROUND: Section 1224 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178), as amended (including TEA-21 Restoration Act, Public Law 105-206), authorized to be appropriated $10 million for each of FYs 1999 - 2003 for a National Historic Covered Bridge Preservation Program. Funding was made available for FYs 2000 - 2003 through appropriations by Congress under the budget authority established for this program by TEA-21. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) reauthorized the program at $10 million for each of FYs 2006 - 2009. The program was extended until October 1, 2012 under the SAFETEA-LU extension acts at $10 million for each of FYs 2010 - 2012.

Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) Section 1519 repealed the program. Carryover funding continues to be available for the original purpose, under the applicable rules of the pre-MAP-21 National Historic Covered Bridge Preservation Program.

ADDITIONAL INFORMATION: Contact the Office of Bridge Technology (HIBT)

National Scenic Byways Program
Updated April 15, 2013

STATUS: ACTIVE until remaining funds are rescinded or expended

PROGRAM CODES:
- 3320 – Scenic Byways Program (ISTEA) [P.L. 102-240 Sec. 1047(a)(b)]
- 3330 – Interim Scenic Byways Program (ISTEA) [P.L. 102-240 Sec. 1047(f)]
- Q970 – National Scenic Byways Program (TEA-21) (P.L. 105-178)
- H970 – National Scenic Byways Program (STEA03) [P.L. 108-088 Sec. 5(a)(4)]
- L970 -- National Scenic Byways Program (SAFETEA-LU)
- L97E -- National Scenic Byways Program (SAFETEA-LU Extension – P.L. 111-068)

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: FY + 3 years (Program Code 3320, 3330, and Q970 – Until expended)

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 162; §1802 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU Public Law 109-059; §1219 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178); and §1047 of the 1991 ISTEA (Public Law 102-240);

CFR REFERENCE: None

ELIGIBILITY: Funds may be used to undertake eligible projects along All-American Roads, National Scenic Byways, State scenic byways and Indian tribe scenic byways and for the planning, design, and development of State scenic byways programs. Eligible projects include: making safety improvements to a highway designated as a scenic byway; construction of facilities along such a highway for use of pedestrians and bicyclists, such as rest area turnouts, overlooks, and interpretive facilities; improvements to the highway to improve access to recreational purposes; protecting historical and cultural resources along the highway; tourist information and scenic byways marketing plans and programs.

BACKGROUND: The National Scenic Byways Program was established in Section 1047 of ISTEA. TEA-21 codified the program in 23 U.S.C. 162. SAFETEA-LU continues the program.

The Secretary recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating the roads as National Scenic Byways or All-American roads. These roads are promoted collectively under the term America's Byways. To be considered for designation, a road must be nominated by a State, and Indian tribe, or a Federal land management agency and must first be designated as a byway by the State, an Indian tribe, or Federal land management agency.

Funds are available for technical assistance to the States and for the planning, design, and development of State scenic byways programs. Section 1101(a)(12) of the SAFETEA-LU made the following amounts available out of the Highway Trust Fund: $26.5 million in FY 2005, $30.0 million in FY 2006, $35.0 million in FY 2007, $40 million in FY 2008, and $43.5 million in FY 2009. Additionally, eligible scenic byways activities may be funded through the 10 percent set-aside of Surface Transportation Program funds for transportation enhancement activities. The program was extended through 2010 under the SAFETEA-LU Extension.

Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) provided no funding for the program, but 23 U.S.C. 162 remains unchanged. Remaining carryover funds continue to be available for the National Scenic Byways Program under 23 U.S.C. 162.

ADDITIONAL INFORMATION: Contact the Office of Natural and Human Environment (HEPN) and http://www.bywaysonline.org/ for program information and technical assistance. Travel and media related information is also available from HEPN or http://www.byways.org/.

On-The-Job Training
Updated May 22, 2013

STATUS: ACTIVE

PROGRAM CODES: Same as source funds

FEDERAL SHARE: Same as source funds

PERIOD AVAILABLE: Same as source funds

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 140(a)

CFR REFERENCE: 23 CFR 230.103, 105, 107, 111, 117(a), 121 and Appendices A & B

ELIGIBILITY: State highway agencies determine which Federal-aid highway contracts shall have special training provisions, identify the trades, and set the number to be trained in highway construction skilled crafts and transportation technology related careers. States are expected to require highway contractors to make every effort to enroll minority and women trainees/apprentices in those trades and careers in which they are underrepresented. Highway construction contractors utilizing registered training programs are exempt from payment of minimum wage rates to trainees enrolled in such programs.

BACKGROUND: The primary objective of the OJT Program is to train and upgrade minorities and women into higher paying skilled trades and transportation technology related careers to meet the projected labor needs. Under Section 22 of the Federal-aid Highway Act of 1968 (Public Law 90-495), State highway agencies are required to certify that there are available apprenticeship, skill improvement or other upgrading programs registered with the Department of Labor or the appropriate State agency.

To assist States in fulfilling their responsibilities under the Personal Responsibility and Work Opportunity Act of 1996, the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) permitted a State to reserve) On-the-Job Training (OJT) positions established under 23 U.S.C. 140(a) for persons who receive welfare assistance from such State. Implementation of this provision could not cause current employees to be displaced or current positions to be supplanted. Workers participating in apprenticeship or skill improvement programs registered with the Department of Labor or the appropriate State agency would not be precluded from referral to and hiring for OJT positions on projects funded by Title 23.

Under Section 5204(e), SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law (Pub.L.No.) 109-59) expanded the types of eligible OJT activities beyond training and education for employees to "pipeline" programs that will help students prepare for transportation careers. Examples of "pipeline" programs include, but are not limited to education activities, including outreach, to develop interest and promote participation in surface transportation careers.

Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) codified the SAFETEA-LU 5204(e) provision for the use of National Highway Performance Program, Surface Transportation Program, Highway Safety Improvement Program, and Congestion Mitigation and Air Quality Improvement Program funds for workforce development, training and education purposes.

ADDITIONAL INFORMATION: Contact the Office of Civil Rights (HCR).

On-The-Job Training Supportive Services
Updated March 18, 2013

STATUS: ACTIVE

- Method No. 1 - Whereas TEA-21 allowed states to draw down up to ½ of 1% of Surface Transportation programs and Highway Bridge Replacement and Rehabilitation funds for training, States can now use up to 100% of such funds for workforce development purposes to implement on-the-job training (OJT) supportive services programs authorized in 23 U.S.C. 140(b)
- Method No. 2 -- The Secretary, as (s)he deems necessary may also deduct up to $10 million per fiscal year of STP funds for On-The-Job Training Supportive Services projects authorized in 23 U.S.C. 140(b)

PROGRAM CODES:

- 12B0 - Skill training before FY 1990
- 3AD0 - Skill training after FY 1990, STP Funds
- 11J0, 11H0, 11K0 - Skill training after FY 1990, HBRRP funds
- Q490 - OJT/SS - 1998-2003
- H490 - OJT/SS 2004-2005
- L490 - OJT/SS 2007 (SAFETEA-LU)
- L49E – OJT/SS (SAFETEA-LU Extension – P.L. 111-068)
- M290 – On-the-Job Training (MAP-21 P.L. 112-141)

FEDERAL SHARE:

- Method No. 1 -- Same as source funds
- Method No. 2 -- 100 percent

PERIOD AVAILABLE: M290 – 4 years; All other program codes - until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD:

- Method No. 1 -- Appropriation
- Method No. 2 - Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. §140(b) as amended by MAP-21 §1109

CFR REFERENCE: 23 CFR 230.107(b), 113, 117(b), 119 and 121(e)

ELIGIBILITY: These funds are to be used to increase the overall effectiveness of States' OJT highway construction and transportation technology related career training programs and cannot be used to finance the training of State highway employees or to provide services in support of such training.

Under Section 5204(e)(1)(A)(B), (C), (D), (E), of SAFETEA-LU, surface transportation workforce development, training, and education includes: tuition and direct educational expenses, excluding salaries, in connection with the education and training of employees of State and local transportation agencies; employee professional development; student internships; university or community college support; and education activities, including outreach, to develop interest and promote participation in surface transportation careers. Under Section 5204(e)(3), surface transportation workforce development, training and education is defined as activities associated with surface transportation career awareness, student transportation career preparation, and training and professional development for surface transportation workers, including activities for minorities and women.

These funds are to be used to increase the overall effectiveness of States' OJT highway construction and transportation technology related career training programs and cannot be used to finance the training of State highway employees or to provide services in support of such training.

BACKGROUND: Method No. 1: Section 337 of the General Provisions in the FY 1990 DOT Appropriations Act (Public Law 101-164) provided States the option to utilize 1/4 percent of their apportionments of Interstate, Primary, Secondary, Urban, Bridge, Hazard Elimination, and Rail-Highway Crossing funds in FY 1990-1991 for the 23 U.S.C. 140(b) skills training program. Section 412 of the Department of Transportation Appropriations Act of 1993 (Public Law 102-388) continued authorization for the States' option to use available OJT/SS funds and increased the funding level to 1/2 percent of the apportionments.

Method No. 2: Funds for skill training and supportive services were first authorized under Section 110 of the Federal-aid Highway Act of 1970 (Public Law 91-605) at a funding level of $5 million. Section 120 of the Federal-Aid Highway Act of 1973 (Public Law 93-87) increased the funding not to exceed $10 million per fiscal year. The source of funding from which the Secretary may deduct these funds was changed by the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) from 104(b) to 104(b)(3).

Section 1208(b) of the TEA-21 amended 23 U.S.C. 140(b) to broaden the scope of the OJT/SS program by including transportation technology related training and funding for the Summer Transportation Institutes.

Under Section 5204(e) of SAFETEA-LU, and subject to project approval by the Secretary, a State may obligate funds apportioned to the State under sections 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4), and 144(e) for surface transportation workforce development.

Section 1109 of the Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) continues the Secretary's authority to deduct up to $10 million for the administration of DBE/SS programs but changed the funding source from 23 U.S.C. 104(b)(3) to 23 U.S.C. 104(a). Section 1109 of MAP-21 also removed the provision to obligate 23 U.S.C. 144 funds (pre-MAP-21 Bridge Program funds) for this purpose.

ADDITIONAL INFORMATION: Contact the Office of Civil Rights (HCR).

Operation Lifesaver
Updated April 15, 2013

STATUS: ACTIVE.

PROGRAM CODES:
- Q1F0 Operation Lifesaver, Sec. 1103(c), P.L. 105-178
- 13F0 Operation Lifesaver (Pub Info Prog Rail-Hwy Xing Haz) (P.L. 100-17 & 100-202; 23 USC 130)
- D460 Note this is a DAFIS Code for Operation Lifesaver and consolidated safety related activities from MAP-21 Sec 1519(a)(1))

OTHER PROGRAM CODES: 4030, H1F0, and J1F0

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: Until expended

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation to Operation Lifesaver, Inc.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: MAP-21 §1519(a)(1); pre-MAP-21 23 U.S.C. 104(d)

CFR REFERENCE: None

ELIGIBILITY: Operation Lifesaver funds may be used 1) to provide public information and education programs to help prevent and reduce motor vehicle accidents, injuries, and fatalities; and 2) to improve driver performance at railway-highway crossings.

BACKGROUND: Section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) revised 23 U.S.C. 104(d) so as to require the Secretary of Transportation to provide funds for the Operation Lifesaver Program. Section 1103(c)(1) of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) continued funding for this program. The TEA-21 authorized the deduction from STP funds for Operation Lifesaver to be $500,000 per fiscal year.

This program was continued as a part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), funding was increased to $560,000. Funds to carry out Operation Lifesaver were from Highway Trust Funds in FY05; subsequent FYs, until FY 2013 under MAP-21, funds were a Surface Transportation Program (STP) set-aside pursuant to 23 U.S.C. 104(b)(3)

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) eliminated the Surface Transportation Program set-aside provided for in 23 U.S.C. 104(d), but MAP-21 §1519(a)(1)(A) provides funding from administrative funds made available under 23 U.S.C. 104(a), to carry out safety-related activities including to carry out the operation lifesaver program 1) to provide public information and education programs to help prevent and reduce motor vehicle accidents, injuries, and fatalities; and 2) to improve driver performance at railway-highway crossings. Not less than $3,000,000 is made available for each of the fiscal years 2013 and 2014 for consolidated safety programs including Operation Lifesaver. No specific amount is made available for any one of these safety programs. Carryover funding for Operation Lifesaver from previous legislation must follow the MAP-21 program requirements and eligibilities.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Safety Design (HSA).

Park Roads and Parkways Program
Updated June 11, 2013

STATUS: ACTIVE until funds are obligated and expended, rescinded, or until the funds lapse

PROGRAM CODES:
- 4170 -- Park Roads and Parkways (TEA-21 P.L. 105-178)
- F170 -- Park Roads and Parkways (STEA-03 P.L. 111-068)
- F17E -- Park Roads and Parkways (SAFETEA-LU Extension – P.L. 111-068)

EXPIRED PROGRAM CODES: 1790, 1800

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Pre-MAP-21 23 U.S.C. 101, 201, 202, 203, and 204

CFR REFERENCE: None

ELIGIBILITY: Parkways and Park Roads funds may be used on eligible roads as defined in pre-MAP-21 23 U.S.C. 101 and discussed in pre-MAP-21 23 U.S.C. 204. No legislative formula was established for allocating PRP funds. Funds are allocated to each NPS region, based on an administrative formula.

BACKGROUND:

The Park Roads and Parkways (PRP) program provides funding for the planning, design, construction, or reconstruction of designated public roads that provide access to or within national parks, recreation areas, historic areas, and other units of the National Park Service.

The NPS and FHWA jointly administer the program, in accordance with Interagency Agreements:
- FLH undertakes a majority of the design, construction, and oversight work.
- NPS develops a priority program of projects and is responsible for planning, environment, and protection of NPS values.

The FHWA began providing technical and engineering assistance in the early 1920's to the National Park Service. The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) established a coordinated Federal Lands Highways Program (FLHP) consisting of forest highways, public lands highways, parkways and park roads, and Indian reservation roads. A formal interagency agreement was signed in 1983.

Subsequent reauthorizations of the transportation bill have provided fluctuating funding amounts of the program. Currently, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, or SAFETEA-LU (Public Law 109-59), authorizes the following dollar amounts for the program:
- FY 2004 $165,000,000
- FY 2005 $180,000,000
- FY 2006 $195,000,000
- FY 2007 $210,000,000
- FY 2008 $225,000,000
- FY 2009 $240,000,000

The program was extended through 2010 under the SAFETEA-LU Extension.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) did not extend this program. MAP-21 §1119 amended Chapter 2 of title 23 by striking and replacing §§ 201 through 204. Eligibilities exist within other MAP-21 programs, but there is no distinct program or funding for this purpose. Carryover funding continues to be available for the original purpose under the rules that applied under the pre-MAP-21 Park Roads and Parkways program.

ADDITIONAL INFORMATION: Contact the Federal Lands Highway, Office of Program Development (HFPD-1).

Projects Of National And Regional Significance (PNRS)
Updated May 1, 2013

PROGRAM STATUS: ACTIVE

PROGRAM CODE: LY40, L990

FEDERAL SHARE: 80% subject to sliding scale

PERIOD AVAILABLE: Until expended and not transferable

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: PNRS program is subject to obligation limitation that is set aside specifically for this program. The limitation is special no year limitation that remains available until used.

STATUTORY REFERENCE: MAP-21 §1120; SAFETEA-LU Sections: 1101(a)(15), 1102, 1301 (as amended by MAP-21); 1935; 1936; 1953; 1959; 1964

CFR REFERENCE: 23 CFR Part 505 (some changes will be required pursuant to MAP-21)

ELIGIBILITY: An eligible project is any surface transportation project eligible for assistance under 23 USC, including a freight railroad project eligible under that title, that has a total eligible cost greater than or equal to the lesser of (1) $500,000,000 or (2) 50 percent of the amount of Federal highway funds apportioned to the State in which the project is located for the most recently completed fiscal year.

BACKGROUND : The Projects of National and Regional Significance Program provides funding beyond the State apportionment levels for high cost transportation infrastructure facilities for critical national economic and transportation needs that are not adequately funded within existing surface transportation program categories. The program seeks to improve economic productivity, facilitate international trade, relieve congestion, and enhance movement of passengers and freight.

Applications for funding will be solicited by the Secretary of Transportation and funding for projects will be awarded competitively through an evaluation process modeled on the Transit New Starts program and based on the results of preliminary engineering. The Secretary will designate a project as of national and regional significance only if the Secretary determines, based upon information submitted by the survey responder, that the project:

- increases access to jobs, labor, and other critical economic inputs
- reduces long-term congestion, including impacts in the State, region, and the United States
- demonstrates that the proposed project cannot be readily and efficiently realized without Federal support and participation
- garners support for non-Federal financial commitments and provide evidence of stable and dependable financing sources to construct, maintain, and operate the infrastructure facility by encouraging non-Federal contributions to the project, including contributions from public-private partnerships
- improves transportation safety, including reducing transportation accidents, injuries, and fatalities
- will significantly improve the performance of the Federal-aid highway system; nationally or regionally increase speed, reliability, and accessibility of the movement of people or freight
- improves roadways vital to national energy security

- addresses major bottlenecks, chokepoints, gateways, hubs, surface transportation system corridors, and, in the context of a multimodal approach, allow the use of PNRS funds on non-highway facilities provided they are eligible under Title 23, United States Code.

A project financed under this program shall be carried out through a Full Funding Grant Agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings of projects.

Full Funding Grant Agreements provided through the PNRS program can be used for eligible project costs. Eligible costs are development phase activities (including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities) and the costs of construction, reconstruction, rehabilitation, and acquisition of real property, environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

The funds designated for a project in section 1301 are available only for that project with the following exception: Funds allocated for a project specified below may be obligated for any other of these projects in the same State:

- High Priority Projects listed in SAFETEA-LU section 1702 and numbered 3677 or higher;
- Projects of National and Regional Significance listed in SAFETEA-LU section 1301 and numbered 19 or higher;
- National Corridor Infrastructure Improvement Program projects listed in SAFETEA-LU section 1302 and numbered 28 or higher; or
- Any Transportation Improvements project listed in SAFETEA-LU section 1934; except that the amount of funds authorized for a project from the category list may not be reduced. [SAFETEA-LU Section 1935]

PNRS projects may be advanced with funds apportioned under 23 U.S.C. 104(b) from a program under which the project would be eligible, and the funds are to be restored from future allocations of the PNRS project funds for the project. [SAFETEA-LU Section 1936]

For SAFETEA-LU, all of the funds authorized for this program from the Highway Trust Fund were designated for projects listed in section SAFETEA-LU Section 1301(m). Notwithstanding the selection process defined in section 1301 and described above, for each project designated in section 1301(m), the Secretary was required to allocate a portion of the amount designated for that project: 10% in 2005, 20% for 2006, 25% for 2007, 25% for 2008 and 20% for 2009. The allocation of SAFETEA-LU authorized funding for the 25 projects designated in Section 1301(m) of SAFETEA-LU is not subject to the criteria that will be established and these projects will not be subject to the evaluation and rating to receive this directed funding.

The SAFETEA-LU §1301program required the Secretary of Transportation to submit an annual report to Congress' Committee on Transportation and Infrastructure and the Committee on Environment and Public Works in February of each year. The report included a proposal on the allocation of amounts to be made available to finance grants under this section and recommendations of projects for funding based on the evaluations and ratings required under this program and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) §1120 amended §1301 of SAFETEA-LU. The funding is now provided for eligible applicants, which are defined as State department of transportation or a group of State departments of transportation; a tribal government or consortium of tribal governments; a transit agency; or a multi-State or multi-jurisdictional group of these agencies. Provision is made for joint resolution of disapproval of individual projects by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate. MAP-21 also revised the above noted report requirements and provided an authorization of $500,000,000 for fiscal year 2013 for the program.

ADDITIONAL INFORMATION: Contact the Office of Freight Management and Operations (HOFM).

Public Lands Highways - Discretionary and Forest Highways
Updated May 22, 2013

STATUS: ACTIVE until funds are obligated and expended, rescinded, or until the funds lapse

PROGRAM CODES:
- 1510 -- FYs 1972-1983 (1st Qtr.) Apportioned Forest Highways (FH) Funds
- 1530 -- Pre-FY 1983 Public Lands Highways Discretionary (PLHD) Funds
- 1810 -- FY 1983 FH Funds
- 1830 -- FYs 1983-1991 PLHD Funds
- 18E0 -- FYs 1992-1997 PLHD Funds
- 18F0 -- FYs 1992-1997 PLHD Funds (FLH ONLY)
- 18G0 -- FYs 1983-1991 PLHD Funds(FLH ONLY)
- 1910 -- FYs 1984-1991 FH Funds
- 19A0 -- FYs 1992-1997FH Funds
- 4130 -- FYs 1998 through FY 2003 PLHD Funds
- 4140 -- FYs 1998 through FY 2003 PLHD Funds (FLH ONLY)
- 4150 -- FYs 1998 through FY 2003 FH Funds
- 4160 -- FYs 1998 through FY 2003 PLH Funds (23 U.S.C. 204i)
- F130 -- FYs 2004 through FY 2009 PLHD Funds
- F13E – Public Lands SAFETEA-LU Extension – P.L. 111-068
- F140 -- FYs 2004 through FY 2009 PLHD Funds (FLH ONLY)
- F14E -- Public Lands SAFETEA-LU Extension – P.L. 111-068
- F150 -- FYs 2004 through FY 2009 FH Funds
- F15E – FH SAFETEA-LU Extension – P.L. 111-068
- F160 -- FYs 2004 through FY 2009 PLH Funds (23 U.S.C. 204i)
- F16E -- Public Lands SAFETEA-LU Extension – P.L. 111-068
- F180 – Forest Highways SAFETEA-LU
- F18E – Forest Highways SAFETEA-LU Extension – P.L. 111-068

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Pre-MAP-21 23 U.S.C. 201, 202, 203 and 204; SAFETEA-LU §§ 1101(a)(9)(D) and 1119

CFR REFERENCE: 23 CFR 660 Subpart A

ELIGIBILITY: Under the provisions of pre-MAP-21 23 U.S.C. 202(b)(1), public lands highways (PLHD and FH) funds shall be used to pay the cost of:

- Transportation planning, research, and engineering and construction of, highways, roads, parkways, and transit facilities located on public lands, national parks, and Indian reservations; and
- Operation and maintenance of transit facilities located on public lands, national parks, and Indian reservations.

Under the provisions of pre-MAP-21 23 U.S.C. 202(b)(5) public lands highways (PLHD and FH) shall be available for any eligible transportation project that is within or adjacent to, or that provides access to, the areas served by a forest highway or public lands highway.

Under the provisions of pre-MAP-21 23 U.S.C. 204(h), eligible projects could also include:

- Transportation planning for tourism and recreational travel including the National Forest Scenic Byways Program, Bureau of Land Management Back Country Byways Program, National Trail System Program, and other similar Federal programs that benefit recreational development.
- Adjacent vehicular parking areas.
- Interpretive signage.
- Acquisition of necessary scenic easements and scenic or historic sites.
- Provision for pedestrians and bicycles.
- Construction and reconstruction of roadside rest areas including sanitary and water facilities.
- Other appropriate public road facilities such as visitor centers as determined by the Secretary.
- A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.

Under the provisions of section 1119(m) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59), of the public lands highways funds (PLHD and FH) authorized for FYs 2005 through 2009:

- Up to $20 million per fiscal year may be used for maintenance of forest highways;
- Up to $1 million per fiscal year may be used for signage identifying public hunting and fishing access; and
- Up to $10,000,000 per fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath roads in the National Forest System, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate.

BACKGROUND:

Federal Lands Highways Program (FLHP)

Section 126 of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) established a coordinated FLHP consisting of forest highways, public lands highways, parkways and park roads, and Indian reservation roads. The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) continued the FLHP with the same four funding categories. Section 1032 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) also continued the FLHP, but reduced the funding categories from four to three by combining forest highways and discretionary public lands highways under public lands highways. The Transportation Equity Act for the 21st Century (1998 TEA-21, Public Law 105-178), the Surface Transportation Extension Acts of 2003, 2004 (Parts I through V), and 2005 (Parts I through VI), and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) continued the combined categories with no significant changes.

PLH - Discretionary

The PLH program was initially established by the Amendment Relative to Construction of Roads through Public Lands and Federal Reservations of 1930. The Federal-Aid Highway Act of 1970 changed the funding source for the program from the General Fund to the Highway Trust Fund, effective FY 1972. The program has been continued with each highway or transportation act since then.

Under 23 U.S.C. 204(b), the PLHD funds are available for any kind of transportation project eligible for assistance under Title 23, United States Code, that is within, adjacent to, or provides access to the areas served by the public lands highway. A "public lands highway," as defined in 23 U.S.C. 101, is a forest road or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations that is under the jurisdiction of and maintained by a public authority and open to public travel.

Under the provisions of 23 U.S.C. 202(b)(1), the PLHD portion of the funds authorized for public lands highways is 34 percent. These PLHD funds are allocated to the States on the basis of applications submitted by the State transportation departments. Under the provisions of 23 U.S.C. 202(b)(1)(B), preference is to be given to projects which are significantly impacted by Federal land and resource management activities proposed by States which contain at least 3 percent of the public lands in the Nation (i.e., Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming).

Since FY 2002, Congress has been designating all of the available PLHD funds each year for specific projects they list in the conference report accompanying the annual appropriations act. In addition, Congress has included a provision each year in the appropriations act that declares these designated projects to be eligible for PLHD funds "notwithstanding any other provision of law." This eligibility provision overrides the above statutory eligibility and priority consideration criteria.

PLH - Forest Highway

Congress created National Forests in 1891. The 1916 Federal-Aid Road Act provided funds for forest roads and trails serving National Forests. The Federal-Aid Highway Act of 1921 divided forest roads and trails into a) Forest Highway and b) Forest Development roads and trails. Forest highways are public roads that are owned by State or local agencies and serve the National Forest system. They should not be confused with forest development roads which are owned by the Forest Service. Forest highways are designated by FHWA's Federal Lands Highway Division Engineers in consultation with State departments of transportation, local agencies, and the Forest Service.

A 1977 General Accounting Office (GAO) report directed the FHWA and the Forest Service to jointly assure that transportation needs of the National Forest system were adequately considered when projects were being selected. This resulted in an amendment to the FH definition in the Federal-Aid Highway Act of 1978, and also to the issuance of an amended 23 CFR 660A in 1982.

Section 126 of the 1982 STAA (Public Law 97-424) provided for allocating FH funds according to relative needs of the National Forest system instead of apportioning FH funds to the States.

Section 1032(a) of the 1991 ISTEA stipulated in amended 23 U.S.C. 202 that66 percent of the allocated PLH funds shall be allocated for FH routes in accordance with the formula established in Section 134 of the 1987 STURAA with equal consideration given for funding roads providing access to and within the National Forest system as identified by the Secretary of Agriculture through renewable resource and land use planning and the impact of such planning on transportation facilities. The conference report also directed that these funds be allocated by Forest Service Regions.

TEA-21 and SAFETEA-LU continued the FH allocation procedure established in ISTEA, and currently found in 23 U.S.C. 202(b)(2), as amended by section 1119(d) of SAFETEA-LU.

Section 1101(a)(9)(D) of SAFETEA-LU authorized over $1.4 billion to be appropriated out of the Highway Trust Fund over a 5-year period for PLH, as follows:

FY	PLH Authorization	PLHD Portion 23 U.S.C. 202(b)(1)	FH Portion 23 U.S.C. 202(b)(2)
2005	$260,000,000	$88,400,000	$171,600,000
2006	$280,000,000	$95,200,000	$184,800,000
2007	$280,000,000	$95,200,000	$184,800,000
2008	$290,000,000	$98,600,000	$191,400,000
2009	$300,000,000	$102,000,000	$198,000,000

The program was extended under the SAFETEA-LU Extensions.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) did not extend these programs. MAP-21 §1119 amended Chapter 2 of title 23 by striking and replacing §§ 201 through 204. Eligibilities exist within other MAP-21 programs, but there is no distinct program or funding for this purpose. Carryover funding continues to be available for the original purpose under the rules that applied under the pre-MAP-21 Public Lands Highways Discretionary and Forrest Highways programs.

ADDITIONAL INFORMATION: Contact the Federal Lands Highway Office of Program Development (HFPD).

Puerto Rico Highway Program (PRHP)
Updated March 3, 2016

STATUS: ACTIVE

PROGRAM CODES:
- ZP10 - PRHP 25% (FAST Act)(FYs 2016-2020)
- ZP20 - PRHP NHPP 50% (FAST Act)(FYs 2016-2020)
- ZP30 - PRHP HSIP 25% (FAST Act)(FYs 2016-2020)
- ZP40 - PRHP Section 154 Penalty HSIP Activities (FAST Act)(FYs 2016-2020)
- ZP50 - PRHP Section 164 Penalty HSIP Activities (FAST Act)(FYs 2016-2020)
- MP1E - PRHP 25% (MAP-21)(FY 2015) (expires 9/30/2018)
- MP2E - PRHP NHPP 50% (MAP-21)(FY 2015) (expires 9/30/2018)
- MP3E - PRHP HSIP 25% (MAP-21)(FY 2015) (expires 9/30/2018)
- MP4E - PRHP Section 154 Penalty HSIP Activities(MAP-21 Extension)(FY 2015)(expires 9/30/2018)
- MP5E - PRHP Section 164 Penalty HSIP Activities)(MAP-21 Extension)(FY 2015)(expires 9/30/2018)
- MP10 - PRHP 25% (MAP-21)(FYs 2013-2014) (expires 9/30/2017)
- MP20 - PRHP NHPP 50% (MAP-21)(FYs 2013-2014) (expires 9/30/2017)
- MP30 - PRHP HSIP 25% (MAP-21)(FYs 2013-2014) (expires 9/30/2017)
- MP40 - PRHP Section 154 Penalty HSIP Activities (MAP-21)(FYs 2013-2014) (expires 9/30/2017)
- MP50 - PRHP Sec. 164 Penalty HSIP Activities (MAP-21)(FYs 2013-2014) (expires 9/30/2017)

Expired Program Codes:
- QP10 - PRHP (FYs 1998-2003)
- HP10 - PRHP (FYs 2004-2005)
- LP10 - PRHP (SAFETEA-LU)(FYs 2006-2009)
- CP10 - PRHP ARRA (FYs 2009 – 2010)
- LP1E - PRHP (SAFETEA-LU Extension)(FYs 2010-2012)

FEDERAL SHARE: Determined by 23 U.S.C. 120, ARRA - 100%, Penalty funds – 100%

PERIOD AVAILABLE: FY + 3 years, ARRA FY 2009-2010

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 165(a) and (b); FAST Act Sections 1101(a)(4) and 1115

CFR REFERENCE: None

ELIGIBILITY: Under the FAST Act, at least 50% of the funds allocated must be used for the purposes eligible under the NHPP program (23 U.S.C. 119) and at least 25% must be used for purposes under the HSIP program (23 U.S.C. 148). The remaining funds may be used for any eligible activity under chapter 1 of Title 23 of the U.S. Code. Puerto Rico may use penalty funds for activities eligible under 23 U.S.C.148, the Highway Safety Improvement Program.

BACKGROUND: Prior to the passage of the Transportation Equity Act for the 21st Century (TEA-21, Public Law (P.L.)105-178), Puerto Rico was treated as a State for purposes of apportioning Federal-aid highway funds, such as National Highway System and Surface Transportation Program funds. With enactment of TEA-21, this changed and Puerto Rico no longer receives a share of the apportioned Federal-aid highway funds. Instead, section 1214(r) of TEA-21 established a new highway program for

Puerto Rico, and section 1101(a)(15) of TEA-21 authorized $110 million from the Highway Trust Fund for this program for each of FYs 1998-2003.

Section 9003(f) of the Internal Revenue Service Restructuring and Reform Act of 1998 (P.L. 105-206), amended section 1214(r) of TEA-21 by adding a provision that required the funds for this program to be treated as apportioned for the purposes of imposing any required penalties under titles 23 or 49.

The Surface Transportation Extension Acts of 2003, 2004 (Parts I through V), and 2005 (Parts I through VI) authorized continued funding for the PRHP at FY 2003 levels until the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, P.L. 109-59) was enacted on August 10, 2005.

Section 1120 of SAFETEA-LU amended title 23 by adding section 165, PRHP, continuing the program as established in section 1214(r) of TEA-21, as amended. Section 1101(a)(14) of SAFETEA-LU authorized $665 million for the PRHP for fiscal years 2005 through 2009 increasing each year from $115 Million in 2005 to $150 Million in 2009.

In addition, under the provisions of section 1102(f) of SAFETEA-LU, Redistribution of Certain Authorized Funds, only the PRHP funds for which obligation authority is provided are available for allocation to Puerto Rico. The funds that do not have obligation authority, due to the imposition of any obligation limitation for the fiscal year, will not be allocated to Puerto Rico. They will be redistributed to the States under the provisions of Section 1102(f). The program was extended through 2012 under SAFETEA-LU extensions at the 2009 level. In addition, the program was increased each year by the average yearly amount of SAFETEA-LU earmarks received by Puerto Rico.

Under the provisions of 23 U.S.C. 165(b), prior to MAP-21, these funds were available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23. This means that the funds may be obligated for any activities eligible under chapter 1 of title 23, and that the Federal share and period of availability of the funds are governed by sections 120 and 118 of title 23 respectively.

Under the provisions of 23 U.S.C. 165(c), prior to MAP-21, for the purposes of imposing any penalty under title 23 or title 49, the amounts authorized for the PRHP shall be treated as being apportioned to Puerto Rico under 23 U.S.C. 104(b) and 144, based upon the proportional share Puerto Rico received under each of the apportioned programs in FY 1997. This was the last fiscal year that Puerto Rico received their funding through apportionments. Therefore, the PRHP authorization amounts will be reduced as a result of any penalties to which they are subject.

The American Recovery and Reinvestment Act of 2009 (ARRA) authorized an additional $105,000,000 for the program to be used by September 30, 2010 with no obligation limitation. These funds may not be de-obligated and obligated to another project after this date. Unexpended funds expire September 30, 2015. These funds have a number of special reporting and project prioritization requirements and cannot be used for advanced construction conversion purposes. Also, all projects must include Davis-Bacon wage rate requirements.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) continues the program but made a number of revisions to 23 U.S.C. 165. Section 1114 of MAP-21 re-established 23 U.S.C. 165 as the Territorial and Puerto Rico highway program. Section 1101(a)(4) of MAP-21 made $190 Million available to the program in FY 2013 and 2014. The revised 23 U.S.C. 165(a)(1) makes $150 million available to the PRHP. The PRHP is re-established under 23 U.S.C. 165(b).

MAP-21 further changed the program to require that 50 percent of the funds must be used for purposes eligible under the NHPP program and 25 percent of the funds must be used for purposes under the Highway Safety Improvement Program. The remaining 25% may be used for any eligible activity under chapter 1 of 23 U.S.C.

MAP-21 continued that the program is subject to penalties as previously defined. It has been determined that Puerto Rico is subject to penalties under 23 USC 154 and 164. Puerto Rico may elect to use penalty

funds for activities eligible under section 148, the Highway safety improvement program. These funds are available at 100% Federal share.

MAP-21 also continued that Puerto Rico is defined as a State in 23 U.S.C. 101(a)(25) except for the purposes of apportionment of funds. Therefore, any requirements of a State also apply to Puerto Rico to be permitted to use funds from this program.

The Fixing America's Surface Transportation Act (FAST Act) (P.L.114-94), continued the PRHP with minor revisions. Fast Act section 1115 amends 23 U.S.C. 165, and Section 1101(a)(4) authorizes funds for the PRHP. The FAST Act authorizes the PRHP $158 Million annually for FY 2016 through FY 2020 (23 U.S.C. 165(a)(1)). Section 165(b)(2)(A)(ii) was amended to reference the Surface Transportation Block Grant Program (STBG). Under the provisions of section 1102(f) of the FAST Act, the authorized amounts will be reduced due to any obligation limitation imposed each year, as they were under prior legislation. In addition under the FAST Act, the PRHP funds will continue to be allocated as they were under MAP-21 (25% HSIP eligible, 50% NHPP eligible, 25% any activity eligible under chapter 1 of title 23 U.S.C.) The program is still subject to penalties under 23 USC 154 and 164.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Railroad-Highway Crossings Demonstration Program (19 Cities)
Updated April 20, 2007

STATUS: ACTIVE

PROGRAM CODE: 697

FEDERAL SHARE: See below

PERIOD AVAILABLE: Until Expended

FUND: 2/3 Highway Trust Fund, I/3 General Funds

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATIONAL LIMITATION: No

STATUTORY REFERENCES: Section 163 of the Federal-aid Highway Act of 1973 (Public Law 93-87)

CFR REFERENCE: None

ELIGIBILITY: Railroad Relocation Demonstration Program funds may be used for projects specifically designated by Congress (see below) that provide for the relocation of railroad lines from the central area of cities to eliminate railroad-highway grade crossing conflicts.

BACKGROUND: This program was established by Section 163 of the Federal-aid Highway Act of 1973 (Public Law 93-87). It provides for the relocation of railroad lines from the central area of cities to eliminate railroad-highway grade crossing conflicts. Certain projects were specified in the Act. Funds were to be expended in a ratio of 2/3 from the Trust Fund and 1/3 from General Funds. Federal share payable was to be as specified in 23 U.S.C. 120. The FHWA determined that this meant a 95 percent Federal share.

Additional authorizations and projects were added by Section 140 of the Federal-aid Highway Act of 1976 (Public Law 94-280). The Federal share was limited to 70 percent on the new projects.

The list of specified projects included the following 19 cities:

- Anoka, MN
- Augusta, GA
- Blue Island, IL
- Brownsville, TX
- Carbondale,IL
- Dolton, IL
- E. St. Louis, IL
- Elko, NV
- Greenville, TX
- Hammond, IN
- Lafayette, IN
- Lincoln, NE
- Metairie, LA
- Pine Bluff, AK
- Sherman, TX
- Springfield, IL
- Terre Haute, IN
- West Albany, IN
- Wheeling, WV

The Sherman, Texas, project was later withdrawn from this demonstration program and advanced with regular Federal-aid funds.

The Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) provided authorizations for FYs 1979-1982 and established the Federal share at 95 percent.

Section 151 of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) provided authorizations through FY 1986 and indicated that unless projects were under construction by September 30, 1985, they would not be eligible for additional funds. Three projects failed to meet this deadline. As a result, no further demonstration funds were provided for projects in Wheeling, Blue Island, or Dolton.

Section 148 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) provided authorizations for FYs 1987-1991 and reduced the Federal share payable from 95 percent to 75 percent as set forth in 23 U.S.C. 120(a). In a subsequent action, Section 346 of the DOT and Related Agencies Appropriation Act, 1988 (Public Law 100-202) retained the 75 percent Federal share **except** for segments for which the preparation of the plans, specifications and estimates were either on-going or had been completed prior to December 22, 1987. For excepted segments, the Federal share obligated for subsequent activities necessary to complete the segment, such as right-of-way acquisition or construction, can be 95 percent.

The FHWA's general policy for allocating funds was to allocate funds for usable segments of a project, with the

exception of preliminary engineering which was usually advanced for the overall project. Generally this process was initiated when a city requested fund allocation for right-of-way acquisition. Provided the request was for a usable segment, sufficient funds were normally allocated for both right-of-way acquisition and construction. This procedure attempted to ensure that adequate funds were available to complete each usable section before any funds were obligated on the segment other than for engineering. Since 1984, all funds appropriated have been earmarked to specific projects by congressional advice. Allocations followed this advice.

Section 354 of the FY 1989 DOT appropriations act (Public Law 100-457) authorized the use of $500,000 of appropriated funds for a rail relocation planning study in Bryan-College Station, Texas. It was administratively determined by the FHWA that these funds should come from the FY 1989 appropriation for the 19 cities projects (code 697).

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued the Railroad Relocation Demonstration Program through FY 1994. There have been no subsequent authorizations for this program.

ADDITIONAL INFORMATION: Contact the Office of Safety Design (HSA).

Railway-Highway Crossing Hazard Elimination in High Speed Rail Corridors Updated May 22, 2013

STATUS: ACTIVE until remaining funds are rescinded or expended

PROGRAM CODE:
- 13P0 - High Speed Rail (PL 102-240)
- H1A0 – High Speed Rail (PL108-224)
- LE10 – High Speed Rail (PL 109-059 §1103(f))
- LE1E – High Speed Rail (PL 111-068 §157)

FEDERAL SHARE: 80 percent, and may be up to 100 percent in accordance with 23 U.S.C. 120 (c)

PERIOD AVAILABLE: FY + 3 Years for H1A0, LE10, LE1E; funds do not lapse under 13P0

FUND: Highway account of the Highway Trust Fund (HTF)

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 104(d) (as in effect prior to MAP-21), SAFETEA-LU § 1103 (f), 23 U.S.C. 120 (c)

CFR REFERENCE: None

ELIGIBILITY: These funds may be used for the elimination of hazards at both public and private railway-highway crossings along 11 Federally designated high-speed rail corridors.

BACKGROUND: Section 1010 of the 1991 ISTEA revised 23 U.S.C. 104(d) (continued in TEA-21, Section 1103(c) and in SAFETEA-LU Section 1103 (f)) to require the Secretary to set aside Surface Transportation Program (STP) funds for railway-highway crossing hazard elimination in high-speed rail corridors.

Funds to carry out this program were set aside from funds provided for the STP before any STP apportionments are made for a fiscal year. Before making an apportionment of STP funds for a fiscal year, the Secretary set aside $5.25 million for FY 2005; and authorized to be appropriated from the HTF (other than the Mass Transit Account) $7.25M for FY 2006, $10 M for FY 2007, $12.5 M for FY 2008, and $15M for FY 2009; and of such set-aside, not less than $250,000 for FY2005, $1M for FY 2006, 1.75M for FY 2007, $2.25 for FY 2008, and $3M for FY 2009 were earmarked for the Minneapolis/St. Paul-Chicago segment of the Midwest Highway Speed Rail Corridor (which in reality added an additional corridor from Milwaukee to Minneapolis for a total of 12)) for the elimination of hazards of railway-highway crossings. Corridors selected had to include rail lines where railroad speeds of 90 mph were occurring or could reasonably be expected to occur in the future. Other considerations included projected rail ridership volumes, the percentage of the corridor over which a train will be able to operate at maximum cruise speed, projected benefits to non-riders (congestion relief), expected State and local financial support, and cooperation of the owner of the right-of-way.

This program is jointly administered by the Federal Railroad Administration (FRA) and the Federal Highway Administration (FHWA). During the last few years of the program (except fiscal years 2007, 2011, and 2012), Congress earmarked the funds in this program either for a specific State or for a specific approved corridor. Funds for fiscal years 2007, 2011, and 2012 were awarded through a competitive process.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) § 1105 amended 23 U.S.C.104, and discontinued this program. Carryover funding for the program continues to be available

for the original purpose, as described in the project specific application, under the rules that applied under the pre-MAP-21 program.

ADDITIONAL INFORMATION: Contact the Office of Safety Design (HSSD)

Real-Time System Management Information Program
Updated June 13, 2013

STATUS: ACTIVE

PROGRAM CODES: N/A

FEDERAL SHARE: N/A

PERIOD AVAILABLE: N/A

FUND: N/A

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Section 1201 of the 2005 SAFETEA-LU (Public Law 109-59)

CFR REFERENCE: None

ELIGIBILITY: The Real-Time System Management Information Program will be established in all States. Activities relating to the planning and deployment of real-time monitoring elements that advance the goals and purposes of the Real-Time System Management Information Program are eligible for Federal-aid funding under the National Highway System program (carry-over funds), the Surface Transportation Program, and the Congestion Mitigation and Air Quality Improvement Program. Under provision 23 U.S.C. 119(d)(2)(j), National Highway Performance Program Funds are also eligible for capital and operating costs for traffic and traveler information monitoring, management, and control facilities and programs.

As State and local governments develop or update regional intelligent transportation system architectures, they shall explicitly address real-time highway and transit information needs and the systems needed to meet such needs, including addressing coverage, monitoring systems, data fusion and archiving, and methods of exchanging or sharing highway and transit information. States shall also incorporate the data exchange formats that will be established by the Secretary under section 1201(b) to ensure that the data provided by highway and transit monitoring systems may readily be exchanged with State and local governments and may be made available to the traveling public.

BACKGROUND: Section 1201 of SAFETEA-LU requires the Secretary to establish a Real-Time System Management Information Program to provide, in all States, the capability to monitor, in real-time, the traffic and travel conditions of the nation's major highways and to share that information to improve the security of the surface transportation system, to address congestion problems, to support improved response to weather events and surface transportation incidents, and to facilitate national and regional highway traveler information.

The purposes of the real-time system management information program are to:

- establish, in all States, a system of basic real-time information for managing and operating the surface transportation system;
- identify longer range real-time highway and transit monitoring needs and develop plans and strategies for meeting such needs; and
- provide the capability and means to share that data with State and local governments and the traveling public.

There is no special Federal funding specifically authorized for this program. Section 1204(d) explicitly notes that a State may obligate funds apportioned to the State under sections 104(b)(1), 104(b)(2), and 104(b)(3) of pre-MAP-21 title 23, United States Code, for activities relating to the planning and

deployment of real-time monitoring elements that advance the goals and purposes of the Real-Time System Management Information Program. As stated above, while Section 1204(d) specifically noted certain funds, National Highway Performance Program Funds are also eligible for capital and operating costs for traffic and traveler information monitoring, management, and control facilities and programs.

Other program features include:

- As State and local governments develop or update regional intelligent transportation system architectures, described in section 940.9 of title 23, Code of Federal Regulations, such governments shall explicitly address real-time highway and transit information needs and the systems needed to meet such needs, including addressing coverage, monitoring systems, data fusion and archiving, and methods of exchanging or sharing highway and transit information.
- Not later than 2 years after the date of enactment of this Act, the Secretary shall establish data exchange formats to ensure that the data provided by highway and transit monitoring systems, including statewide incident reporting systems, can readily
- States shall incorporate the data exchange formats established by the Secretary to ensure that the data provided by highway and transit monitoring systems may readily be exchanged with State and local governments and may be made available to the traveling public.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) did not amend this SAFETEA-LU program. The provisions of Section 1201 of the SAFETEA-LU remain in effect.

ADDITIONAL INFORMATION: Contact the Office of Transportation Management (HOTM).

Recreational Trails Program (RTP)
Updated January 24, 2013

STATUS: ACTIVE

PROGRAM CODES:

- 3840 -FY 1993, 1996, and 1997
- 38B0 - St Adm Costs, up to 7%
- 38C0 - St Env Protect & Safety Ed Costs, up to 5%
- H940 - STEA 03
- HR10 - 7% Admin - STEA 03
- HR20 - 5% Education - STEA 03
- Q940 - Sec. 1112, TEA-21
- QR10 - 7% Admin - TEA-21
- QR20 - 5% Education - TEA-21
- L940 – RTP SAFETEA-LU
- L94E – RTP (SAFETEA-LU Extension – P.L. 111-068)
- L94R – RTP (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- LR10 – RTP 7% Admin (SAFETEA-LU)
- LR1E – RTP 7% Admin (SAFETEA-LU Extension – P.L. 111-068)
- LR20 – RTP 5% Education (SAFETEA-LU)
- LR2E - RTP 5% Education (SAFETEA-LU Extension – P.L. 111-068)
- M940 – Recreational Trails Program (MAP-21 - P.L. 112-141)
- MR10 – State RTP Administration (MAP-21 - P.L. 112-141)
- MR20 – RTP Education Programs (MAP-21 - P.L. 112-141)

Headquarters Use Only:

- 38A0 - National Recreational Trails Headquarters Admin
- 38E0 - National Recreational Trails Headquarters to States
- J940 - Recreational Trails Program Headquarters Administration - STEA 03
- R940 - Recreational Trails Program Headquarters Administration - TEA-21
- M941 – Return of 1% for RTP Administration (MAP-21 - P.L. 112-141)

FEDERAL SHARE (applies to SAFETEA-LU funds and to MAP-21 funds specifically set aside for the RTP): 80 percent with sliding scale (see 23 U.S.C. 120). Federal agency project sponsors may provide additional Federal funds up to a total Federal share of 95 percent. Other Federal programs may provide matching funds toward the non-Federal share if the project also is eligible under the other Federal program. RTP funds may be used to match other Federal programs if the project also is eligible under the other Federal program. States may allow a programmatic match for funds from non-Federal sources. "Soft-match" (donations of funds, material, services, or new right-of-way) may be permitted from any project sponsor, whether a public agency or private organization.

PERIOD AVAILABLE: Funds are available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Thus funds are available for obligation for up to 4 years.

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment. Unless the Governor opts out in advance, an amount equal to the State's FY 2009 RTP apportionment is to be set aside from the State's TAP funds for recreational trails projects. (23 U.S.C. 213(f)-(g)). See discussion in Background.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 133(b)(20), 206, and 213. Sections 1108(a)(9), 1122(a), and 1524(a), of Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141). Sections 1101(a)(7), 1103(f), and 1112 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178). Sections 1101(a)(8) and 1109 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59).

CFR REFERENCE: None

ELIGIBILITY: The Recreational Trails Program (RTP) provides funds to the States to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses. Examples of trail uses include hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles.

Each State administers its own program, usually through a State resource or park agency. Each State develops its own procedures to solicit and select projects for funding. Funds may be used to:

- Maintain and restore existing trails.
- Develop and rehabilitate trailside and trailhead facilities and trail linkages.
- Purchase and lease of trail construction and maintenance equipment.
- Construct new trails (with restrictions for new trails on Federal lands).
- Acquire easements or property for trails.
- Assess trail conditions for accessibility and maintenance.
- Develop and disseminate publications and operation of educational programs to promote safety and environmental protection related to trails (including supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training) (limited to 5 percent of a State's funds).
- State administrative costs related to this program (limited to 7 percent of a State's funds).

States may make grants to private organizations, or to municipal, county, State, Federal, or other government agencies. Some States do not provide funds to private organizations. Projects may be on public or private land, but projects on private land must provide written assurances of public access.

States are encouraged to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails. MAP-21 Section 1524 requires the USDOT/FHWA to encourage the States and regional transportation planning agencies to enter into contracts and cooperative agreements with qualified youth service or conservation corps to perform recreational trails projects.

Projects eligible under the RTP also are eligible for Transportation Alternatives Program funds (using TAP provisions and requirements) and for Surface Transportation Program funds (using STP provisions and requirements).

BACKGROUND: The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) included the National Recreational Trails Fund Act (Section 1302), which established the National Recreational Trails Funding Program. The program was authorized at $30 million per year but without contract authority.

The National Highway System Designation Act of 1995 (Public Law 104-59) established funding for the RTP in 23 U.S.C. 104(h) and authorized $15 million annually for FY 1996 and 1997 from FHWA administrative funds and made some program amendments (Section 337).

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-85) replaced the National Recreational Trails Fund Act with the Recreational Trails Program. Section 1101(a)(7) authorized $30 million for FY 1998, $40 million for FY 1999 and $50 million for each of FYs 2000-2003. Section 1103(f) amended 23 U.S.C. 104(h) to establish the RTP apportionments. Section 1112 of TEA-21 amended 23 U.S.C. 206 creating the Recreational Trails Program (RTP).

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) continued the RTP with amendments. Section 1101(a)(8) authorized $60 million for FY 2005, $70 million for FY 2006, $75 million for FY 2007, $80 million for FY 2008, and $85 million for FY 2009. Section 1109 amended 23 U.S.C. 104(h) and 206. The program was extended through FY 2012 through SAFETEA-LU extensions.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) §1122 amended the RTP to make the funding a set-aside from the Transportation Alternatives Program (TAP). Unless the Governor opts out of the RTP program in advance, all RTP provisions and requirements continue under section 206 of title 23 (23 U.S.C. 213(f)(3)). MAP-21 §1105 deleted the annual apportionments provided for within 23 U.S.C. 104(h).

Under 23 U.S.C. 213(f), if continuing the RTP:

- Each State shall obligate an amount of funds reserved under section 213 of title equal to the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2), as in effect prior to MAP-21, for projects relating to recreational trails under section 206.
- Each State shall return 1 percent of those funds to the Secretary for the administration of RTP.
- Each State shall comply with the provisions of the administration of the recreational trails program under section 206, including the use of apportioned funds. Therefore, all RTP provisions and requirements remain unchanged, including the requirement for 40 percent diverse use, 30 percent motorized use, and 30 percent nonmotorized use.

If opting out of the RTP:

- The Governor of the State must notify the Secretary not later than 30 days prior to apportionments being made for any fiscal year. (23 U.S.C. 213(g)). Any State that desires to opt out of the RTP set-aside should notify FHWA via email, with a letter signed by the Governor or the Governor's designee accompanying the opt-out notification, to the HCFB-1 official mailbox (BudDiv@dot.gov) no later than the September 1st prior to the fiscal year in which the State wishes to opt out.
- The funds remain as TAP funds.
- The State cannot use a portion of its TAP funds for the fiscal year in which it opts out for RTP administrative costs.

ADDITIONAL INFORMATION: See http://www.fhwa.dot.gov/environment/recreational_trails/ and http://www.fhwa.dot.gov/map21/guidance/guidetap.cfm. Contact the Office of Human Environment (HEPH).

Refuge Roads Program
Updated June 11, 2013

STATUS: ACTIVE until funds are obligated and expended, rescinded, or until the funds lapse

PROGRAM CODES:
- 4190 - Refuge Roads Program (TEA-21)
- F190 - Refuge Roads Program (SAFETEA-LU)
- F19E - Refuge Roads Program (SAFETEA-LU Extension – P.L. 111-068)

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Account of the Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Pre MAP-21 23 U.S.C. 101, 201, 202, 203 and 204

CFR REFERENCE: 23 CFR Part 972

ELIGIBILITY: Refuge Roads Program funds are limited to:
- payment of costs for maintenance and improvements of refuge roads
- maintenance and improvements of adjacent vehicular parking areas
- maintenance and improvements of provisions for bicycles and pedestrians including modification of existing public sidewalks to comply with the requirements of the Americans with Disabilities Act
- maintenance and improvements of rest areas located in or adjacent to wildlife refuges
- administrative costs associated with such maintenance and improvements.

Allocations are based on a long range transportation improvement program developed by the U.S. Fish and Wildlife Service.

BACKGROUND: Section 1115(e) of the Transportation Equity Act for the 21st Century (TEA-21, P.L. 105-178) expanded the Federal Lands Highways Program to include Refuge Roads, those roads in the refuges of the National Wildlife Refuge System. It also provided that the funds are to be allocated according to the relative needs of the various refuges, and taking into account the:
- comprehensive conservation plan for each refuge,
- need for access as identified through land use planning, and
- impact of land use planning on existing transportation facilities.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, or SAFETEA-LU (Public Law 109-59), authorizes $29,000,000 annually through FY 2009. The program was extended through SAFETEA-LU Extensions.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) did not extend this program. MAP-21 §1119 amended Chapter 2 of title 23 by striking and replacing §§ 201 through 204. Eligibilities exist within other MAP-21 programs, but there is no distinct program or funding for this purpose. Carryover funding continues to be available for the original purpose under the rules that applied under the pre-MAP-21 Refuge Roads Program.

ADDITIONAL INFORMATION: Contact the Federal Lands Highway Office of Program Development (HFPD-1).

Safe Routes To School (SRTS)
Updated January 24, 2013

STATUS: ACTIVE – Previously apportioned SRTS funds will continue to be available for their specified period of availability under the same terms and conditions in effect prior to the effective date of MAP-21 until they are obligated, rescinded, or expended.

While the SRTS was eliminated by Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141), the Transportation Alternatives Program (TAP) was created and makes eligible SRTS activities and projects. These projects and activities must follow the TAP requirements. See the Transportation Alternatives Program.

PROGRAM CODES:
- HU10, HU20, HU30, HU40, HU50 - FY 2005:
- LU10, LU20, LU30, LU40, LU50 - FYs 2006-2009: (SAFETEA-LU)
- LU1E, LU2E, LU3E, LU4E, LU5E - SAFETEA-LU Extension (P.L. 111-068)
- LU1R, LU2R, LU3R, LU4R, LU5R - SAFETEA-LU Restored (P.L. 111-147 Sec. 413)
- See Transportation Alternatives Program for TAP codes under MAP-21

FEDERAL SHARE: 100 percent (apportioned SRTS funds only)

PERIOD AVAILABLE: Until expended (apportioned SRTS funds only)

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportioned to State DOTs by formula (apportioned SRTS funds only)

AUTHORITY: Contract Authority.

SUBJECT TO OBLIGATION LIMITATION: Yes.

STATUTORY REFERENCE: Pub. L. 109-59, SAFETEA-LU Section(s): 1101(a)(17), 1404 (apportioned SRTS funds only); See Transportation Alternatives Program for TAP statutory references.

CFR REFERENCE: N/A

ELIGIBILITY: Funds are made available for infrastructure and non-infrastructure projects, and to administer Safe Routes to School programs that benefit elementary and middle school children in grades K - 8.

Pre-MAP-21, each State was required to use a sufficient amount of the funds (infrastructure) to fund a full-time position of coordinator of the State's safe routes to school program. TAP funds may be used to fund the coordinator position, but the full-time position is no longer a requirement. Also Pre-MAP-21, not less than 10 percent and not more than 30 percent of each State's SRTS apportionment was required to be spent on non-infrastructure activities. While this split still applies to remaining SRTS funds, this requirement does not exist in MAP-21.

Infrastructure - Eligible infrastructure-related projects include the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including:

- sidewalk improvements,
- traffic calming and speed reduction improvements,
- pedestrian and bicycle crossing improvements,
- on-street bicycle facilities,
- off-street bicycle and pedestrian facilities,

- secure bicycle parking facilities, and
- traffic diversion improvements in the vicinity of schools

For pre-MAP-21 funds, construction and capital improvement projects must be located within approximately two miles of a primary or middle school (grades K - 8).

Noninfrastructure - Each State must set aside from its SRTS annual apportionment not less than 10 percent and not more than 30 percent of the funds for noninfrastructure-related activities to encourage walking and bicycling to school, including:

- public awareness campaigns and outreach to press and community leaders,
- traffic education and enforcement in the vicinity of schools (within approximately 2 miles)
- student sessions on bicycle and pedestrian safety, health, and environment, and
- funding for training, volunteers, and managers of safe routes to school programs.

BACKGROUND: The Federal-aid Safe Routes to School program was created by Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Pub. L. 109-59).

Program Purpose : To enable and encourage children, including those with disabilities, to walk and bicycle to school; to make walking and bicycling to school safe and more appealing; and to facilitate the planning, development and implementation of projects that will improve safety, and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

Program Features: The SRTS Program was funded at $612 million and provided Federal-aid highway funds to State Departments of Transportation (DOTs) over five Federal fiscal years in accordance with a formula specified in the legislation. SAFETEA-LU extensions provided additional funding through 2012. Remaining funds are available for infrastructure and noninfrastructure projects, and to administer SRTS programs that benefit elementary and middle school children in grades K - 8.

The SRTS legislation required three major initiatives:

- *Implement SRTS Program nationwide.* This section also required that each State DOT and the District of Columbia use a sufficient amount of its annual SRTS apportionment to fund a full-time position of coordinator of the State's safe routes to school program.
- *Create Clearinghouse.* Made grants to a national nonprofit organization engaged in promoting safe routes to school to operate a national safe routes to school clearinghouse, develop information and educational programs on safe routes to school, and provided technical assistance and disseminated techniques and strategies used for successful safe routes to school programs.
- *Established a Task Force and submitted a report.* The FHWA will formed a national SRTS Task Force composed of leaders in health, transportation, and education. The Task Force will studied and developed a strategy for advancing Safe Routes to School programs nationwide and was responsible for submitting to the Secretary of Transportation a report for Congress detailing the results of their work.

Funding/Formula: The pre-MAP-21 SRTS program was funded by contract authority, to remain available until expended. This contract authority is not subject to transfer and is subject to the overall Federal-aid obligation limitation. Each year after deducting $3 million for the administrative expenses of the program, the Secretary apportioned the funds to States based on their relative shares of total enrollment in primary and middle schools (kindergarten through eighth grade), but no State received less than $1 million. Funds were administered by State departments of transportation to provide financial assistance to State, local, and regional agencies, including nonprofit organizations, which demonstrate the ability to meet the requirements of the program.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) eliminated apportioned funding for the SRTS program. The Transportation Alternatives Program (TAP) was created and makes eligible SRTS activities and projects, but those projects and activities must follow the TAP requirements. See the Transportation Alternatives Program.

ADDITIONAL INFORMATION: Contact the FHWA Office of Human Environment (HEPH).

Safety Incentive Grants for Use Of Seat Belts
Updated May 1, 2013

STATUS: ACTIVE until remaining funds are rescinded or expended

PROGRAM CODES:
- H090, Q090: Safety Incent Seat Belts - Allocation
- J090, R090: Safety Incent Seat Belts
- L090, LA90: NHTSA Grants for Safety Belt

FEDERAL SHARE: Normal pro rata for projects eligible under 23 U.S.C.; 100 percent for innovative seatbelt incentive grants (available only when unallocated funds exist in program in FYs 2000-2003).

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Pre-MAP-21 23 U.S.C. 157

CFR REFERENCE: 23 CFR 1240

ELIGIBILITY: These incentive funds are available for highway and bridge construction, highway safety infrastructure safety improvements, seatbelt projects, programs to combat drunk driving, pedestrian walkways and trails, etc. -- any eligible activity under Title 23 United States Code (all four chapters: Federal Aid, Other Highways, General Provisions, and Highway Safety). The U.S. DOT has requested that each State qualifying for these incentive funds submit a plan to identify in writing how the States wish to distribute these funds -- specifying the amount for highway safety and the amount for Federal-aid highway programs.

BACKGROUND: Section 1403 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) established 23 U.S.C. 157 to provide incentive grants to States to improve statewide use rates at seat belts. It authorized to be appropriated $82 million for FY 1999, $92 million for FY 2000, $102 million for FY 2001, $112 million for FY 2002 and $112 for FY 2003.

It also provided that the States submit State seat belt use rates for calendar years 1996 and 1997 and for each year thereafter through 2001. These rates will be adjusted to ensure national consistency in methods of measurement and used to determine which States have had, for each of the (2) previous calendar years, State seat belt use rates greater than the national average.

Each State with a State seat belt use rate higher than the national average received an allocation equal to the savings to the Federal government (the amount of budget savings relating to Federal medical costs, including savings to Medicare and medical costs, including savings to Medicare and Medicaid programs) due to the amount by which the State seat belt use rate for the previous calendar year exceeds the national average for that year. These allocations may be used for projects eligible under Title 23, United States Code.

Each State with a State seat belt use rate lower than the national average was allocated an amount equal to the savings to the Federal Government due to any increase in the State seat belt use rate for the previous calendar year over the base seat belt use rate, which is the highest State seat belt use rate for any calendar year during the period 1996 through the calendar year preceding the previous calendar year. These allocations may be used for projects eligible under Title 23 U.S.C.

If the amount authorized for FY 1999 exceeds the total amounts to be allocated to the States above, the excess amounts are apportioned to the States as Surface Transportation Program (STP) funds, not subject to set asides, eligible for purposes under the STP. For FYs 2000-2003 any excess authorization is allocated to States to carry out innovative projects to promote increased seat belt use rates. The innovative projects are to be included in a plan developed by the State and submitted to NHTSA by March 1. The plans shall be selected for implementation based on criteria established by December 1,

1998, which shall include demographic and geographic diversity and a diversity of seat belt use rates among the States selected. The amount of the allocation shall be at least $100,000 per fiscal year covered by a State plan. These allocations are to carry out the innovative projects in the State plan, at 100 percent Federal share, and are available for the fiscal year allocated plus 3 years.

SAFETEA-LU Title I, Subtitle D, Section 1406 provided additional funding for FY 2004 and FY 2005. SAFETEA-LU did *not* include provisions for funding Section 157 Incentive Grants beyond FY2005, however under Title II, Section 2004 and Section 2005 SAFETEA-LU funds are provided to NHTSA for administering *Section 406. Safety belt performance grants.*

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) sec 1519(b)(1)(A) repealed the 23 U.S.C. 157. Carryover Safety Incentive Grants for Seat Belts funding continues to be available for the original purpose, under the rules that applied under the pre-MAP-21 program.

ADDITIONAL INFORMATION: Contact the Office of National and International Safety Programs (HMSP).

Safety Incentives to Prevent Operation Of Motor Vehicles By Intoxicated Persons Updated May 1, 2013

STATUS: ACTIVE until remaining funds are rescinded or expended

PROGRAM CODES:
- QN10, Q080, R080: 1998- 2003
- H080 and HN10: 2004 -2005

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportioned

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 163; SAFETEA-LU Title I, Subtitle D, § 1407

CFR REFERENCE: 23 CFR Part 1225

ELIGIBILITY: Funds under this program may be used for any project eligible under Title 23, United States Code.

BACKGROUND: Section 1404 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) authorized incentive grants to a State that has enacted and is enforcing a law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State shall be deemed to have committed a per se offence of driving while intoxicated (or an equivalent offense). Each fiscal year, Federal funds for such incentives will be apportioned to eligible States that have enacted and are enforcing such law. Apportionment will be according to the formula in 23 U.S.C. 402 (75 percent based on the State s population and 25 percent based on the number of public road miles in the State).

These funds are authorized to be appropriated, $55 million for FY 1998, $65 million for FY 1999, $80 million for FY 2000, $90 million for FY 2001, $100 million for FY 2002, and $110 million for FY 2003.

SAFETEA-LU (Public Law 109-59) §1407 provided additional funding for FY 2004 and FY 2005, but did not include provisions for funding Section 163 (Incentives) beyond FY2005, however the penalty section remains.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) §1404(i) amended the penalty provisions of 23 U.S.C. 163.

ADDITIONAL INFORMATION: Contact the Office of National and International Safety Programs (HMSP).

Seismic Research Program
Updated June 11, 2013

STATUS: ACTIVE – until funds are obligated and expended or rescinded

PROGRAM CODE: 431

FEDERAL SHARE: 100 percent (Note: Using contract type for this research program, and by interpretation from HAAM, the recipients need not to provide cost-sharing. If using grant or Coop. Agreement, this would be 50 percent).

PERIOD AVAILABLE: FY 05 - 09

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocations

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 503; Pre-MAP-21 23 U.S.C.502(g). Section 5201 of SAFETEA-LU (Public Law 109-203)

CFR REFERENCE: None

ELIGIBILITY: Studies of the vulnerability of highways, tunnels, and bridges to earthquakes and to develop and implement cost-effective methods to reduce such vulnerability.

BACKGROUND: The Transportation Equity Act for the SAFETEA-LU, section 5201, subsection 502(g) directs the FHWA to perform a study of the seismic vulnerability of the Federal-aid Highway System and other surface transportation systems to seismic activity and to develop and implement cost-effective methods to reduce such vulnerability. SAFETEA-LU further directs the FHWA to perform the study through *the Center for Civil Engineering Research at the University of Nevada, Reno, and the National Center for Earthquake Engineering Research at the University of Buffalo*. After a meeting with FHWA and two Institute's representatives, it was defined that those available funding will be evenly shared by these two institutes. Therefore, this acquisition is conducted as a sole source procurement under the authority of FAR 6.302-5 Authorized or Required by Statute. Further, since the statute expressly requires that the study be performed by the above source, the FAR at 6.302-5(c) (2). (ii) grants exemption from justification and approval requirements. Funding amount: $2.5M / year (2005-2009)

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) provides for the continued use of existing SAFETEA-LU carryover funds, for the original purpose under the rules that applied under the pre-MAP-21 program. MAP-21 authorizes the establishment of cooperative research programs under the Highway Research and Development program (HRD), (section 52003 of MAP-21 (23 U.S.C. 503)).

ADDITIONAL INFORMATION: Contact the Office of Infrastructure Research and Development (HRDI).

Sliding Scale Rates
Updated April 20, 2007

STATUS: ACTIVE The Federal share may be increased in States containing public lands in accordance with sliding scale rates determined by the FHWA.

PROGRAM CODE: Same as source funds

FEDERAL SHARE: Varies. See the latest FHWA Notice (4540 Series) for the current rates.

PERIOD AVAILABLE: Same as source funds

FUND: Same as source funds

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 120(a), 120(b)(1), and 120(b)(2)

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: The Federal share may be increased in States containing significant Federal lands in accordance with rates determined by the FHWA. These sliding scale rates are revised periodically and published in the FHWA Notices in the 4540 series. Reference to the latest issuance should be made for the current rates.

23 U.S.C. 120(a) provides the normal Federal share for projects on the Interstate System (including projects to add high occupancy vehicle lanes or auxiliary lanes, but not including projects to add any other lanes) and provides for increasing it by certain sliding scale rates as follows:

- These rates are based on the ratio of the area of unappropriated and unreserved public lands and nontaxable Indian lands to the total area of the State.
- Rates are available for States in which the designated public land area exceeds 5 percent of the total area of the State. Eligible States presently include Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming.
- The maximum rate of Federal participation is 95 percent.

23 U.S.C. 120(b)(1) provides the normal Federal share for projects that are not on the Interstate System and provides for increasing it by certain sliding scale rates as follows:

- These rates are based on the ratio of the areas of nontaxable Indian lands and public domain lands (both reserved and unreserved), **exclusive of** national forests and national parks and monuments, to the total area of the State.
- Rates are available for States in which the designated public land area exceeds 5 percent of the total area of the State. Eligible States presently include Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming.
- The maximum rate of Federal participation is 95 percent.

23 U.S.C. 120(b)(2) also provides the normal Federal share for projects that are not on the Interstate System and provides for increasing it by certain sliding scale rates, determined by a second method, as follows:

- These rates are based on the ratio of the areas of nontaxable Indian lands, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, to the total area of the State.
- Rates are available to some degree for all States.
- The maximum rate of Federal participation is 95 percent.
- These rates are available for States that have signed agreements pursuant to 23 U.S.C. 120(b)(2).

ADDITIONAL INFORMATION: Contact the Office of the Chief Financial Officer (HCF).

State Highway Safety Data Improvement Grants
Updated June 12, 2013

STATUS: ACTIVE – until funds are obligated and expended or rescinded

PROGRAM CODES:

FEDERAL SHARE: Not to exceed 75 percent in 1st and 2nd fiscal years, 50 percent in 3rd and 4th fiscal years, and 25 percent in 5th and 6th fiscal years.

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Grants (Allocation)

TYPE OF AUTHORITY:

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Pre-MAP-21 23 U.S.C. 411

CFR REFERENCE: 23 CFR 1335

ELIGIBILITY: Grant funds may be used to implement data improvement program activities to improve the timeliness, accuracy, completeness, uniformity, and accessibility of State data needed to identify priorities for national, State and local highway and traffic safety programs. Grant funds may also be used to evaluate the effectiveness of efforts to make such improvements, and to link these State data systems, including traffic records, with other data systems, and to improve compatibility with national data systems and data systems of other States.

BACKGROUND: Section 2005 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) established a new program of incentive grants at Section 411 of Title 23 United States Code. Section 2009 of TEA-21 authorized $5 million for FY 1999, $8 million for FY 2000, $9 million for FY 2001, and $10 million for FY 2002 for State Highway Safety Improvements under Section 411.

A State has three options to qualify for a first year grant:

Option A -- To qualify, a State must demonstrate that it has:

- Established a multi-disciplinary highway safety data and traffic records coordination committee.
- Completed a highway safety data and traffic records assessment or audit within the last five years.
- Initiated development of a multi-year highway safety data and traffic records strategic plan (with performance-based measures) -- approved by the coordinating committee.

Option B -- To qualify, a State must:

- Certify that the State has met the first two criteria in Option A above.
- Submit a data and traffic records multi-year plan, identifying goals, performance-based measures, and priorities; and that specifies how incentive funds will be used.
- Certify that the coordinating committee continues to operate and support the plan.

Option C -- The Secretary may award a grant of up to $25,000 for 1 year to any State that does not meet the criteria for Option A. The funds may only be used to conduct activities needed to enable the State to qualify for a first year grant.

States that receive a first year grant then would be eligible to receive 2nd and subsequent year grants. To qualify, a State must:

- Submit or update a Submit and traffic records multi-year plan, identifying goals, performance-based measures and priorities; and that specifies how incentive funds will be used.
- Certify that the coordinating committee continues to support the multi-year plan.
- Report annually on the progress made to implement the plan.

No State may receive a data grant in more than six years.

Eligible States may include the 50 States, the District of Columbia, Puerto Rico, Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Bureau of Indian Affairs.

Each State that qualifies for a grant under Option A receives $125,000. Each State that qualifies under Option B receives a proportional amount based on 23 U.S.C. 402 FY 1997 apportionments, but not less than $250,000. Each State that qualifies under Option C receives $25,000. Each State that qualifies for a second and subsequent year grant receives a proportional amount based on 23 U.S.C. 402 FY 1997 apportionments, but not less than $25,000.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) repealed the program. Carryover funding continues to be available for the original purpose under the rules that applied under the pre-MAP-21 program.

ADDITIONAL INFORMATION: Contact the Office of National and International Safety Programs (HMSP).

State Infrastructure Banks (SIB) Pilot Program (1995)
Updated April 20, 2007

STATUS: ACTIVE

PROGRAM CODES:

- S99 - Advance capitalization of the SIB
- 99A - SIB eligible capitalization categories of regular Federal-aid apportionments subject to the obligation limitation
- 99B - SIB eligible funds not subject to the obligation limitation
- 594 - SIB appropriated funds - highways
- 5TB - SIB appropriated funds -transit

FEDERAL SHARE: Disbursements of Federal funds must be matched by a non-Federal deposit of at least 25 percent of the Federal contribution (which equals 20 percent of the total deposit). The non-Federal share can be reduced if the State uses a lower non-Federal share under 23 U.S.C. 120(b).

PERIOD AVAILABLE: Appropriated funds available until expended

FUND: Highway Trust Fund and General Funds

FUND DISTRIBUTION METHOD: States may use regularly apportioned or allocated funds to capitalize the SIB. The FY 1997 DOT Appropriations Act General Funds were administratively allocated.

TYPE OF AUTHORITY: Contract and Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: Same as source funds

STATUTORY REFERENCE: Section 350 of the 1995 National Highway System Designation Act (1995 NHSDA, Public Law 104-59), FY 1997 DOT Appropriations Act

CFR REFERENCE: None

ELIGIBILITY: A SIB is an investment fund at the State or regional (multi-State) level with the ability to make loans and provide other forms of credit assistance to public and private entities to carry out highway construction and transit capital projects.

BACKGROUND: Section 350 of the National Highway System Designation Act of 1995 (1995 NHSDA, Public Law 104-59) provided for a pilot program for up to 10 States to enter into cooperative agreements with FHWA and/or Federal Transit Administration (FTA) for the implementation of a SIB to increase infrastructure investment in the transportation sector. By June 1996, the 10 States were named: Arizona, California, Florida, Missouri, Ohio, Oklahoma, Oregon, South Carolina, Texas, and Virginia.

Department of Transportation and Related Agencies Appropriations Act of 1997 (1997 Appropriations Act, P.L. 104-205) opened participation in the pilot program to all States. Twenty-nine States submitted applications in response to the program expansion, which was advertised in the Federal Register in November 1996. Twenty-nine additional States were designated to participate in the SIB pilot program in July 1997. The 1997 Appropriations Act also provided $150 million in extra funding from general funds for distribution to participating States at the discretion of the Secretary of Transportation. Allocation the $150 million was made in 1997 with all 39 States receiving a portion of the funds.

A pilot State may capitalize the highway account of the bank with funds from the following categories:Interstate Maintenance, National Highway System, the Highway Bridge Replacement and Rehabilitation Program, the Surface Transportation Program, Interstate Reimbursement, Apportionment Adjustment (Hold Harmless and 90 Percent Payment Adjustments), the Donor State Bonus Program, and Minimum Allocation. A maximum 10 percent of any one category can be used to capitalize. A separate account shall be established if the SIB is capitalized with FTA funds.

FHWA issued guidance dated September 10, 1997, for administering the SIB highway account. The SIB capitalization process includes a) an executed cooperative agreement between the SIB sponsor and the FHWA and/or FTA, b) the establishment of an advance capitalization amount (the maximum amount of Federal-aid funding that may be obligated), c) the transfer of eligible apportionments to the SIB, d) the obligation of the funds by execution of a project agreement, and e) the capitalization of the bank (disbursements of Federal funds under section 350(g)(1) of the 1995 NHSDA). Disbursements are subject to the historic Federal-aid outlay rates.

Funds made available for a SIB transit account are administered in accordance with the requirements of Chapter 53 of title 49, U.S.C. and guidance issued by FTA.

ADDITIONAL INFORMATION: Contact the Office of the Chief Financial Officer (HCF-1)

State Infrastructure Banks (SIB) Pilot Program (1998)
Updated April 20, 2007

STATUS: ACTIVE

PROGRAM CODES:

- SBA - Advance capitalization of the SIB
- SB1 - SIB Program subject to limitation
- SB2 - SIB Program subject to special limitation
- SB3 - SIB Program exempt from limitation

FEDERAL SHARE: Disbursements of Federal funds must be matched by a non-Federal deposit of at least 25 percent of the Federal contribution (which equals 20 percent of the total deposit). The non-Federal share can be reduced if the State uses a lower non-Federal share under 23 U.S.C. 120(b), i.e. sliding scale.

PERIOD AVAILABLE: N/A

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: States may capitalize a SIB without limitation from the following Federal-aid categories:National Highway System, Surface Transportation Program (except safety and enhancements), Bridge, Minimum Guarantee, and Interstate Maintenance; funds provided under section 5302 Title 49; and funds provided under subtitle V of Title 49 that are available to the State. The Federal capitalization grants will be disbursed over a five year period.

TYPE OF AUTHORITY: Same as source funds

SUBJECT TO OBLIGATION LIMITATION: Same as source funds

STATUTORY REFERENCE: Section 1511 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: A SIB is an investment fund at the State or regional (multi-State) level with the ability to make loans and provide other forms of credit assistance to public and private entities to carry out highway construction, transit capital, rail (using rail funds), or other surface transportation projects.

BACKGROUND: Section 1511 of the Transportation Equity Act for the 21st Century (TEA-21), P.L. 105-178, established a new SIB pilot program in June 1998 under which four States - California, Florida, Missouri, Rhode Island may capitalize their banks with Federal transportation funds authorized for fiscal years 1998-2003.

The SIB program requires separate tracking for the use of Interstate and rail funds; applies Federal requirement to all SIB assisted projects, including those financed with repayments from non-Federal sources (so-called "second round" projects); and establishes a five-year disbursement schedule for Federal capitalization funds at twenty percent per year.

ADDITIONAL INFORMATION: Contact the Office of the Chief Financial Officer (HCF-1)

State Infrastructure Banks (SIB) Pilot Program (2005)
Updated April 20, 2007

STATUS: ACTIVE

PROGRAM CODES:

- SBA - Advance capitalization of the SIB
- 99C - SIB eligible capitalization categories of regular Federal-aid apportionments

FEDERAL SHARE: Disbursements of Federal funds must be matched by a non-Federal deposit of at least 25 percent of the Federal contribution (which equals 20 percent of the total deposit). The non-Federal share can be reduced if the State uses a lower non-Federal share under 23 U.S.C. 120(b), i.e. sliding scale.

PERIOD AVAILABLE: N/A

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: States may capitalize a SIB from the following Federal-aid categories: National Highway System, Surface Transportation Program (except safety and enhancements), Bridge, Interstate Maintenance and Equity Bonus; funds provided under section 5302 Title 49; and funds provided under subtitle V of Title 49 that are available to the State.

TYPE OF AUTHORITY: Same as source funds

SUBJECT TO OBLIGATION LIMITATION: Same as source funds

STATUTORY REFERENCE: Section 1602 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU Public Law 109-59); 23 USC 610

ELIGIBILITY: A SIB is an investment fund at the State or regional (multi-State) level with the ability to make loans and provide other forms of credit assistance to public and private entities to carry out highway construction, transit capital, rail (using rail funds), or other surface transportation projects.

BACKGROUND: Section 1602 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU Public Law 109-59) established a new SIB pilot program in August 2005 under which all States, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories may capitalize their banks with Federal transportation funds authorized for fiscal years 2005 - 2009. The program is codified at 23 USC 610.

A State may capitalize the highway account of the bank with funds from the following categories; Interstate Maintenance, National Highway System, the Highway Bridge Replacement and Rehabilitation Program, the Surface Transportation Program, and funds allocated under the Equity Bonus Program. A maximum 10 percent of anyone category can be used to capitalize the SIB. Separate accounts shall be established if the SIB is capitalized with FTA and Rail funds. Federal requirements apply to all SIB assisted projects, including those financed with repayments from non-Federal sources (so-called "second round" projects).

ADDITIONAL INFORMATION: Contact the Office of the Chief Financial Officer (HCF)

State Planning And Research (SPR)
Updated July 23, 2013

STATUS: ACTIVE

PROGRAM CODES:
- 0810 -- SPR, may be used either for planning or for Research, Development, and Technology Transfer (RD&T), FYs 1992-1997
- 0860 -- SPR, mandatory 25 percent for RD&T activities, FYs 1992-1997
- Q550 -- SPR, may be used either for planning or for RD&T, FY 1998-2003
- Q560 -- SPR, mandatory 25 percent for RD&T activities, FY 1998-2003
- H550 -- SPR, may be used either for planning or for RD&T, FY 2004-2005
- H560 -- SPR, mandatory 25 percent for RD&T activities, FY 2004-2005
- L550 -- SPR, may be used either for planning or for RD&T, FY 2006-2009
- L560 -- SPR, mandatory 25 percent for RD&T activities, FY 2006-2009 (SAFETEA-LU)
- L55E -- SPR, may be used either for planning or for RD&T, (SAFETEA-LU Extension – P.L. 111-068)
- L56E -- SPR, mandatory 25 percent for RD&T activities, (SAFETEA-LU Extension – P.L. 111-068)
- M550 – SPR, may be used for planning or for RD&T, (MAP-21 P.L. 112-141)
- M560 – SPR, mandatory 25 percent for RD&T activities, (MAP-21 P.L. 112-141)

FEDERAL SHARE: 80 percent, unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

PERIOD AVAILABLE: FY + 3 years

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: These funds are a 2 percent set-a-side from certain Federal-aid funds apportioned to a State -- see below.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 505 as amended by MAP-21 Section 52005

CFR REFERENCE: 23 CFR part 420

ELIGIBILITY: As specified in section 505 of 23 U.S.C., SPR funds may be used for:

1. Engineering and economic surveys and investigations.
2. The planning of future highway programs and local public transportation systems and the planning of the financing of such programs and systems, including metropolitan and statewide planning under sections 134 and 135 [of 23 U.S.C.].
3. Development and implementation of management systems under sections 119, 148, 149, and 167 [of 23 U.S.C.].
4. Studies of the economy, safety, and convenience of surface transportation systems and the desirable regulation and equitable taxation of such systems.
5. Research, development, and technology transfer activities necessary in connection with the planning, design, construction, management, and maintenance of highway, public transportation, and intermodal transportation systems.
6. Study, research, and training on the engineering standards and construction materials for transportation systems described in paragraph (5), including the evaluation and accreditation of inspection and testing and the regulation and taxation of their use.
7. The conduct of activities relating to the planning of real-time monitoring elements.

   In addition, SPR funds may be used for the non-Federal share of a University Transportation Research grant under section 5506 of 49 U.S.C. [49 U.S.C. 5506(j)]

BACKGROUND: The Hayden-Cartwright Act of 1934 marked the beginning of the optional use of 1 1/2 percent of Federal-aid funds apportioned for several programs for surveys, planning, and engineering investigations for future highway improvements. This subsequently was broadened to a wider planning

and research program. The Federal-aid Highway Act of 1962 (Public Law 87-866) changed the use of the 1 1/2 percent amount from optional to exclusive and allowed an additional 1/2 percent of Primary, Secondary, and Urban System funds (PR funds) to be used at a State's option for planning and research purposes. Section 124 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) amended 23 U.S.C. 157(c) to allow the States to use up to 1 1/2 percent of their minimum allocation funds for HPR activities. Also, States are allowed to contribute up to 5 1/2 percent (4 1/2 percent prior to FY 1989) of their annual HPR apportionment for research under the National Cooperative Highway Research Program (NCHRP). Prior to passage of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), HPR funds were derived from the sums apportioned for Interstate Construction, Interstate Substitute, Primary, Secondary, Interstate 4R, Urban, and Highway Bridge Replacement and Rehabilitation programs.

Prior to FY 1983 the maximum percentage for Federal participation was determined in accordance with clause (A) or (B) of 23 U.S.C. 120(a) and was based on the relative amounts of Interstate and non-Interstate funds apportioned for the year. Beginning in FY 1983, a standard Federal share of 85 percent was established for the HPR program by Section 156 of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424). The 1982 STAA also provided that the sliding scale rates for States with large areas of public lands were applicable to HPR.

The 1991 ISTEA continued the HPR program but renamed it State Planning and Research (SPR), increased the set-a-side to 2 percent, and changed the matching ratio to 80 percent for all States. Beginning in FY 1992, SPR funds were set-a-side from the sums apportioned to the States for the Interstate Construction (through FY 1996), Interstate Substitution (through FY 1996), Interstate Reimbursement (beginning in FY 1996), Interstate Maintenance (IM), National Highway System (NHS), Surface Transportation (STP) (including Hold Harmless and 90 percent of Payment Adjustment funds transferred to the STP), Congestion Mitigation and Air Quality Improvement (CMAQ), and Highway Bridge Replacement and Rehabilitation (HBRR) programs. In addition, up to 1 1/2 percent of a State's Minimum Allocation (MA) and any amount of NHS and STP funds may be used for SPR activities.

With enactment of the Transportation Equity Act for the 21st Century (TEA-21), the SPR program was moved to section 505 of new Chapter 5 of Title 23 United States Code. From FY 1998 through FY 2004, SPR funds were 2 percent of the funds apportioned/allocated to a State for the IM, NHS, STP, CMAQ, and HBRR programs and the Minimum Guarantee (MG) program which replaced the MA and other ISTEA equity programs. Eligible activities remained unchanged.

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for Users (SAFETEA-LU) added the conduct of activities relating to the planning of real-time monitoring elements. Beginning with FY 2005, SPR funds were 2 percent of the funds apportioned/allocated to a State for the IM, NHS, STP, CMAQ, and HBRR programs, the new Highway Safety Improvement Program (HSIP), and the Equity Bonus (EB) program which replaced the TEA-21 MG program.

Beginning in FY 1992, at least 25 percent of the SPR funds apportioned annually must be used for the research, development, and technology transfer activities described above, unless the State certifies that total expenditures for transportation planning will exceed 75 percent of the amount of such funds and the FHWA concurs.

The program was continued through the SAFETEA-LU Extensions.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) sec 52005 amended 23 U.S.C. 505. The funds are now a 2% set-aside from the National Highway Performance Program, Surface Transportation Program, Highway Safety Improvement Program, and the Congestion Mitigation and Air Quality Improvement Program. In addition to amending eligible activities (listed above) the section provides that a State shall make available to the Secretary, to carry out implementation of Future Strategic Highway Research Program findings and results, a percentage of funds apportioned to that State, that is agreed to by ¾ of States for each of fiscal years 2013 and 2014.

ADDITIONAL INFORMATION: Contact the Office of Planning (HEPP) or the Office of Research, Development, and Technology (HRPD).

Surface Transportation Environment and Planning Cooperative Research Program Updated July 23, 2013

STATUS: ACTIVE until remaining funds are rescinded or expended

PROGRAM CODES:
- 4310 – Surface Transportation Research (TEA-21)
- 4320 – Surface Transportation Research (SAFETEA-LU)
- 4L30 - Surface Transportation Research (SAFETEA-LU)
- 4L3E - Surface Transportation Research (SAFETEA-LU Extension – P.L. 111-068)

FEDERAL SHARE: 50 percent

PERIOD AVAILABLE: 3 years - for obligation; 8 years - for expenditure

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Contracts, grants, cooperative agreements and other methods as applicable

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: MAP-21 Section 52007; Pre-MAP-2123 U.S.C. 507: Section 5207 of SAFETEA-LU

CFR REFERENCE: None

ELIGIBILITY: The objective of the STEP is to improve the understanding of the complex relationship between surface transportation and the environment. The SAFETEA-LU reference amends Title 23 U.S.C. 507 and established the Surface Transportation Environment and Planning Cooperative Research Program (STEP). Research under this section may:
- Develop accurate models for evaluating transportation control measures and system designs;
- Improve understanding of transportation demand factors;
- Develop indicators of economic, social and environmental performance of transportation systems to facilitate alternatives analysis;
- Meet additional priorities determined through the transportation research and development strategic planning process (section 5208 of SAFETEA-LU); and
- Refine the scope and research through outreach and consultation with stakeholders

BACKGROUND: Section 5207 of the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" (SAFETEA-LU) provided $16.875 million for each of the FYs 2006-2009 to carry out the STEP. Due to obligation limitations, rescissions and the over-designations of Title V Research in SAFETEA-LU, it is anticipated that approximately $11.7 million of the $16.875 million authorized will be available in future years.

The program was extended through the SAFETEA-LU Extensions.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) sec 52007 repealed the program by deleting 23 U.S.C.507. Carryover funding for this program continues to be available for the original purpose under the rules that applied under the pre-MAP-21 program.

ADDITIONAL INFORMATION: Contact the Office of Interstate and Border Planning (HEPI)

Surface Transportation Block Grant Program (STBG)
Formerly the Surface Transportation Program (STP)
Updated April 14, 2016

STATUS: ACTIVE

PROGRAM CODES:

FAST Act (Public Law 114-94)(23 U.S.C. references are as amended by the FAST Act)

- Z240 – STBG - Flex (23 U.S.C. 133(d)(1)(B))
- Z230 – STBG – Urbanized Areas with Population Over 200K (23 U.S.C. 133(d)(1)(A)(i)))
- Z231 – STBG – Areas with Population Over 5K to 200K (23 U.S.C. 133(d)(1)(A)(iii))
- Z232 – STBG – Areas with Population 5K and Under (23 U.S.C. 133(d)(1)(A)(ii))
- Z233 – STBG - Off-System Bridge (23 U.S.C. 133(f)(2))
- Z234 - STBG – Special Rule for Areas of Less Than 5,000 Population (23 U.S.C. 133(g)(1))
- Z500 - STBG - Border State Infrastructure (FAST Act Section 1437(a))
- STBG 23 U.S.C. 133(h) Program Codes, see Transportation Alternatives page

MAP-21 Extension Acts

- M24E – STP Flex (MAP-21 Extension)(23 U.S.C. 133(d)(1)(B))
- M23E – STP – Urbanized Areas with Population Over 200K (MAP-21 Ext.)(23 U.S.C. 133(d)(1)(A)(i))
- M2E1 – STP – Areas with Population Over 5K to 200K (MAP-21 Ext.)(23 U.S.C. 133(d)(1) (1)(A)(iii))
- M2E2 – STP – Areas with Population 5K and Under (MAP-21 Ext.)(23 U.S.C. 133(d)(1)(A)(ii))
- M233 – STP Off-System Bridge (MAP-21 Ext.)(23 U.S.C. 133(g)(2)(A))
- M234 - STP – Special Rule for Areas of Less Than 5,000 Population (MAP-21 Ext.)(23 U.S.C. 133(h))

MAP-21 (Public Law 112-141)

- M240 – STP Flex (MAP-21 Section 1101(a)(1))
- M230 – STP – Urbanized Areas with Population Over 200K (MAP-21 Section 1108(c))
- M231 – STP – Areas with Population Over 5K to 200K (MAP-21 Section 1108(c))
- M232 – STP – Areas with Population 5K and Under (MAP-21 Section 1108(c))
- M233 – STP Off-System Bridge (MAP-21 Section 1108(f))
- M234 - STP – Special Rule for Areas of Less Than 5,000 Population (MAP-21 Section 1108(f))

SAFETEA-LU

- L200 - STP<200K
- L20E - STP<200K (SAFETEA-LU Extension – P.L. 111-068)
- L20R - STP<200K (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L21R – STP-Optional Safety (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L220 - STP ENH
- L22E - STP ENH (SAFETEA-LU Extension – P.L. 111-068)
- L22R - STP ENH (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L230 - STP>200K
- L23E - STP>200K (SAFETEA-LU Extension – P.L. 111-068)
- L23R - STP>200K (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L240 - STP FLEXIBLE
- L24E - STP FLEXIBLE (SAFETEA-LU Extension – P.L. 111-068)
- L24R - STP FLEXIBLE (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L250 - STP <5,000
- L25E - STP <5,000 (SAFETEA-LU Extension – P.L. 111-068)
- L25R - STP <5,000 (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L26R - STP-Rail-Highway, Protective Devices (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L27R - STP-Rail-Highway, Elimination of Hazards (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L28R - STP-Hazard Elimination Program (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L290 - STP NHI
- L29E - STP NHI (SAFETEA-LU Extension – P.L. 111-068)
- L300 - STP 1/2 SK TR
- L30E - STP 1/2 SK TR (SAFETEA-LU Extension – P.L. 111-068)
- L310 - STP Tax Evasion

- L31E - STP Tax Evasion (SAFETEA-LU Extension – P.L. 111-068)
- LT30 - STP Tax Evasion
- LT3E - STP Tax Evasion (SAFETEA-LU Extension – P.L. 111-068)

SURF. TRANS. EXT. ACTS OF 2003, 2004 & 2005
- H200 - STP<200K
- H210 - STP SFTY
- H220 - STP-ENH
- H230 - STP URB
- H240 - STP-FLEX
- H250 - STP <5K
- H260 - STP RH PR
- H270 - STP-RH HZ
- H280 - STP-HAZ EL
- H290 - STP-NHI
- H300 - STP 1/2
- HT30 - STP-TAX EVA

TEA-21
- Q200 - STP < 200K
- Q210 - STP SFTY
- Q220 - STP-ENH
- Q230 - STP-URB
- Q240 - STP-FLEX
- Q250 - STP < 5K
- Q260 - STP RH PR
- Q270 - STP-RH HZ
- Q280 - STP-HAZ EL
- Q290 - STP-NHI
- Q300 - STP 1/2
- Q310 - STP PILOT
- Q320 - STP < 200K-G
- Q330 - STP-SAFETY-G
- Q340 - STP ENHAN-G
- Q350 - STP URBAN-G
- Q360 - STP ANY AREA-G
- Q370 - STP NON-URB-G
- Q380 - STP R/H P/D-G
- Q390 - STP HAZ EL-G
- Q430 - STP HAZ ELIM-G
- QB10 - STP < 200,000-FTA
- QB20 - STP ASFETY-FTA
- QB30 - STP ENHAN-FTA
- QB40 - STP > 200K-FTA
- QB50 - STP ANY-FTA
- QB60 - STP NON-URB-FTA
- QB70 - STP PROT DV-FTA
- QB80 - STP ELM HAZ-FTA
- QB90 - STP HAZ ELM-FTA
- QT30 - STP-TAX EVA

ISTEA
- 3AA0 -- STP-Other Than 200,000 Population
- 3AC0 -- STP-Areas Under 200,000 Population, 100 percent Federal Participation
- 3AD0 -- STP-1/4 percent Skill Training
- 3AE0 -- STP-TMFW Rail-Highway Crossings/Protective Devices
- 3AF0 -- STP-TMFW Rail-Highway Crossings/Hazard Elimination
- 3AG0 -- STP-TMFW-1/16 percent NHI Skill Training
- 3AH0 -- STP-TMFW Hazard Elimination Program

- 3AJ0 -- STP-TMFW 1/4 percent Skill Training
- 3AK0 -- STP-FTA Urbanized Areas >200,000 Population
- 3AL0 -- STP-FTA Optional Safety
- 3AM0 -- STP-FTA Transportation Enhancement
- 3AN0 -- STP-FTA State Flexible
- 3AP0 -- STP-FTA Mandatory Amount for Non-Urban Areas
- 3AR0 -- STP-FTA Rail-Highway Crossings, Protective Devices
- 3AT0 -- STP-FTA Rail-Highway Crossings, Elimination of Hazards
- 3AW0 -- STP-FTA Hazard Elimination Program
- 3AY0 -- STP-FTA Other Than 200,000 Population
- 33A0 -- STP-Optional Safety
- 33B0 -- STP-Transportation Enhancement
- 33C0 -- STP-Urbanized Areas With Populations >200,000
- 33D0 -- STP-State Flexible
- 33E0 -- STP-Mandatory Amount for Non-Urban Areas
- 33F0 -- STP-1/16 percent Skill Training (23 U.S.C. 321(b), NHI)
- 33M0 -- STP-Rail-Highway Crossings, Protective Devices
- 33N0 -- STP-Rail-Highway Crossings, Elimination of Hazards
- 33P0 -- STP-Hazard Elimination Program
- 33Q0 -- STP-Optional Safety, 100 percent
- 33R0 -- STP-Transportation Enhancement, 100 percent for Safety
- 33S0 -- STP-Urbanized Areas With Populations >200,000, 100 percent for Safety
- 33T0 -- STP-State Flexible, 100 percent for Safety
- 33W0 -- STP-Mandatory Amount for Non-Urban Areas, 100 percent for Safety
- 33X0 -- STP-Rail-Highway Crossings, Protective Devices, 100 percent for Safety
- 33Y0-- STP-Rail-Highway Crossings, Elimination of Hazards, 100 percent for Safety
- 33Z0 -- STP-Hazard Elimination Program, 100 percent for Safety

FEDERAL SHARE: The Federal share is governed by 23 U.S.C. 120. It is generally 80 percent. The Federal share for projects on the Interstate System is 90 percent unless the project adds lanes that are not high-occupancy-vehicle or auxiliary lanes. For projects that add single occupancy vehicle capacity, that portion of the project will revert to the 80 percent level. An upward sliding scale adjustment is available to States having public lands (http://www.fhwa.dot.gov/legsregs/directives/notices/n4540-12.cfm). States may use a lower Federal share on Federal-aid projects as provided in 23 U.S.C. 120.

Certain types of improvements, predominantly safety improvements, listed in 23 U.S.C. 120(c)(1) may have a Federal share of 100 percent. Use of this provision is limited to 10 percent of the total funds apportioned to a State under 23 U.S.C. 104. See FHWA Memo, “Increased Federal Share under 23 U.S.C. 120(c)(1),” dated November 25, 2014 (http://www.fhwa.dot.gov/federalaid/141125.cfm).

23 U.S.C. 120(f) allows funds apportioned under 23 U.S.C. 104 to be used at 100 percent Federal share for Federal-aid Highways within Indian reservations, national parks, and monuments.

The Federal share for workforce development, training, and education activities carried out with STBG funds under 23 U.S.C. 504(e)(1)(A)-(F) is 100 percent. Under 23 U.S.C. 504(b)(3)(A)(ii), STBG funds can be used as the non-Federal share to match the 50 percent Federal share for projects funded by the Local Technical Assistance Program.

The Federal share for projects located on toll roads and subject to the provisions of 23 U.S.C. 129 is limited to 80 percent.

Section 1435 of the FAST Act amended section 1528 of MAP-21 concerning the Federal share for Appalachian Development Highway System (ADHS) projects as provided in 40 U.S.C. 14501. For FY 2012 through 2050, the Federal share for local access roads and ADHS projects that contribute to the completion of the ADHS and are included in the latest approved Cost to Complete Estimate, may be up to 100 percent, as determined by the State. Work on completed segments of the ADHS or a section that was listed as ineligible in the latest approved Cost to Complete Estimate could be eligible for NHPP or STBG funds but only at a Federal share specified in 23 U.S.C. 120.

The Federal share for projects incorporating Innovative Project Delivery, as described in 23 U.S.C. 120(c)(3), may be increased by up to 5 percent of the total project cost not to exceed a 100 percent Federal share, subject to limitations in 23 U.S.C. 120(c)(3). (FAST Act §1408(a)).

PERIOD AVAILABLE: STBG funds are available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Thus funds are available for obligation for up to 4 years. (23 U.S.C. 118)

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 133, 23 U.S.C. 104(b)(2); FAST Act Sections 1101, 1104, 1109, 1111, 1407, 1437, 1446

CFR REFERENCE: None

ELIGIBILITY: Projects must meet the Location, Eligibility, and Planning requirements listed below:

Location of Projects (23 U.S.C. 133(c)): STBG projects may not be undertaken on a road functionally classified as a local road or a rural minor collector unless the road was on a Federal-aid Highway system on January 1, 1991, except—

(1) for a bridge or tunnel project (other than the construction of a new bridge or tunnel at a new location);
(2) for a project described in 23 U.S.C. 133(b)(4)-(11) and described below under "Eligible Activities" (b)(4) through (11);
(3) for transportation alternatives projects that were described in 23 U.S.C. 101(a)(29) before enactment of the FAST Act. (These are described in 23 U.S.C. 133(h) and in separate TA Set-Aside guidance.); and
(4) as approved by the Secretary.

Eligible Activities (23 U.S.C. 133(b)): Subject to the location of projects requirements in paragraph (a), the following eligible activities are listed in 23 U.S.C. 133(b):

(1) Construction, as defined in 23 U.S.C. 101(a)(4), of the following:
   i. highways, bridges, and tunnels, including designated routes of the Appalachian development highway system and local access roads under 40 U.S.C. 14501;
   ii. ferry boats and terminal facilities eligible under 23 U.S.C. 129(c);
   iii. transit capital projects eligible under chapter 53 of title 49, United States Code;
   iv. infrastructure-based intelligent transportation systems capital improvements, including the installation of vehicle-to-infrastructure communication equipment;
   v. truck parking facilities eligible under section 1401 of MAP–21 (23 U.S.C. 137 note); and
   vi. border infrastructure projects eligible under section 1303 of SAFETEA– LU (23 U.S.C. 101 note).
(2) Operational improvements and capital and operating costs for traffic monitoring, management, and control facilities and programs. Operational improvement is defined in 23 U.S.C. 101(a)(18).
(3) Environmental measures eligible under 23 U.S.C. 119(g), 328, and 329, and transportation control measures listed in section 108(f)(1)(A) (other than clause (xvi) of that section) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A)).
(4) Highway and transit safety infrastructure improvements and programs, including railway-highway grade crossings.
(5) Fringe and corridor parking facilities and programs in accordance with 23 U.S.C. 137 and carpool projects in accordance with 23 U.S.C. 146. Carpool project is defined in 23 U.S.C. 101(a)(3).
(6) Recreational trails projects eligible under 23 U.S.C. 206, pedestrian and bicycle projects in accordance with 23 U.S.C. 217 (including modifications to comply with accessibility requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)), and the Safe Routes to School Program under section 1404 of SAFETEA–LU (23 U.S.C. 402 note).
(7) Planning, design, or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

(8) Development and implementation of a State asset management plan for the National Highway System (NHS) and a performance-based management program for other public roads.
(9) Protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for bridges (including approaches to bridges and other elevated structures) and tunnels on public roads, and inspection and evaluation of bridges and tunnels and other highway assets.
(10) Surface transportation planning programs, highway and transit research and development and technology transfer programs, and workforce development, training, and education under chapter 5 of title 23, United States Code.
(11) Surface transportation infrastructure modifications to facilitate direct intermodal interchange, transfer, and access into and out of a port terminal.
(12) Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.
(13) Upon request of a State and subject to the approval of the Secretary, if Transportation Infrastructure Finance and Innovation Act (TIFIA) credit assistance is approved for an STBG-eligible project, then the State may use STBG funds to pay the subsidy and administrative costs associated with providing Federal credit assistance for the projects.
(14) The creation and operation by a State of an office to assist in the design, implementation, and oversight of public-private partnerships eligible to receive funding under title 23 and chapter 53 of title 49, United States Code, and the payment of a stipend to unsuccessful private bidders to offset their proposal development costs, if necessary to encourage robust competition in public-private partnership procurements.
(15) Any type of project eligible under 23 U.S.C. 133 as in effect on the day before the FAST Act was enacted. Among these are:
    i. Replacement of bridges with fill material;
    ii. Training of bridge and tunnel inspectors;
    iii. Application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing compositions for bridges (and approaches to bridges and other elevated structures) and tunnels;
    iv. Projects to accommodate other transportation modes continue to be eligible pursuant to 23 U.S.C. 142(c) if such accommodation does not adversely affect traffic safety;
    v. Transit capital projects eligible for assistance under chapter 53 of title 49, United States Code, including vehicles and facilities (publicly or privately owned) that are used to provide intercity passenger bus service;
    vi. Approach roadways to ferry terminals to accommodate other transportation modes and to provide access into and out of the ports;
    vii. Transportation alternatives previously described in 23 U.S.C. 101(a)(29) and described in 23 U.S.C. 213;
    viii. Projects relating to intersections having disproportionately high accident rates, high levels of congestion (as evidenced by interrupted traffic flow at the intersection and a level of service rating of “F” during peak travel hours, calculated in accordance with the Highway Capacity Manual), and are located on a Federal-aid Highway;
    ix. Construction and operational improvements for any minor collector if the minor collector and the project to be carried out are in the same corridor and in proximity to an NHS route; the construction or improvements will enhance the level of service on the NHS route and improve regional traffic flow; and the construction or improvements are more cost-effective, as determined by a benefit-cost analysis, than an improvement to the NHS route;
    x. Workforce development, training, and education activities discussed in 23 U.S.C. 504(e);
    xi. Advanced truck stop electrification systems. Truck stop electrification system is defined in 23 U.S.C. 101(a)(32);
    xii. Installation of safety barriers and nets on bridges, hazard eliminations, projects to mitigate hazards caused by wildlife;
    xiii. Electric vehicle and natural gas vehicle infrastructure in accordance with 23 U.S.C. 137;
    xiv. Data collection, maintenance, and integration and the costs associated with obtaining, updating, and licensing software and equipment required for risk-based asset management and performance based management, and for similar activities related to the development and implementation of a performance based management program for other public roads;
    xv. Construction of any bridge in accordance with 23 U.S.C. 144(f) that replaces any low water crossing (regardless of the length of the low water crossing); any bridge that was destroyed prior to January 1, 1965; any ferry that was in existence on January 1, 1984; or

any road bridge that is rendered obsolete as a result of a Corps of Engineers flood control or channelization project and is not rebuilt with funds from the Corps of Engineers. Not subject to the Location of Project requirement in 23 U.S.C. 133(c); and

xvi. Actions in accordance with the definition and conditions in 23 U.S.C. 144(g) to preserve or reduce the impact of a project on the historic integrity of a historic bridge if the load capacity and safety features of the historic bridge are adequate to serve the intended use for the life of the historic bridge. Not subject to the Location of Project requirement in 23 U.S.C. 133(c).

Applicability of Planning Requirements (23 U.S.C. 133(d)(5)): Projects must be identified in the Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP) and be consistent with the Long-Range Statewide Transportation Plan and the Metropolitan Transportation Plan(s). When obligating suballocated funding, the State must coordinate with relevant metropolitan planning organization (MPO) or rural planning organizations (23 U.S.C. 133(d)(3)). Programming and expenditure of funds for projects shall be consistent with 23 U.S.C. 134 and 135.

STBG projects for eligible planning purposes must be reflected in the statewide SPR work program or Metropolitan Unified Planning Work Program (UPWP). Further, these projects must be in the STIP/TIP unless the State DOT or MPO agree that they may be excluded (23 CFR 420.119(e)).

BACKGROUND: The STP was established by Section 1007 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), which added Section 133 to Title 23, United States Code. The 1991 ISTEA authorized $23.9 billion to be appropriated out of the Highway Trust Fund for the 6-years FYs 1992-1997. These funds were apportioned to the States based on a States percentage share of apportionments for FYs 1987-1991.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178), enacted on June 9, 1998, authorized $33.3 billion from the Highway Trust Fund for FYs 1998 through 2003 for the STP. The authorized amounts were subject to deductions of $500,000 each year for Operation Lifesaver, and $5,250,000 each year for elimination of hazards at railway-highway crossings in high-speed rail corridors.

The TEA-21 also established a formula for apportionment of STP funds to the States as follows:

- 25 percent in the ratio that total lane miles of Federal-aid highways in a State bears to total lane miles of Federal-aid highways in all States;
- 40 percent in the ratio that total vehicle miles of travel on lanes on Federal-aid highways in a State bears to the total vehicle miles of travel on lanes on such highways in all States; and
- 35 percent in the ratio the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year bears to the total of such payments in all the States.
- Each State was to receive a minimum of 1/2 percent of the funds apportioned.
- In addition, a portion of a State's Minimum Guarantee program funds was added to its STP apportionment.

Each State's apportioned STP funds were suballocated in the following manner:

- Ten percent of each State's apportionment was set-a-side for safety construction activities (i.e., hazard elimination and rail-highway crossings);
- Ten percent was set-a-side for transportation enhancement activities;
- Fifty percent (62.5 percent of the remaining 80 percent) of the funds were divided between urbanized areas over 200,000 in population and the remaining areas of the State. (The portion that goes to urbanized areas over 200,000 population must be distributed on the basis of population unless the State and relevant MPOs request the use of other factors and the FHWA approves. This provision is not applicable to Alaska and Hawaii.);
- The remaining 30 percent (37.5 percent of the remaining 80 percent) could be used in any area of the State. (This provision is not applicable to Alaska and Hawaii.),
- Areas of less than 5,000 population were guaranteed an amount that was not less than 110 percent of a State's FY 1991 pre-ISTEA secondary road program apportionment. For FYs 1998-2003, up to 15 percent of the funds for areas less than 5,000 population could be used on roads functionally classified as rural minor collectors;

- For the period FYs 1992-1997, a State with STP funds suballocated to urbanized areas over 200,000 population had to make obligation authority available over this 6-year period to each of these areas at the same percent that obligation authority was made available to the State over this period. The TEA-21 changed this provision to require that such obligation authority be made available over each of two 3-year periods, FYs 1998-2000 and FYs 2001-2003; and
- If a State or local government had failed to comply substantially with any provision of 23 U.S.C. 133 and the State failed to take corrective action within 60 days from the date of receipt of notification of noncompliance, future STP apportionments were to be withheld until appropriate corrective action had been taken.

The Surface Transportation Extension Acts of 2003, 2004 (Parts I through V), and 2005 (Parts I through VI) authorized continued funding for the STP program at FY 2003 levels until the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) was enacted on August 10, 2005.

Section 1101(a)(4) of SAFETEA-LU authorized $32.5 billion for the STP for FYs 2005 through 2009.

For FY 2005, $560,000 of this STP authorization was set aside for the Operation Lifesaver Program. For FYs 2006 through 2009, Operation Lifesaver is funded with its own authorization.

For FY 2005, $5.25 million of this STP authorization was set aside for Rail-Highway Crossing Hazard Elimination in High Speed Rail Corridors. For FYs 2006 through 2009, this program is funded with its own authorization.

In addition, under 23 U.S.C. 140(b) and 23 U.S.C. 140(c), up to $10 million each was set aside for administration of OJT Supportive Services and DBE Training, respectively.

The remaining STP authorization under SAFETEA-LU continued to be apportioned to the States in accordance with the above formula established in TEA-21. Each State was required to receive a minimum of ½ percent of the total STP funds apportioned. In addition, each State's STP apportionment is augmented by a portion of the Equity Bonus Program (previously Minimum Guarantee Program under TEA-21) under 23 U.S.C. 105.

The set-asides and sub-allocations of a State's STP apportionment under SAFETEA-LU continued as under TEA-21 with the following modifications:

- For FY 2005, the 10 percent set-aside of a State's STP apportionment under 23 U.S.C. 133(d)(1) for safety programs continued. However, for FYs 2006 through 2009, safety programs were funded under the new Highway Safety Improvement Program established in 23 U.S.C. 148 by section 1401 of SAFETEA-LU, and 23 U.S.C. 133(d)(1) was repealed effective October 1, 2005 by section 1113(b) of SAFETEA-LU.
- For FY 2005, the 10 percent set-aside of a State's STP apportionment under 23 U.S.C. 133(d)(2) for transportation enhancements continued. However, under the provisions of 23 U.S.C. 133(d)(2), as amended by section 1113(c) of SAFETEA-LU, for FYs 2006 through 2009, this set-aside was modified to be the greater of 10 percent of a State's STP apportionment or the amount set aside for transportation enhancements for the State in FY 2005.
- The 62.5 percent of a State's remaining STP apportionment (after the transportation enhancements set-aside) was divided among sub-State areas on the basis of population under the provisions of 23 U.S.C. 133(d), as amended by section 1113(b) of SAFETEA-LU.

The following modifications to STP eligible activities were included in SAFETEA-LU:

- Under section 1113(a)(1) of SAFETEA-LU, advanced truck stop electrification systems was added to 23 U.S.C. 133(b)(6).
- Under section 1113(a)(2) of SAFETEA-LU, 23 U.S.C. 133(b)(12) was added, which provides eligibility for projects at intersections that have high accident rates, high levels of congestion, and are on a Federal-aid highway.
- Under section 6006 of SAFETEA-LU, environmental restoration and pollution abatement, as described in 23 U.S.C. 328, was added under 23 U.S.C. 133(b)(14).
- Under section 6006 of SAFETEA-LU, control of noxious weeds and aquatic noxious weeds and establishment of native species, as described in 23 U.S.C. 329, was added under 23 U.S.C. 133(b)(15).

- The provision in section 1108(f) of TEA-21, which allowed obligation of up to 15 percent of a State's STP sub-allocation for areas with less than 5,000 population on rural minor collectors, was not continued under SAFETEA-LU.
- Section 113(a) of the SAFETEA-LU Technical Corrections Act of 2008 (Public Law 110-244), which was enacted on June 6, 2008, amended Section 1108(f) of TEA-21 by extending this provision through FY 2009. This special rule permits obligation on minor collectors of up to 15 percent of a State's sub-allocation of STP funds for areas of less than 5,000 population.

MAP-21 modified the program eligibilities as shown above. MAP-21's approach to distribution of formula funds is based on the amounts of formula funds each State received under SAFETEA-LU. Once each State's total Federal-aid apportionment is calculated, amounts are set aside for Metropolitan Planning and the Congestion Mitigation and Air Quality Improvement Program (CMAQ), and the remainder is divided among the rest of the formula programs as follows: National Highway Performance Program (NHPP) (63.7%), STP (29.3%), and Highway Safety Improvement Program (7.0%).

From the State's STP apportionment, the following sums are set aside:
- A proportionate share of funds (as described in MAP-21 §1122, 23 U.S.C. 213(a)(1)) for the State's Transportation Alternatives Program (TAP)).
- 2 percent for State Planning and Research (SPR). (MAP-21 §52005; 23 U.S.C. 505).
- An amount equal to not less than 15 percent of the State's FY 2009 Highway Bridge Program apportionment will be set aside from the funds identified in 23 U.S.C. 133 (d)(1)(B) for Bridges Not on Federal-aid Highways, "off-system bridges." (MAP-21 §1108(f)).

Under MAP-21, fifty percent of a State's STP apportionment (after deducting the set-asides for SPR and TAP) is suballocated to areas based on their relative share of the total State population with the other 50 percent available for use in any area of the State (23 U.S.C. 133(d)). The suballocated funds are divided into three categories:
- Urbanized areas with a population over 200,000. These funds are further distributed among the individual areas based on their relative share of the population of the areas. The State and the relevant metropolitan planning organizations may jointly apply to the FHWA division office for permission to base the distribution on other factors. These funds may be obligated in the metropolitan area established under 23 U.S.C. 134 that encompasses the urbanized area.
- Areas with a population of 5,000 or less.
- Urban areas with a population of 5,001 to 200,000. Prior to obligating funds attributed to an area of this type, the State must consult with the regional transportation planning organizations that represent the area, if any.

The special rule for funding projects on minor collectors has been continued in MAP-21 (23 U.S.C. 133(h)). Up to 15 percent of the amounts required to be obligated in areas with a population of 5,000 or less for each of fiscal years 2013 through 2014 may be obligated on roads functionally classified as minor collectors. The Secretary may suspend this special rule with respect to a State if the FHWA division office determines that this authority is being used excessively by the State. Prior to MAP-21, the comparable rural special rule was applicable to areas with populations of less than 5,000.

MAP-21 continues the authority under the STP that gives States the option to administer a program of STP-funded projects as a program under a single project agreement (23 U.S.C. 133(e)). In advancing a program of STP-funded projects, the following requirements apply:
- For each fiscal year, the State shall submit a project agreement that certifies that it will meet all the requirements of 23 U.S.C. 133 and that notifies the FHWA division office of the amount of obligations needed to carry out the program under this section.
- Each State shall request from the FHWA division office such adjustments to the amount of obligations referred to in (F)(1) above as it determines to be necessary.
- Approval by the FHWA division office of a project agreement under paragraph (F)(1) shall be deemed a contractual obligation of the United States to pay STP funds made available.

Projects used to satisfy the State match of a program must meet all applicable Federal requirements.

Section 1108(f) of MAP-21 amended 23 U.S.C. 133(g) to add the definition of off-system bridge as a highway bridge located on a public road that is not a Federal-aid highway. Eligible activities are those described in 23 U.S.C. 133(b)(2) and 23 U.S.C. 133(b)(4). MAP-21 continues to provide a set-aside for minimum expenditures on off-system bridges. By special rule, States shall obligate for activities described in 23 U.S.C. 133(b)(2) an amount not less than 15 percent of the amount of funds apportioned to the State for the Highway Bridge Program for fiscal year 2009. These obligations must be from the funds identified in 23 U.S.C. 133(d)(1)(B); suballocated amounts identified in 23 U.S.C. 133 (d)(1)(A) are not to be used. The FHWA Administrator, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges if the FHWA Administrator determines that the State has inadequate needs to justify the expenditure.

Credit for Bridges Not on Federal-Aid Highways is also continued. Under MAP-21, up to 80 percent of the construction costs incurred from bridge replacement and rehabilitation projects that are not on Federal-aid highways and are wholly funded by State and local sources (additional requirements must also be met) may be credited to the non-Federal share of the cost of other bridge projects that are eligible under the STP.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act changed the name of the program and mainly revised the format of the program eligibilities, with no deletion of activities previously eligible, but the following new eligibilities were added as 23 U.S.C. 133(b)(13) and (14).

- Upon request of a State and subject to the approval of the Secretary, if Transportation Infrastructure Finance and Innovation Act (TIFIA) credit assistance is approved for an STBG-eligible project, then the State may use STBG funds to pay the subsidy and administrative costs associated with providing Federal credit assistance for the projects.
- The creation and operation by a State of an office to assist in the design, implementation, and oversight of public-private partnerships eligible to receive funding under title 23 and chapter 53 of title 49, and the payment of a stipend to unsuccessful private bidders to offset their proposal development costs, if necessary to encourage robust competition in public-private partnership procurements.

The FAST Act also increased the percentages of funds suballocated based on population, from 51% in 2016 to 55% in 2020. The pre-FAST Act STP Administration provision (23 U.S.C. 133(e)) allowing programmatic STP Project Agreements, was repealed. The Special Rule for Areas of Less than 5,000 Population was continued through, FY 2020. The Transportation Alternatives (TA) program was amended as a set-aside of the STBG (23 U.S.C. 133(h))(see Transportation Alternatives Program Guide page). The Fast Act added a Treatment of Projects provision as 23 U.S.C. 133(i). The Fast Act also added a Bundling of Bridge Projects provision as 23 U.S.C. 144(j).

Section 1437 of the FAST Act allows the Governor of a State that shares a land border with Canada or Mexico to designate for each fiscal year not more than 5 percent of STBG funds made available for any area of the State under 23 U.S.C. 133(d)(1)(B), for border infrastructure projects eligible under section 1303 of SAFETEA–LU, the Coordinated Border Infrastructure (CBI) Program. Projects must meet the requirements of section 1303.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Surface Transportation Research Strategic Planning Updated July 23, 2013

STATUS: ACTIVE

PROGRAM CODES:

FEDERAL SHARE:

PERIOD AVAILABLE:

FUND:

FUND DISTRIBUTION METHOD:

TYPE OF AUTHORITY:

SUBJECT TO OBLIGATION LIMITATION:

STATUTORY REFERENCE: 23 U.S.C. 508; MAP-21 Section 52013

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: Section 5208 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amended 23 U.S.C. 508. The Secretary is to establish a strategic planning process to determine national transportation research and technology development priorities, coordinate Federal surface transportation research and technology development, and measure its results. Specifically, the Secretary is to develop a 5-year transportation research and development strategic plan to guide Federal transportation research and development activities. Annual performance reports and plans are to include a summary of the R&D activities for the previous fiscal year in each topic area; and the amount of funding spent in each topic area. In addition, the Secretary is required to submit to Congress an annual report, in conjunction with the annual budget request, describing the amount spent in the last completed fiscal year on transportation research and development and the amount proposed in the current budget for transportation research and development. The strategic plan, performance plan and performance reports must be reviewed by the National Research Council.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) sec 52013 amended 23 U.S.C.508 such that the strategic plan shall describe the primary purposes of the transportation research and development program, which shall include, at a minimum— (i) promoting safety; (ii) reducing congestion and improving mobility; (iii) preserving the environment; (iv) preserving the existing transportation system; (v) improving the durability and extending the life of transportation infrastructure; and (vi) improving goods movement.

ADDITIONAL INFORMATION: Contact the Research and Innovative Technology Administration, Office of Research, Development and Technology or FHWA's Office of Program Development and Evaluation (HRPD).

Surface Transportation Research, Development, And Deployment
Updated April 20, 2007

STATUS: ACTIVE

PROGRAM CODES:

Description	RD&T Office	BPAC Code
Innovative Pavement Research & Deployment	41-13	**15X0432060-0000-0404320100**
Fundamental Properties of Asphalt	41-04	**15X0432060-0000-0404320103**
Fundamental Properties of Asphalt	41-11	**15X0432060-0000-0404320103**
Asphalt Research Consortium	41-04	**15X0432060-0000-0404320104**
Asphalt Research Consortium	41-11	**15X0432060-0000-0404320104**
LTPP	41-13	**15X0432060-0000-0404320200**
Seismic Research	41-07	**15X0432060-0000-0404320300**
Long-Term Bridge Performance	41-10	**15X0432060-0000-0404320301**
Innovative Bridge Research & Deployment	41-03	**15X0432060-0000-0404320302**
Innovative Bridge Research & Deployment	41-07	**15X0432060-0000-0404320302**
High-Performing Steel Bridge	41-06	**15X0432060-0000-0404320303**
Steel Bridge Testing	41-10	**15X0432060-0000-0404320304**
Wood Composite	41-07	**15X0432060-0000-0404320305**
Ultra-High Performance Concrete with Ductility	41-06	**15X0432060-0000-0404320306**
Safety Innovative Deployment	42-01	**15X0432060-0000-0404320600**
Center for Transportation Safety	42-01	**15X0432060-0000-0404320601**
Motor Cycle Crash Causation Study	42-01	**15X0432060-0000-0404320604**
Transportation Injury Research [sec- 5513(b)]	42-01	**15X0432060-0000-0404320605**
Exploratory Advanced Research	47-01	**15X0432060-0000-0404320800**
F-SHRP	44-01	**15X0432060-0000-0404320801**
SBIR (2% of Adjusted CA)	44-01	**15X0432060-0000-0404320802**
RITA • Biobased Transportation Research • Demonstration Projects and Studies • Transportation Technology Innovations	44-01	**15X0432060-0000-0404320803**
CA (5% of adjusted CA for designations) New CRF	44-01	**15X0432060-0000-0404320804**

FEDERAL SHARE: 50 percent (unless otherwise provided by law or otherwise determined by the Secretary)

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund (other than the Mass Transit Account)

FUND DISTRIBUTION METHOD: Grants, cooperative agreements, and contracts

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: SAFETEA-LU, Public Law 109-59, Section 5101(a)(1)

CFR REFERENCE: None

ELIGIBILITY: The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59), authorizes a program consisting of research, development, and technology transfer activities related to:

- motor carrier transportation,
- all phases of transportation planning and development (including construction, operation, modernization, development, design, maintenance, safety, financing and traffic conditions); and
- the effect of State laws on activities above.

BACKGROUND: SAFETEA-LU combines Surface Transportation Research and Technology Deployment into a unified program with a clarified Federal role; establishes principles and procedures for involvement in research and technology, including stakeholder input, competition and peer review, and performance review and evaluation. The eligibility of transportation system management and operations research and development activities is clarified, and freight security research initiatives are added as eligible components. An overall 5-year strategic plan is required for the Department, to integrate the R&D programs of all modes.

Research and technology deployment programs include:

- *Exploratory Advanced Research Program*: enhances program to address longer-term, higher-risk research, including 1) highway infrastructure materials, 2) health effects, 3) safety, 4) environment, 5) system condition and performance monitoring, and 6) hour-to hour operational decision-making.
- *Long Term Pavement Performance (LTPP)*: continues program for pavement research to meet future technology needs.
- *Seismic Research*: continues program to reduce the vulnerability of surface transportation systems to seismic activities.
- *Biobased Transportation Research*: establishes program to conduct biobased research of national importance at the National Biodiesel Board and at other research centers.
- *Long Term Bridge Performance Program*: parallel to LTPP, this new initiative targets bridge research to meet future technology needs.
- *Innovative Bridge Research and Deployment Program*: enhances program to promote deployment of innovative bridge technologies, including high performance concrete and steel bridges.
- *Innovative Pavement Research and Deployment Program*: establishes program to promote innovative pavement technologies, including set-aside for NHS pavements.
- *Safety Innovation Deployment Program*: establishes a program to demonstrate the application of innovative technologies in highway safety.
- *Demonstration projects and studies:* Wood Composite Materials Demonstration Project, Asphalt Reclamation Study, Alkali Silica Reactivity
- *Transportation Technology Innovations*: Fundamental Properties of Asphalts and Modified Asphalts and Transportation, Economic, and Land Use System
- *Future Strategic Highway Research Program*:establishes program to be carried out through the National Research Council in consultation with AASHTO. Program to be based on NRC Special Report 260 and NCHRP Project 20-58 and emphasizes the four areas of: renewal, safety, congestion, and capacity.

Operation of the highway system:

- *National Cooperative Freight Transportation Research Program*: new program, to be conducted through the National Academy of Sciences; advisory committee will recommend a national research agenda, including estimates of the public benefits derived from freight transportation and the uses of technology to improve freight transportation.
- *Surface Transportation Congestion Relief Solutions Research Initiative*: two research initiatives to assist States in addressing surface transportation congestion problems - 1) improved congestion management system measures, and 2) analytical techniques for action on congestion.

Facilitating partnerships:

- *Transportation Pooled Fund Program:* Encourages DOT to pool resources with State DOTs and other transportation and research organizations for R&T activities of mutual interest.
- Secretary may directly initiate contracts, agreements to fund, and accept funds from TRB, State DOTs, cities, and counties to conduct joint R&T programs.
- *International Highway Transportation Outreach Program*: continues program 1) to inform the United States highway community of technological innovations in foreign countries, 2) to promote United States highway transportation expertise, goods, and services in foreign countries, and 3) to increase transfers of United States highway transportation technology to foreign countries.
- *Centers for Surface Transportation Excellence*: provides for the establishment of 4 centers -- environmental excellence, surface transportation safety, rural safety, and project finance to provide services such as technical assistance, training, information sharing, and outreach.

- *Surface Transportation-Environmental Cooperative Research Program*: to improve understanding of the complex relationship between surface transportation and the environment.
- *Center for Transportation Advancement and Regional Development*: establishes the Center to assist, through training, education, and research, in the comprehensive development of small metropolitan and rural regional transportation systems responsive to the needs of businesses and local communities.

Other

- *Infrastructure Investment Needs Report*: due date set at July 31, 2006, and every two years thereafter must include information necessary for comparison with conditions and measures in previous reports.
- *Turner-Fairbank Highway Research Center*: The Center is recognized as a leader in nationwide research to meet the transportation needs of the 21st century.
- *Promotional Materials*: provides authority to the FHWA to purchase promotional items of nominal value for use in educational outreach and recruitment.
- *Transportation Safety Information Management System Project*: provides for the further development of TSIMS software application to provide for the collection, integration, management, and dissemination of safety data.
- *Commercial Remote Sensing Products and Spatial Information Technologies*: program to validate commercial remote sensing products and spatial information technologies for application to national transportation infrastructure development and construction.
- *Advanced Travel Forecasting Procedures Program*: continues program for deployment of the Transportation Analysis Simulation System (TRANSIMS) as a planning tool and to develop additional applications and uses of the model. [5512]

Section 5101 of SAFETEA-LU authorized $196.4 million for each FY 2005-2009 for Surface Transportation Research under Sections 502, 506, 507, 509 and 510 of Title 23, United States Code and sections 5201, 5203, 5204, 5309, 5501, 5502, 5503, 5504, 5506, 5511, 5512, and 5513 of SAFETEA-LU.

ADDITIONAL INFORMATION: Contact the Office of Research, Development, and Technology (HRT).

Transportation Alternatives Program (TAP)
January 24, 2013

STATUS: ACTIVE

PROGRAM CODES:
- M300 - Transportation Alternatives Program (TAP) Flex (MAP-21 – P.L. 112-141)
- M301 – TAP – Urbanized Areas With Population Over 200K (MAP-21 – P.L. 112-141)
- M302 – TAP Area with Population Over 5K to 200K (MAP-21 – P.L. 112-141)
- M303 – TAP Areas with Population 5K and Under (MAP-21 – P.L. 112-141)

FEDERAL SHARE: The Federal share for TAP projects is governed by 23 U.S.C. 120. The Federal share generally is 80 percent, subject to the sliding scale adjustment. Recreational Trails Program (RTP) projects funded under the RTP set-aside shall use the RTP Federal share provisions under 23 U.S.C. 206(f), which allows some additional flexibility, especially for the non-Federal share.

PERIOD AVAILABLE: Funds are available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Thus funds are available for obligation for up to 4 years.

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: An amount equal to 2% of the total amount authorized to be apportioned under 23 USC 104(b) from the Highway Account of the Highway Trust Fund for Federal-aid highways each fiscal year (FY) is to be reserved for the TAP. [23 U.S.C. 213(a)] The national total is divided among States based on each State's proportionate share of FY 2009 Transportation Enhancements funding. Within each State, the amount for the TAP is set aside proportionately from the State's National Highway Performance Program (NHPP), Surface Transportation Program (STP), Highway Safety Improvement Program (HSIP), Congestion Mitigation and Air Quality Improvement Program (CMAQ), and Metropolitan Planning apportionments.

Unless the Governor opts out in advance, an amount equal to the State's FY 2009 Recreational Trails Program (RTP) apportionment is to be set aside from the State's TAP funds for the RTP. [23 U.S.C. 213(f)-(g)]

Fifty percent of a State's TAP apportionment (after deducting the set-aside for the RTP, if applicable) is suballocated to areas based on their relative share of the total State population, with the remaining 50 percent available for use in any area of the State. The suballocation is made in the same manner as for STP funds. [23 USC 213(c)]

A State may transfer up to 50% of its TAP funds to NHPP, STP, HSIP, CMAQ, and/or Metropolitan Planning. The amount transferred must come from the portion of TAP funds available for use anywhere in the State (no transfers of suballocated TAP funds, or funds set aside for the RTP). [MAP-21 §1509; 23 U.S.C. 126]

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 101(a)(29), 133(b)(11), 213; MAP-21 §1103, §1108, and §1122; Recreational Trails - 23 U.S.C. 206; Safe Routes to School - SAFETEA-LU §1404.

CFR REFERENCE: None

ELIGIBILITY: Under 23 U.S.C. 213(b) eligible activities under the TAP program consist of:

1. Transportation Alternatives as defined in 23 U.S.C. 101(a)(29) (MAP-21 §1103):
    A. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.
    B. Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
    C. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.
    D. Construction of turnouts, overlooks, and viewing areas.
    E. Community improvement activities, including-
        i. inventory, control, or removal of outdoor advertising;
        ii. historic preservation and rehabilitation of historic transportation facilities;
        iii. vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
        iv. archaeological activities relating to impacts from implementation of a transportation project eligible under title 23.
    F. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to-
        i. address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 133(b)(11), 328(a), and 329 of title 23; or
        ii. reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
2. The recreational trails program under section 206 of title 23.
3. The safe routes to school (SRTS) program under section 1404 of the SAFETEA-LU.
    A. Infrastructure-related projects.-planning, design, and construction of infrastructure-related projects on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools. SRTS projects must be within approximately two miles of a school for kindergarten through eighth grade as specified in SAFETEA-LU §1404. (23 U.S.C. 402 note)
    B. Noninfrastructure-related activities to encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and funding for training, volunteers, and managers of safe routes to school programs.
    C. Safe Routes to School coordinator.
4. Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.
5. Workforce development, training, and education activities that are in accordance with 23 U.S.C. 504(e).

Ineligible Activities: Section 1103 of MAP-21 eliminated the definition of transportation enhancement activities in section 101 of title 23 and inserted in its place a definition of transportation alternatives, which does not include certain activities that were previously eligible as transportation enhancements. TE eligible items ineligible for TAP include but are not limited to:

A. Safety and educational activities for pedestrians and bicycles.

    i. Note: SRTS activities targeting children in Kindergarten through 8th grade are eligible under the TAP.

B. Acquisition of scenic easements and scenic or historic sites.
C. Scenic or historic highway programs (including visitor and welcome centers).
    i. Note: A few specific activities under this category (construction of turnouts, overlooks, and viewing areas) remain eligible under section 101(a)(29)(D) of title 23.
D. Historic preservation as an independent activity unrelated to historic transportation facilities. Note: Historic preservation and rehabilitation of historic transportation facilities are permitted as one type of community improvement activity; see section 101(a)(29)(E).
E. Operation of historic transportation facilities.
F. Archaeological planning and research undertaken for proactive planning. This category now must be used only as mitigation for highway projects.
G. Transportation museums.

BACKGROUND: The Transportation Alternatives Program (TAP) authorized under §1122 of MAP-21 (23 U.S.C. 213(b), 101(a)(29)) provides funding for programs and projects defined as transportation alternatives, including on- and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, community improvement activities, and environmental mitigation; recreational trail program projects; safe routes to school projects; and projects for the planning, design or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

Consistent with other Federal-aid highway programs, TAP funds are administered by the State Department of Transportation (State DOT). The statute requires the following with respect to the selection of projects:

- TAP funds must be obligated to eligible projects submitted by eligible entities through a competitive process. (23 U.S.C. 213)(c)(4)(A).
- For urbanized areas with populations over 200,000, the MPO, through a competitive process, selects the TAP projects in consultation with the State from proposed projects submitted by eligible entities. (23 U.S.C. 213(c)(3)).
- Funds suballocated to small urban areas and rural areas will be administered by the State. Using a competitive process, the State will select the projects from proposed projects submitted by eligible entities.
- Funds available to any area of the State will be administered by the State. Using a competitive process, the State will select the projects from proposed projects submitted by eligible entities. These funds may be used in any area of the State, including within large urbanized areas, small urban areas, and nonurban areas.
- For the RTP set-aside, if applicable, States administer the program through a designated State agency. This can remain the same agency it has been (for most States, the State resource agency or grant agency), or may be the State DOT. (23 U.S.C. 206(c) and 213(f)).

The "treatment of projects" requirement (23 U.S.C. 213(e)) means that all projects carried out using TAP funds (except for recreational trails projects carried out under the RTP set-aside) must comply with applicable provisions in title 23, such as project agreements, authorization to proceed prior to incurring costs, prevailing wage rates (Davis-Bacon), competitive bidding, and other contracting requirements, regardless of whether the projects are located within the right-of-way of a Federal-aid highway. There may be some exceptions for projects that use youth service and conservation corps. (MAP-21 §1524).

Under 23 U.S.C. 213(c)(4)(B), the entities eligible to receive TAP funds are:

- local governments;
- regional transportation authorities;
- transit agencies;

- natural resource or public land agencies;
- school districts, local education agencies, or schools;
- tribal governments; and
- any other local or regional governmental entity with responsibility for oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of subsection (c) of section 213 of title 23.

State DOTs and MPOs are not eligible entities as defined under 213(c)(4)(B) and therefore are not eligible project sponsors for TAP funds. However, State DOTs and MPOs may partner with an eligible entity project sponsor to carry out a project.

Under TAP, nonprofit organizations are not eligible as direct grant recipients for TAP funds unless they qualify through one of the eligible entity categories (e.g., where a nonprofit organization is a designated transit agency or a school). Nonprofits are eligible to partner with any eligible entity on an eligible TAP project, if State or local requirements permit.

States and regional transportation planning agencies are encouraged to enter into contracts and cooperative agreements with qualified youth service or conservation corps to perform appropriate projects. Such contracts and cooperative agreements are exempt from some Federal-aid highway program contracting requirements. [§1524] http://www.fhwa.dot.gov/map21/qandas/qayscc.cfm

To provide for the continuation of recreational trails projects, MAP-21 requires each State to set aside a portion of its TAP funds for projects relating to recreational trails under 23 USC 206. [23 USC 213(f)-(g)] For additional information, see Recreational Trails Program.

- The amount to be set aside is equal to each State's FY 2009 RTP apportionment.
- 1% of the set-aside funds are to be returned for FHWA administration of the RTP.
- A State may opt out of this set-aside if the Governor notifies the Secretary no later than 30 days prior to the start of a fiscal year. A State opting out may not use TAP funds for RTP administrative costs for that fiscal year.
- If the State does not opt out of the RTP, the RTP provisions and requirements remain unchanged.

States also have the option to continue eligible SRTS program activities from section 1404 of SAFETEA-LU. For additional information, see Safe Routes to School.

ADDITIONAL INFORMATION: See http://www.fhwa.dot.gov/map21/guidance/guidetap.cfm. Contact the Office of Human Environment (HEPH).

Territorial Highway Program (THP)
Updated March 3, 2016

STATUS: ACTIVE

PROGRAM CODES:
- ZT10 – THP Fast Act FYs 2016-2020
- MT1E – THP MAP-21 extension FY 2015 (expires 9/30/2018)
- MT10 - THP under MAP-21 for FYs 2013 – 2014 (expires 9/30/2017)
  Expired Program Codes:
- Same as source funds - Highway Trust Funds for FYs 1983-1991
- 31E0- NHS funds under the 1991 ISTEA for FYs 1991-1997
- 31F0 - NHS funds under the 1991 ISTEA for FYs 1991-1997 (HPR)
- QT10 - NHS funds under TEA-21 for FYs 1998-2003
- HT10 - NHS funds under STEAs of 2003, 2004 & 2005 & SAFETEA-LU for FYs 2004-2005
- LT10 - NHS funds under SAFETEA-LU for FYs 2006-2009
- TT10 - NHS funds under SAFETEA-LU for FYs 2006-2009 (Federal Lands)
- CT10 - ARRA for FYs 2009-2010
- LT1E - NHS under SAFETEA-LU Extension (P.L. 111-068) for FYs 2010 - 2012
  Other Expired Code: 1270, 6220, 6230, 6240, 6260, 6440, 6600, 3170, 31J0

FEDERAL SHARE: 100 percent [23 U.S.C. 165(c)(2)(B) & 23 U.S.C. 120(g)]

PERIOD AVAILABLE: FY + 3 Years; ARRA FY 2009 - 2010

FUND: Highway account of the Highway Trust Fund; ARRA - General Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 120(g), 129(c), 165(a) & (c); ARRA Division A, Title XII

CFR REFERENCE: None

ELIGIBILITY: Under the provisions of 23 U.S.C.165(c)(6), funds made available for the THP may be used for the construction and improvement of a system of arterial and collector highways, and necessary inter-island connectors for the following purposes:

- Eligible surface transportation block grant program projects described in 23 U.S.C. 133(b);
- Cost-effective preventive maintenance activities in accordance with 23 U.S.C. 116(e);
- Ferry boats, terminal facilities, and approaches, in accordance with 23 U.S.C. 129(b) and (c);
- Engineering and economic surveys and investigations for the planning, and the financing, of future highway programs;
- Studies of the economy, safety, and convenience of highway use;
- The regulation and equitable taxation of highway use; and
- Such research and development as are necessary in connection with the planning, design, and maintenance of the highway system.
- Under the provisions of 23 U.S.C. 165(c)(7), THP funds may not be used on roads functionally classified as local, except for projects identified under 23 U.S.C. 133(c)(1-4), and 23 U.S.C. 133(b)(12).
- Under the provisions of 23 U.S.C. 165(c)(6)(B), THP funds may not be used for routine maintenance.

BACKGROUND: The Territorial Highway Program (THP) was created by section 112 of the Federal-Aid Highway Act of 1970 (Public Law 91-605) by adding section 215 to title 23, United States Code (U.S.C.). Federal financial assistance was granted to the Virgin Islands, Guam, and American Samoa for the construction and improvement of a system of arterial highways and necessary interisland connectors. The funds were provided from the General Fund of the Treasury, and the Federal share for any project under section 215 was 70 percent. Section 215 authorized the FHWA to provide technical assistance for the establishment of an appropriate agency in each territory to administer the program on a continuing basis.

Section 104(a)(13) of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) added assistance to the Commonwealth of the Northern Mariana Islands by providing funds in the same manner as those provided for the other three territories under 23 U.S.C. 215. Section 129(f) of this act also amended 23 U.S.C. 215 by changing the Federal share from 70 percent to 100 percent. Section 129(i) of this act added subsection (i) to 23 U.S.C. 120, which provided that the Federal share for any project under title 23, U.S.C. in the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands shall be 100 percent.

Territorial highway funds were authorized in the 1970, 1973, 1976, and 1978 Highway Acts. Through FY 1976, the General Funded Territorial Highway funds were available under contract authority. Funds provided from FYs 1977-1982 were available under budget authority in accordance with the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344).

Section 108(d) of the Surface Transportation Assistance Act of 1982 (STAA, Public Law 97-424) changed the funding source for the THP from the General Fund of the Treasury to the Highway Trust Fund (HTF) by authorizing the apportionment of one-half of one percent of the Federal-aid primary funds to the four territories as a group for FYs 1983 through 1986. These funds were allocated to each of the four territories for FY 1983 by an administrative formula of 1/3 urban population greater than 5,000, 1/3 rural population, 1/6 land area, and 1/6 public road mileage. This formula was controversial because several of the territories contested the population and road mileage figures used, even though the population figures were based upon census data and road mileage was based upon data submitted by the territories. Use of this formula was discontinued after FY 1983, and the funds were then allocated by the following administrative formula: 1/12 each for American Samoa and the Northern Mariana Islands, and 5/12 each for Guam and the Virgin Islands. These ratios were based on authorization amounts in the 1978 STAA, which was the last time Congress specified the amounts for each territory.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA, Public Law 100-17) continued the authorization of one-half of one percent of the Federal-aid primary funds for the territories. Section 133(b)(16) of the STURAA also amended 23 U.S.C. 215(a) by officially adding the Commonwealth of the Northern Mariana Islands (CNMI) to the group of covered territories under section 215, although funding had been provided to CNMI since 1978. From FY 1984 through FY 1992, THP funds continued to be allocated to the territories in accordance with the 1/12, 5/12, 5/12, 1/12 formula.

Section 1006 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA, Public Law 102-240) established the National Highway System (NHS), and provided continued funding for the THP as a one percent set-aside from the NHS funds. Section 1006(c) of ISTEA also required the functional reclassification of all roads and streets in each State, including these four territories. After this reclassification, each territory designated its territorial highway system (THS), which was approved by the responsible FHWA division office. The NHS funds for the territories could be used on the THS for any eligible NHS activity under 23 U.S.C. 103(i), or could be transferred to the Surface Transportation Program (STP) and then be used for any eligible STP activity under 23 U.S.C. 133(b).

At the request of one of the territories, the administrative formula for allocating the NHS funds among the four territories was reviewed by FHWA in 1992. Based upon any combination of population, land area, and road mileage, it was determined that the two smaller territories (American Samoa and the Commonwealth of the Northern Mariana Islands) were receiving less than their fair share of the funding. Since FY 1993, the funding has been administratively allocated to the territories as follows: 1/10 each for American Samoa and the Northern Mariana Islands, and 4/10 each for Guam and the Virgin Islands.

Section 1103(b) of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) continued the funding of the THP from the NHS funds, but provided a fixed amount of $36.4 million each fiscal year rather than the one percent set-aside established in ISTEA. In addition, section 1102(f) of TEA-21 provided that only the funds for which obligation authority was provided shall be allocated. As a result, the actual allocation to be distributed to the territories each year under TEA-21 was determined by multiplying the $36.4 million by the calculated obligation limitation percentage for that fiscal year. The remaining funds are distributed to the States as STP funds. Therefore, only the actual THP allocated amounts were less than the $36.4 million authorized amount each year. FHWA continued to allocate these THP funds to the four territories based upon the administrative formula described above: 4/10 of the total allocation each to Guam and the Virgin Islands, and 1/10 of the total allocation each to American Samoa and the Northern Mariana Islands.

Section 1106(b) of TEA-21 also amended 23 U.S.C. 103 by providing under 23 U.S.C. 103(b)(6)(P) that the NHS funds provided for the territories may be obligated for any project eligible for assistance under 23 U.S.C. 133, any airport, and any seaport.

The Surface Transportation Extension Acts of 2003, 2004 (Parts I through V), and 2005 (Parts I through VI) authorized continued funding for the THP program at FY 2003 levels until the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) was enacted on August 10, 2005.

Section 1118 of SAFETEA-LU replaced section 215 of title 23 with a revised section 215 that includes provisions regarding the territorial highway system, technical assistance to the territories, applicability of title 23 provisions, required agreement between FHWA and each territory, and eligible projects and activities. In addition, SAFETEA-LU made the following changes; removed airports and seaports from the list of eligible projects and activities under the THP, created Territory Eligible Projects in 23 U.S.C. 215 under SAFETEA-LU, and, amended section 129(c)(5) of title 23 to permit funding of ferry boats, terminal facilities, and approaches, that provide service between the islands of any territory, even if such ferry operation is through foreign or international waters.

SAFETEA-LU amended 23 U.S.C. 104(b)(1)(A) to provide a set-aside of NHS funds for the THP of $40 Million for FYs 2005 to 2006 and $50 Million for 2007 to 2009.

Under the provisions of section 1102(f) of SAFETEA-LU, the authorized amounts were reduced due to any obligation limitation imposed each year, as they were under TEA-21. The American Recovery and Reinvestment Act of 2009 (ARRA) authorized and additional $45,000,000 for the THP to be used by September 30, 2010 with no obligation limitation. These funds may not be de-obligated and obligated to another project after this date. Unexpended funds expire September 30, 2015. These funds have a number of special reporting and project prioritization requirements and cannot be used for advanced construction conversion purposes. Also, all projects must include Davis-Bacon wage rate requirements. These funds were also allocated in the same manner as SAFETEA-LU to the territories

The program was extended from FY 2010 to FY 2012 under the SAFETEA-LU Extensions at the same level as 2009. In addition, each territory received each year an increased amount of funding equal to one fifth of the funds they received as earmarks in SAFETEA-LU.

The Moving Ahead for Progress in the 21st Century Act (MAP-21) (P.L. 112-141) continued the THP with some revisions. Section 1114 created the “Territorial and Puerto Rico Highway Program” under section 165 of title 23. The THP is authorized $40 Million for FY 2013 and 2014 in 23 U.S.C. 165(a)(2). The program provisions were slightly modified and moved from section 215 to 23 U.S.C. 165(c). Primarily, adjustments were made to the projects eligible on local roads. The THP is no longer a set-aside of another program. The funding is directly authorized out of the Highway Trust fund under section 1101(a)(4) of MAP-21. Under the provisions of section 1102(f) of MAP-21, the authorized amounts will be reduced due to any obligation limitation imposed each year, as they were under prior legislation. In addition, the THP funds will continue to be allocated to the four territories by administrative formula that which has been set at 1/10 each for American Samoa and the Northern Mariana Islands, and 4/10 each for Guam and the U.S. Virgin Islands.

The Fixing America’s Surface Transportation Act (FAST Act) (P.L.114-94), continued the THP with minor revisions. Fast Act sections 1115 and 1446 amend 23 U.S.C. 165, and Section 1101(a)(4) authorizes funds for the THP. The FAST Act authorizes the THP $42 Million annually for FY 2016 through FY 2020 (23 U.S.C. 165(a)(2)). Section 165(c)(6) was amended to reference the Surface Transportation Block Grant Program (STBG) and section 165(c)(7) was amended to make the Location of Projects provision compatible with the changes in 23 U.S.C. 133, the STBG. Under the provisions of section 1102(f) of the FAST Act, the authorized amounts will be reduced due to any obligation limitation imposed each year, as they were under prior legislation. In addition, the THP funds will continue to be allocated to the four territories by administrative formula that which has been set at 1/10 each for American Samoa and the Northern Mariana Islands, and 4/10 each for Guam and the U.S. Virgin Islands.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Timber Bridge Research and Demonstration
Updated December 3, 2012

STATUS: ACTIVE (until authorizations for FY 1997 and prior years are expended)

PROGRAM CODES:

- 11N -- Timber Bridge Research Grants
- 11P -- Timber Bridge Construction Grants
- 11Q -- Timber Bridge Technology and Information Transfer

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 1039 of the 1991 ISTEA

CFR REFERENCE: None

ELIGIBILITY: Research, technology and information transfer, and construction (including construction engineering) of timber bridges are eligible costs under this funding category. Preliminary engineering and right-of-way costs are **not** eligible. Costs for approach roadways (sufficient to render the bridges serviceable) and incidental non-bridge items are eligible but should not exceed 10 percent of the total project cost. Cost overruns and claim settlements must be funded from other sources.

BACKGROUND: Section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) provides for research, technology transfer, and construction grants for timber bridges. Section 1039 required that $8,000,000 in FY 1992 and $8,500,000 in each of FYs 1993-1997 be set aside from the Bridge Discretionary Program and made available for the construction of highway timber bridges on all public roads. Of these amounts, $1,000,000 in each of FYs 1992-1997 was available for timber bridge research grants, and for technology and information transfer.

Applications for the timber bridge construction grants were submitted to the FHWA, Office of Engineering, and had to meet the HBRRP eligibility criteria set forth in 23 U.S.C. 144. Replacement bridges must be of structural timber regardless of the type of bridge being replaced. Timber designs for bridge projects on the National Highway System (NHS) must meet applicable AASHTO standards for highway bridges. Non-NHS timber bridges may be designed in accordance with individual State approved standards. Allocations to the States were made as one-time allocations that had to be obligated within the fiscal year allocated.

Neither the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178),the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59), nor Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141), reauthorized this program.

ADDITIONAL INFORMATION: Contact the Office of Bridge Technology (HIBT).

Transportation Assistance For Olympic Cities
Updated April 20, 2007

STATUS: ACTIVE

PROGRAM CODES: 63F0 - Appropriated in FY2001 DOT Appropriations Act for transportation management planning for 2002 Salt Lake City Winter Olympic Games

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: FY + 3

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 1223 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: The funds may be used to provide assistance including planning, capital, and operating assistance to State and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event or a Special Olympics International event.

A State or local government is eligible only if it is the site of an official venue of an international quadrennial Olympics officially selected by the International Olympic Committee or Special Olympics International.

Also Transportation Research funds authorized under 23 U.S.C. 5001(a) may be used for assistance to prepare an Olympic, Paralympic, or a Special Olympic transportation plan.

BACKGROUND: Section 1223 of the TEA-21 authorized such sums as are necessary for each of fiscal years 1998 through 2003 for planning, capital and operating assistance to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic or Special Olympics International event.

It also allows FHWA to give priority to funding with Bridge Discretionary and Interstate Discretionary funds for a transportation project relating to an international quadrennial Olympic or Paralympic or a Special Olympics International event if the project:

- meets the extraordinary needs associated with such an event; and
- is otherwise eligible under sections 144(g)(1) and 118(C) of title 23 United States Code.

The TEA-21 authorized "such sums as are necessary" from the Highway Trust Fund for FYs 1998-2003. The authorizations are subject to appropriation.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Transportation, Community, and System Preservation Program
Updated July 09, 2013

STATUS: ACTIVE until Transportation, Community, and System Preservation program funds are rescinded, expended, or until the funds expire**.**

PROGRAM CODES:
- H680 – TCSP (TEA-21 Extensions)
- L680 – TCSP (SAFETEA-LU)
- L68E – TCSP (SAFETEA-LU Extension – P.L. 111-068)

EXPIRED PROGRAM CODES: Q680

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocations

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 1117 of the Safe, Accountable, Flexible, Efficient, Transportation Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59)

CFR REFERENCE: None

ELIGIBILITY: Funds authorized are eligible for planning, developing and implementing strategies to integrate transportation, community, and system preservation plans and practices. The allocations are available for any project eligible under Title 23 or Chapter 53 of Title 49, United States Code or any other activity relating to transportation and system preservation.

BACKGROUND: Section 1117 of SAFETEA-LU authorized $25 million for FY 2005 and $61.25 million for each of FYs 2006-2009, for a program to facilitate the planning, development, and implementation of strategies to integrate transportation, community, and system preservation plans and practices. The program is to cooperate with appropriate State, tribal, regional, and local governments. Funds are intended to:

- Improve the efficiency of the transportation system of the United States.
- Reduce impacts of transportation on the environment.
- Reduce the need for costly future investments in public infrastructure.
- Provide efficient access to jobs, services, and centers of trade.
- Examine community development patterns and identify strategies to encourage private sector development that achieves the purposes of the goals above.

Allocations are available for any project eligible under Title 23 or Chapter 53 of Title 49 United States Code or any other activity relating to transportation, community, and system preservation that the Secretary of Transportation determines to be appropriate, including corridor preservation activities that are necessary to implement: transit-oriented development plans, traffic calming measures, or other coordinated transportation, community, and system preservation practices.

The program was extended through 2012 under the SAFETEA-LU Extensions.

Moving Ahead for Progress in the 21st Century Act (MAP-21) did not fund the discretionary program.

ADDITIONAL INFORMATION: Contact the Office of Planning (HEP).

Transportation Improvements (TI)
Updated January 24, 2013

STATUS: ACTIVE until Transportation Improvement funds are rescinded or expended.

PROGRAM CODES:

- LY30 -- Funds allocated to States with special TIs obligation authority (FYs 2005-2009)
- L900 -- Funds allocated to States for use of regular Federal-aid program obligation authority (FYs 2005-2009)

FEDERAL SHARE: Under the provisions of section 1934(b)(2), Federal share is governed by 23 U.S.C. 120. Exceptions to this are as follows:

- Item 377 - Under the project description in section 1934, the Federal share is 100 percent.
- Item 266 - Under the provisions of section 1913 of SAFETEA-LU, the Federal share is 90 percent.
- Under the provisions of section 1964 of SAFETEA-LU, the section 1934 TI projects in Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota is determined in accordance with 23 U.S.C. 120(b).

PERIOD AVAILABLE: Until expended, under the provisions of section 1934(b)(1).

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes, but the special obligation authority is available until obligated, under the provisions of section 1102(g) of SAFETEA-LU.

STATUTORY REFERENCE: Section 1934 of SAFETEA-LU

CFR REFERENCE: None

ELIGIBILITY: Information relative to eligible activities (i.e., studies, preliminary engineering, construction, etc.) is specified in the project description in section 1934 of SAFETEA-LU.

BACKGROUND: Section 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59, August 10, 2005) authorized $2,555,236,000 from the Highway Trust Fund for the 466 Transportation Improvements (TI) projects listed in section 1934.

Under the provisions of section 1934(a)(2), the amounts specified for each project in section 1934(c) are to be allocated as follows: 10 percent in FY 2005, 20 percent in FY 2006, 25 percent in FY 2007, 25 percent in FY 2008, and 20 percent in FY 2009.

Under the provisions of section 1936 of SAFETEA-LU, a State may advance a TI project in section 1934 with Federal-aid highway funds apportioned under 23 U.S.C. 104(b), from a program for which the TI project is eligible. Apportioned funds utilized for this shall be restored from TI funds when they are made available.

Under the provisions of section 1935 of SAFETEA-LU, States may obligate funds allocated for section 1702 high priority projects numbered above 3676, section 1301 Projects of National and Regional Significance numbered above 18, section 1302 National Corridor Infrastructure Improvement Program projects numbered above 27, and all section 1934 Transportation Improvements projects for any of the other projects within these limits, as long as the authorized amount for any of these projects in SAFETEA-

LU is not reduced. This provision permits States to advance some of these projects, during the SAFETEA-LU years until the full authorized amounts are available in FY 2009, by utilizing allocations amongst these programs/projects.

Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) contained no additional earmarks and no additional funding for Transportation Improvements.

ADDITIONAL INFORMATION: Contact the Office Program Administration (HIPA).

Transportation Infrastructure Finance and Innovation Act (TIFIA) Program formerly Credit Assistance For Surface Transportation Projects Updated March 4, 2013

STATUS: ACTIVE

PROGRAM CODES:
- 4990 - TIFIA (P.L. 105-178)
- 49FA - TIFIA (P.L. 111-005)
- 49FB - TIFIA (P.L. 111-005)
- 49FC - TIFIA (P.L. 111-117)
- 49FD - TIFIA (P.L. 111-117)
- 49FE - TIFIA – Economic Recovery – ARRA (P.L. 112-010)
- JA10 - TIFIA (P.L. 108-088)

FEDERAL SHARE:
- TIFIA credit assistance may cover the following portions of the reasonably anticipated total eligible project costs:
- TIFIA line of credit: up to 33%;[1]
- TIFIA secured loan: up to 49% (or, if the loan does not receive an investment grade rating, up to the amount of senior project obligations);[2] and
- TIFIA loan guarantee: up to 49%.[3]

Total Federal assistance (grants and loans) to a project receiving a TIFIA loan: up to 80% of the total project costs.[4]

PERIOD AVAILABLE: Until expended

FUND: Federal Highway Account of the Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. §§601-609 as amended by MAP-21 section 2002

CFR REFERENCE: 49 C.F.R. §§80.1-80.21

ELIGIBILITY: Project type: Most types of projects retain their previous TIFIA eligibility:
- Projects eligible for assistance under title 23 or chapter 53 of title 49.
- International bridges and tunnels.
- Intercity passenger bus or rail facilities and vehicles, including those owned by Amtrak.
- Public freight rail projects.
- Private freight rail projects that provide public benefit for highway users by way of direct highway-rail freight interchange (a refinement of the SAFETEA-LU eligibility criterion).
- Intermodal freight transfer facilities.
- Projects providing access to, or improving the service of, the freight rail projects and transfer facilities described above.
- Surface transportation infrastructure modifications necessary to facilitate direct intermodal interchange, transfer and access into and out of a port.[5]

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[1] 23 U.S.C. §604(b)(2).
[2] 23 U.S.C. §603(b)(2).
[3] 23 U.S.C. §603(b)(2) and (e)(2).
[4] 23 U.S.C. §603(b)(9).

Project costs: To receive TIFIA credit assistance, a project must have reasonably anticipated total eligible project costs that equal or exceed at least one of the following:

- $50 million [for a rural infrastructure project (as defined below) - $25 million], and

- 1/3 of the most recently-completed fiscal year's formula apportionments for the State in which the project is located. [6]

For projects that principally involve the installation of an intelligent transportation system (ITS), reasonably anticipated total eligible project costs must equal or exceed $15 million. [7]

Multiple related TIFIA-eligible projects may be grouped in order to meet one of these cost thresholds as long as the projects' credit assistance is secured by a common pledge.[8]

BACKGROUND: The program was authorized in TEA-21, sections 1501-1504 and revised by the TEA-21 Restoration Act, section 9007. The program was reauthorized in SAFETEA LU, section 1601. The program was reauthorized and amended by MAP-21.

The Transportation Infrastructure Finance and Innovation Act (TIFIA) program provides Federal credit assistance to eligible surface transportation projects, including highway, transit, intercity passenger rail, some types of freight rail, and intermodal freight transfer facilities. The program's fundamental goal is to leverage Federal funds by attracting substantial private and other non-Federal co-investment to support critical improvements to the nation's surface transportation system.

The TIFIA credit program may provide to States (including D.C. and Puerto Rico), localities, or other public authorities, as well as private entities undertaking projects sponsored by public authorities, three types of financial assistance:

- Secured loans are direct Federal loans to project sponsors offering flexible repayment terms and providing combined construction and permanent financing of capital costs.[9]
- Loan guarantees provide full-faith-and-credit guarantees by the Federal Government and guarantee a borrower's repayment to a non-Federal lender.[10]
- Lines of credit are 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.[11]

MAP-21 also newly authorizes master credit agreements, under which DOT may make a contingent commitment of future TIFIA credit assistance (subject to the availability of future funding) for a program of projects secured by a common revenue pledge.[12]

Refinancing: MAP-21 continues the ability to use TIFIA secured loans to refinance interim construction financing of eligible project costs of any TIFIA-eligible project, or to refinance long-term project obligations or Federal credit instruments (including TIFIA) if the refinancing provides additional funding capacity for TIFIA-eligible projects. In addition, MAP-21 permits the use of TIFIA credit assistance to refinance existing Federal credit instruments for rural infrastructure projects. [13]

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[5] 23 U.S.C. §601(a)(12).
[6] 23 U.S.C. §602(a)(5).
[7] 23 U.S.C. §602(a)(5)(B).
[8] 23 USC 601(a)(12)(D)(iv).
[9] 23 U.S.C. §603.
[10] 23 U.S.C. §603(e).
[11] 23 U.S.C. §604.
[12] 23 U.S.C. §601(a)(10).
[13] 23 U.S.C. §603(a)(1).

Application process: MAP-21 requires DOT to establish a rolling application process for providing TIFIA credit assistance to eligible projects on terms acceptable to DOT.[14] As part of this process, each potential applicant must submit a letter of interest prior to submission of a formal application for a project.[15]

Repayment of Federal credit assistance: TIFIA credit assistance must be repaid through dedicated revenue sources that secure project obligations, such as tolls, user fees, payments received under a public-private partnership agreement, or other dedicated revenue sources that also secure the senior project obligations.[16] Scheduled repayment of a TIFIA loan must begin no later than five years after the substantial completion of the project,[17] and the loan must be fully repaid within 35 years after the project's substantial completion or by the end of the useful life of the asset being financed, if that life is less than 35 years.[18]

Rural Infrastructure Projects: MAP-21 lowers the eligible cost threshold for rural infrastructure projects (defined as surface transportation infrastructure projects located in any area other than a city with a population of more than 250,000 inhabitants within the city limits)[19] to $25 million.[20] Up to 10 percent of the TIFIA program's annual budget authority may be set aside for rural infrastructure projects.[21] Loans to rural infrastructure projects funded out of this set-aside are made at a discounted interest rate of ½ the Treasury rate.[22]

Credit ratings: MAP-21 requires each applicant to provide a preliminary rating opinion letter indicating that the project's senior obligations have the potential to achieve an investment grade rating and including a preliminary rating on the TIFIA credit instrument.[23] Prior to execution of a TIFIA credit instrument, the senior debt obligations for a project must obtain investment grade ratings from at least two nationally recognized statistical rating organizations (NRSROs), and the TIFIA debt obligations must obtain ratings from at least two NRSROs, unless the total amount of the debt is less than $75 million, in which case only one investment grade rating is required for the senior debt obligations and one rating for the TIFIA debt obligations.[24] The TIFIA debt cannot exceed the amount of the senior obligations unless the TIFIA debt obligations receive an investment grade rating.[25] If the TIFIA credit instrument is proposed as the senior debt, then it must receive two investment grade ratings, unless the total amount of the debt is less than $75 million, in which case only one investment grade rating is required.[26]

In most cases a TIFIA loan may not be subordinated to other debt in the event of project bankruptcy, insolvency, or liquidation. However, TIFIA credit assistance may be subordinated in some circumstances in which a public agency has outstanding senior bonds under a preexisting indenture.[27]

ADDITIONAL INFORMATION: Contact the Office of Innovative Program Delivery (IPD) (http://www.fhwa.dot.gov/ipd/tifia/contact/).

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[14] 23 U.S.C. §602(b)(1).
[15] 23 U.S.C. §602(a)(1)(A) and (a)(4).
[16] 23 U.S.C. §602(a)(6).
[17] 23 U.S.C. §§603(c)(2), (e)(2) and 604(c)(2)(A).
[18] 23 U.S.C. §§603(b)(5), (e)(2) and 604(c)(2)(B).
[19] 23 U.S.C. §601(a)(15).
[20] 23 U.S.C. §602(a)(5)(A)(i)(II).
[21] 23 U.S.C. §608(a)(3)(A).
[22] 23 U.S.C. §603(b)(4)(B).
[23] 23 U.S.C. §602(b)(3).
[24] 23 U.S.C. §602(a)(2).
[25] 23 U.S.C. §603(b)(2).
[26] 23 U.S.C. §602(a)(2)(B).
[27] 23 U.S.C. §§603(b)(6), (e)(2) and 604(b)(8).

Tribal Transportation Program (TTP)
Updated May 1, 2013

STATUS: ACTIVE

PROGRAM CODES:
- G600 - Federal Lands Tribal Transportation Program (MAP-21, P.L. 112-141)
- G620 - Federal Lands Tribal Transportation Program - Safety (MAP-21, P.L. 112-141)
- G630 - Federal Lands Tribal Transportation Program - Bridge (MAP-21, P.L. 112-141)

FEDERAL SHARE: 100%. [MAP-21 §1119; 23 U.S.C. 201(b)(7)]; Non-Federal share: TTP and Federal Lands Transportation Program (FLTP) funds may be used to pay the non-Federal share for any project funded under 23 U.S.C. or chapter 53 of 49 U.S.C. that provides access to or within Federal or tribal land. [MAP-21 §1508; 23 U.S.C. 120(k)]

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Funds will be allocated among the Tribes using a statutory formula based on tribal population, road mileage and average tribal shares of SAFETEA-LU IRR funding. *Tribal shares* are determined as follows, using FY 2012 national tribal transportation facility inventory data and the most recent population data on American Indian/Alaska Native Reservation or Statistical Area, as computed under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA, 25 U.S.C. 4101 et seq.):
- 27% on eligible road miles
- 39% on tribal population
- 34% divided equally among the 12 Bureau of Indian Affairs (BIA) regions and then distributed among Tribes in that region based on each Tribe's average FY 2005-FY 2011 formula distribution compared to that region's total FY 2005-FY 2011 distribution.

The new formula is to be phased in over a 4-year transition period as follows:
- FY 2013 – 80% of funds distributed based on tribal shares in FY 2011, with remainder using the new formula.
- FY 2014 – 60% of funds distributed based on tribal shares in FY 2011, with remainder using the new formula.
- FY 2015 – 40% of funds distributed based on tribal shares in FY 2011, with remainder using the new formula.
- FY 2016 and thereafter – 20% of funds distributed based on tribal shares in FY 2011, with remainder using the new formula.

[MAP-21 §1119; 23 U.S.C. 202(b)(3)]

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: MAP-21 §1119; 23 U.S.C. 101; 23 U.S.C. 201, 202

CFR REFERENCE: IRR Program 25 CFR 170 (to be updated for the TTP)

ELIGIBILITY: TTP funds may be used by the Secretary and the Secretary of Interior to pay the costs of the following activities [MAP-21 §1119; 23 U.S.C. 202(a)]:
- Transportation planning, research, maintenance *, engineering, rehabilitation, restoration, construction, and reconstruction of tribal transportation facilities; and—
  - adjacent vehicular parking areas;
  - interpretive signage;
  - acquisition of necessary scenic easements and scenic or historic sites;

- provisions for pedestrians and bicycles;
- environmental mitigation in or adjacent to tribal land to (1) improve public safety and reduce vehicle caused wildlife mortality while maintaining habitat connectivity; and (2) mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate;
- construction and reconstruction of roadside rest areas, including sanitary and water facilities; and
- other appropriate public road facilities as determined by the Secretary.

- Operation and maintenance of transit programs and facilities that are located on, or provide access to, tribal land, or are administered by a tribal government.
- Any transportation project eligible for assistance under 23 U.S.C. that is located within, or that provides access to, tribal land, or is associated with a tribal government.

* *Limitation on maintenance* -- Tribal share formula funds can be used by a Tribe for maintenance of tribal transportation facilities, up to a limit of 25% of the allocation to the Tribe or $500,000, whichever is greater. This limitation does not apply to road sealing, which is not subject to any limitation. The Secretary of the Interior must verify that this maintenance funding does not supplant maintenance funding provided by the BIA for road maintenance programs on Indian reservations.

BACKGROUND: The TTP was authorized by the Moving Ahead for Progress in the 21st Century Act (MAP-21), on July 6, 2012 (Public Law 112-141). The TTP replaces the former Indian Reservation Roads (IRR) program.

Set-asides: Prior to distribution to Tribes, the following amounts may be deducted:

- Up to 6% for program administration, including funding for Tribal Technical Assistance Centers (TTAPs). These funds may be used by the Secretary or the Secretary of the Interior for program management and oversight and project-related administrative expenses. [MAP-21 §1119; 23 U.S.C. 202(a)(6)]
- Up to 2% per year for transportation planning, to be allocated among Indian tribal governments that apply for transportation planning. [MAP-21 §1119; 23 U.S.C. 202(c)]
- Up to 2% per year for a nationwide priority program for improving eligible deficient bridges. [MAP-21 §1119; 23 U.S.C. 202(d)]
- Up to 2% per year for safety projects, to be allocated to applicant tribal governments for eligible projects. [MAP-21 §1119; 23 U.S.C. 202(e)]

Tribal supplemental funding -- The amount to be set aside is determined as follows:

- 30% if the TTP funding level is ≤ $275 million.
- If the TTP funding level is greater than $275 million, $82.5 million plus 12.5% of the excess over $275 million.

Tribal supplemental funding is to be initially distributed to BIA regions based on the cumulative tribal shares in each region, and further distributed to Tribes within the region. [MAP-21 §1119; 23 U.S.C. 202(b)(3)(C)]

High Priority Projects -- The former regulatory IRR High Priority Projects Program does not continue as a program set-aside. However, MAP-21 § 1123 establishes a new Tribal High Priority Projects Program, modeled after the former program and funded out of the General Fund. [MAP-21 §1119; 23 U.S.C. 202(b)(3)(A)(ii)].

Tribal transportation facility -- A public highway, road, bridge, trail, or transit system that is located on or provides access to tribal land and appears on the national tribal transportation facility inventory described in 23 U.S.C. 202(b)(1). [MAP-21 §1103; 23 U.S.C. 101(a)(31)]

Tribal transportation facility inventory: The Secretary of the Interior, in cooperation with DOT, is required to maintain an inventory of tribal transportation facilities eligible for the TTP. The inventory is used to determine relative transportation needs among Indian tribes, serving as a basis for allocation of funds.

The inventory includes, at a minimum, facilities that are eligible for assistance under the TTP that a Tribe has requested, including facilities that [MAP-21 §1119; 23 U.S.C. 202(b)(1)(B)] —

- were included in the BIA system inventory prior to October 1, 2004;
- are owned by an Indian tribal government;
- are owned by the BIA;
- were constructed or reconstructed with funds from the Highway Trust Fund under the IRR program since 1983;
- are public roads or bridges within the exterior boundary of Indian reservations, Alaska Native villages, and other recognized Indian communities (including communities in former Indian reservations in the State of Oklahoma) in which the majority of residents are American Indians or Alaska Natives;
- are public roads within or providing access to an Indian reservation or Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government, or Indian or Alaska Native villages, groups, or communities in which Indians and Alaska Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians; or
- are primary access routes proposed by tribal governments, including roads between villages, roads to landfills, roads to drinking water sources, roads to natural resources identified for economic development, and roads that provide access to intermodal terminals, such as airports, harbors, or boat landings.

Tribal transportation facility bridges: Funded by a set-aside of up to 2% from TTP funds. The Secretary is required to maintain a nationwide priority program for improving deficient bridges eligible for the TTP. [MAP-21 §1119; 23 U.S.C. 202(d)]

- Funds may be used for planning, design, engineering, preconstruction, construction, and inspection of a project to replace, rehabilitate, seismically retrofit, paint, or for anti-icing and deicing, or to implement any countermeasures (including multiple-pipe culverts) for eligible tribal transportation facility bridges.
- To be eligible, a bridge must have an opening of at least 20 feet, be classified as a tribal transportation facility, and be structurally deficient or functionally obsolete.

Safety projects: Funded by set-aside of up to 2% from TTP funds. Upon application of Indian tribal governments, funds are to be allocated by the Secretary based on an identification and analysis of highway safety issues and opportunities on tribal lands. Supports safety projects, studies, roadside safety audits, and other title 23-eligible safety activities. [MAP-21 §1119; 23 U.S.C. 202(e)]

Federal-aid eligible projects: Use of TTP funds for projects that would be eligible for Federal-aid funds apportioned to States under 23 U.S.C. 104 must be supplemental to, and not in lieu of, the use of such funds. [MAP-21 §1119; 23 U.S.C. 202(f)]

Program administration [MAP-21 §1119; 23 U.S.C. 201(c)]**:**

- *Tribal Authorities* – Tribes may approve Plans, Specifications, & Estimates packages, award construction contracts, and administer construction projects in accordance with the Indian Self-Determination and Education Assistance Act. [MAP-21 §1119; 23 U.S.C. 202(b)(5)]
- *Direct funding agreements* – Subject to Secretarial approval, Indian tribes that are financially stable and have adequate financial management capability may opt to enter into TTP Funding Agreements directly with FHWA for all funds a Tribe receives under Chapter 2 of title 23. [MAP-21 §1119; 23 U.S.C. 202(b)(7)]
- *Point of obligation* is the authorization by the Secretary, or the Secretary of the appropriate FLMA if the agency is the contracting office, of engineering and related work for the development, design, and acquisition associated with a construction project, whether performed by contract or agreement authorized by law, or the approval of plans, specifications, and estimates (PS&E) (except for Federal salaries and expenses) for all project work performed by USDOT or FLMAs, regardless of funding source. [MAP-21 §1119; 23 U.S.C. 201(b)(6)]
- *Planning*

- Transportation planning procedures for the TTP must be consistent with Statewide and Metropolitan planning processes.
- Regionally significant TTP projects must be developed in cooperation with State and metropolitan planning organizations and included in Tribal transportation plans, Federal lands transportation plans Federal lands access program plans, State and metropolitan plans, and transportation improvement programs.

- *Asset management* -- The Secretary and the Secretary of the Interior shall, to the extent appropriate, implement safety, bridge, pavement, and congestion management systems to support effective asset management. [MAP-21 §1119; 23 U.S.C. 201(c)(5)]
- *Data collection* -- The Secretary of the Interior is required to collect and report data necessary to the implementation of the TTP in accordance with the Indian Self-Determination and Education Assistance Act, including inventory and condition information on tribal transportation facilities, and bridge inspection and inventory information on federally- and tribally-owned bridges open to the public. [MAP-21 §1119; 23 U.S.C.201(c)(6) and 144(b)]
- *Reimbursable agreements* may be used with State, local and/or tribal governments, in addition to agreements between Federal agencies. [MAP-21 §1119; 23 U.S.C. 201(d)]

ADDITIONAL INFORMATION: Contact the Federal Lands Highway Office of Program Development (HFPD).

Truck Parking Facilities
Updated July 23, 2013

STATUS: ACTIVE until remaining funds are rescinded or expended

PROGRAM CODES:
- TN10 – Truck Parking Facilities (SAFETEA-LU)
- LN10 – Truck Parking Facilities (SAFETEA-LU)
- LN1E – Truck Parking Facilities (SAFETEA-LU Extension – P.L. 111-068)

FEDERAL SHARE: The Federal share is generally 80 percent, subject to the sliding scale adjustment. Certain safety improvements listed in 23 USC 120(c) have a Federal share of 100 percent

PERIOD AVAILABLE: $ 6.25 m annually, FYs 2006-2009. Available until expended.

FUND: Highway account of the HighwayTrust Fund

FUND DISTRIBUTION METHOD: Federal Aid-Highway Grants

AUTHORITY: Contract. Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under Chapter 1 of Title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended, and the Federal Share of the cost of a project under this section shall be determined in accordance with sections 120(b) and (c) of such title.

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59, 119 Stat. 1144) Section 1305

CFR REFERENCE: Not applicable

ELIGIBILITY: States, metropolitan planning organizations (MPOs), and local governments are eligible recipients of program funds. To receive funds, a State, MPO or local government must submit an application.

BACKGROUND: The SAFETEA-LU Truck Parking Facilities program was a pilot program that provided funding to address the shortage of long-term parking for commercial vehicles on the National Highway System. The program was continued through the SAFETEA-LU Extensions.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) sec 1519 repealed the program. Carryover funding for this program continues to be available for the original purpose under the rules that applied under the pre-MAP-21 program.

ADDITIONAL INFORMATION: Contact the Office of Freight Management and Operations (HOFM).

Value Pricing Pilot Program
Updated July 09, 2013

STATUS: ACTIVE until remaining funds are rescinded, expended, or until the funds expire.

PROGRAM CODES:
- L880 – Value Pricing (SAFTEA-LU)
- L88E – Value Pricing (SAFETEA-LU Extension – P.L. 111-068)

EXPIRED PROGRAM CODES: Q880, H880

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 1012(b) of the 1991 ISTEA (Public Law 102-240), amended by Section 1216(a) of TEA 21 (P.L. 105-178), Section 9006(b) of the TEA-21 Restoration Act (P.L. 105-206), and Section 1604(a) of SAFETEA-LU (Public Law 109-59).

CFR REFERENCE: None

ELIGIBILITY: The FHWA may enter into cooperative agreements with as many as 15 State or local governments or public authorities to establish, maintain, and monitor value pricing programs. Value pricing projects included in these programs may involve tolls on Interstate highways. Federal funds may support: (1) pre-implementation study costs, including for public participation and planning, for up to 3 years, and; (2) implementation costs, including development and start-up costs for at least 1 year, and thereafter until revenues are sufficient to cover operating costs without Federal participation, except that in no case may implementation costs be reimbursed for more than 3 years.

BACKGROUND: The Congestion Pricing Pilot Program was authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) to solicit the participation of State and local governments and/or public authorities to establish, maintain, and monitor congestion pricing projects. The program was renamed the Value Pricing Pilot Program by the Transportation Equity Act for the 21st Century. By statute, local pilot programs have flexibility to encompass a variety of value pricing approaches, but USDOT/FHWA has chosen to focus all available funds on programs that are designed, consistent with the DOT National Strategy to Reduce Congestion on America's Transportation Network, to bring about broad and significant congestion pricing in the near term. Projects are to be monitored for 10 years. Reports are to be provided to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives every 2 years. Reports are to include information on the effects such programs are having on driver behavior, traffic volume, transit ridership, air quality, and availability of funds for transportation programs.

Funds to carry out the Value Pricing Pilot Program are authorized at $11 million for FY 2005, and $12 million for each of FYs 2006-2009, with $3 million of the $12 million available only for projects not involving highway tolls. Unallocated funds in excess of $8 million at the end of any fiscal year shall be apportioned to the States as if the excess were Surface Transportation Program (STP) funds (without distributions to local governments).

The program was extended through 2012 under the SAFETEA-LU Extensions.

Moving Ahead for Progress in the 21st Century Act (MAP-21) did not fund the discretionary program.

ADDITIONAL INFORMATION: Contact the Office of Transportation Management (HOTM).

Woodrow Wilson Bridge
Updated April 20, 2007

STATUS: ACTIVE

PROGRAM CODES:

- Q990 - Highway Trust Fund (Section 1116 of TEA-21), and FY 2000, FY 2001 & FY 2002 RABA
- 6120 - General Funds appropriated in FY 2001 DOT Appropriations Act

FEDERAL SHARE: 100 percent for components of the bridge and 80 percent for other components of the project

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund (HTF) & General Funds

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract & Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: Yes for program code Q990, but obligation authority is available until used; No for program code 6120

STATUTORY REFERENCE: Woodrow Wilson Memorial Bridge Authority Act (WWMBAA) of 1995, as amended

CFR REFERENCE: None

ELIGIBILITY: WWMBAA, as amended, provides HTF and General Funds to pay the costs of planning, preliminary engineering and design, final engineering, right-of-way acquisition, and construction of the Woodrow Wilson Memorial Bridge project, which is defined to be the upgrading of the I-95 Potomac River crossing consistent with the selected alternative described in a record of decision executed by the Secretary of Transportation in accordance with the National Environmental Policy Act of 1969 (NEPA). The project also includes ongoing short-term rehabilitation and repairs to the existing bridge.

BACKGROUND: Title IV of the National Highway System Designation Act of 1995 (Public Law 104-59) established the Woodrow Wilson Memorial Bridge Authority Act of 1995 (WWMBAA), to:

- grant consent to Virginia, Maryland and the District of Columbia to establish the Woodrow Wilson Memorial Bridge Authority (Authority) for the purposes of assuming ownership of the bridge and undertaking the project;
- authorize the transfer of the ownership of the Woodrow Wilson Bridge from the Federal government to the Authority for the purposes of owning, constructing, maintaining, and operating a bridge or tunnel or a bridge and tunnel project across the Potomac River on I-95; and
- direct the Secretary of Transportation to continue working with the Woodrow Wilson Memorial Bridge Coordination Committee parties to complete all planning, preliminary engineering and design, environmental studies and documentation, and final engineering, and to submit a proposed agreement to Congress by October 1, 1996 that specifies the selected alternative, implementation schedule, costs of the project, and the Federal share of the costs of the activities to be carried out as part of the project.

The project was defined to be the upgrading of the Interstate Route 95 Potomac River crossing, consistent with the selected alternative to be determined under the provisions of the WWMBAA. It was to include ongoing short-term rehabilitation and repairs to the Bridge, and could include one or more of the following:

- Construction of a new bridge or bridges in the vicinity of the Bridge.
- Construction of a tunnel in the vicinity of the Bridge.
- Long-term rehabilitation or reconstruction of the Bridge.
- Work necessary to provide rights-of-way for a rail or bus transit facility or bus or high occupancy vehicle lanes in connection with an activity described above.
- Work on Interstate Route 95 approaching the Bridge and other approach roadways if necessitated by an activity described above.
- Construction or acquisition of any building, improvement, addition, extension, replacement, appurtenance, land, interest in land, water right, air right, machinery, equipment, furnishing, landscaping, easement, utility, approach, roadway, or other facility that is necessary or desirable in connection with or incidental to a facility described above.

The WWMBAA also authorized the use of FHWA administrative funds as necessary for FYs 1996 and 1997 for environmental studies and documentation, planning, preliminary engineering and design, and final engineering. Funds

provided by Sections 1069(i) and 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) for the rehabilitation of the existing Woodrow Wilson Bridge, and the preliminary design and environmental development of a replacement facility, were to continue to be available after the conveyance to the Authority.
Section 1116 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) amended the WWMBAA by modifying the description of the project to be the upgrading of the Interstate Route 95 Potomac River crossing, consistent with the selected alternative as described in the record of decision. The project also includes ongoing short-term rehabilitation and repairs to the existing bridge. It also provided for conveyance of the bridge to any of the jurisdictions in the Capital Region or to the Authority. It modified the required terms of the agreement to: 1) identify whether ownership will be accepted by the Authority or a Capital Region jurisdiction (Maryland, Virginia, and District of Columbia); 2) require a financial plan detailing costs and cost-saving measures, implementation schedule of the project, including whether any expedited design and construction techniques will be used, and sources of funding for costs not covered by the funds provided in the WWMBAA; and 3) establish the maximum number of 12 lanes for the project (consisting of 8 general purpose, 2 merging/diverging, and 2 high occupancy vehicle, express bus or rail transit lanes), require that the conditions of the environmental impact statement and record of decision be implemented, and develop a process to include local governments on an ongoing basis in project development.

Section 412 of the WWMBAA, which was added by Section 1116 of TEA-21, authorized $900 million from the Highway Trust Fund for fiscal years 1998-2003 for the planning, preliminary engineering and design, final engineering, right-of-way acquisition and construction of the project. These funds were not available for expenditure on construction of the new bridge until the agreement discussed above was executed.

Section 230 of section 1001(a)(5) of division B of the Consolidated Appropriations Act for FY 2000 (Public Law 106-113) amended section 408 of the WWMBAA to allow the project to be included in metropolitan long-range transportation plans, metropolitan transportation improvement programs, and State transportation improvement programs under sections 134 and 135 of title 23, notwithstanding the full funding requirements of those plans.

Section 134 of the FY 2001 Military Construction Appropriations Act (Public Law 106-246) added up to $170,000,000 for dredging and foundation activities to be included as funds that could be obligated prior to execution of the required agreement.

The following table summarizes the funds and special obligation authority provided from the Highway Trust Fund (Program Code Q990) for this project.

FY	Public Law Provision	Program Code Q990 Funds	Program Code Q990 Funds (RABA)	TOTAL Program Code Q990 Funds	Special Obligation Authority
1998	Section 412 of WWMBAA as added by Section 1116 of TEA-21 (P.L. 105-178)	$25,000,000		$25,000,000	$22,275,000
1999	Section 412 of WWMBAA as added by Section 1116 of TEA-21 (P.L. 105-178)	$75,000,000		$75,000,000	$66,225,000
2000	Section 412 of WWMBAA as added by Section 1116 of TEA-21 (P.L. 105-178)	$150,000,000		$150,000,000	$130,650,000
2000	23 U.S.C.110 RABA in FY2000 DOT Appropriations Act (P.L. 106-69)		$8,000,000	$8,000,000	$8,000,000
2001	Section 412 of WWMBAA as added by Section 1116 of TEA-21 (P.L. 105-178)	$200,000,000		$200,000,000	$175,800,000
2001	23 U.S.C.110 RABA in FY2001 DOT Appropriations Act (P.L. 106-346)		$18,467,857	$18,467,857	$18,467,857
2002	Section 412 of WWMBAA as added by Section 1116 of TEA-21 (P.L. 105-178)	$225,000,000		$225,000,000	$203,400,000
2002	23 U.S.C.110 RABA in FY2002 DOT Appropriations Act (P.L. 107-87)		$29,542,304	$29,542,304	$29,542,304
2003	Section 412 of WWMBAA as added by Section 1116 of TEA-21 (P.L. 105-178)	$225,000,000		$225,000,000	$231,975,000
2003	Section 601 of Division N of FY 2003 Omnibus Appropriations Act (P.L. 108-7) - 0.65% government- wide rescission	($1,462,500)		($1,462,500)	($1,507,838)
TOTALS		**$898,537,500**	**$56,010,161**	**$954,547,661**	**$884,827,324**

Inactive Programs And Projects

90 Percent Of Payment Adjustments
Updated April 20, 2007

STATUS: INACTIVE These equity adjustment funds were transferred to the Surface Transportation Program (STP) account.

PROGRAM CODE: STP Codes

FEDERAL SHARE: 80 percent, same as STP

PERIOD AVAILABLE: FY + 3 Years, same as the STP

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract, same as STP

SUBJECT TO OBLIGATION LIMITATION: Yes, same as STP

STATUTORY REFERENCE: Section 1015(b) of the 1991 ISTEA (Public Law 102-240)

CFR REFERENCE: None

ELIGIBILITY: These funds were to be used as STP funds, except that one-half of the amount received by a State was not subject to the two set-asides or the sub-State distribution requirements of the STP.

BACKGROUND: The 90 Percent of Payment Adjustments category was authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991.

In each of FYs 1992-1997, each State that qualified received an allocation in an amount that ensured its apportionments for the fiscal year and allocations for the previous fiscal year would be at least 90 percent of its contributions to the Highway Account of the Highway Trust Fund. This is different from the Minimum Allocation where the guarantee is 90 percent of a State's relative share of contributions. Like Minimum Allocation, the contribution was determined based on the latest year for which data was available. The apportionments included in the calculation were those for Interstate Construction (IC), Interstate Maintenance (IM), National Highway System (NHS), Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement (CMAQ), Interstate Reimbursement, Donor State Bonus (DSB), and Hold Harmless.

This category guaranteed all States 90 cents in return for every dollar they were estimated to have contributed to the Highway Trust Fund for each of FYs 1992-1997, based upon data for the latest available fiscal year.

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

Access Highways To Public Recreation Areas On Certain Lakes
Updated April 20, 2007

STATUS: INACTIVE Categorical funds are no longer available. Higher Federal share for regularly apportioned highway construction funds used for Access Highways to Lakes (AHL) purposes has been terminated.

PROGRAM CODES:

- 5850 -- AHL, FY 1984 categorical funds
- 5860 -- AHL, FY 1985 categorical funds
- 6000 -- AHL, "No-Year" categorical funds
- 6280 -- AHL, FYs 1976-1978 categorical funds
- 6370 -- AHL, FYs 1978-1980 categorical funds
- 6550 -- AHL, FYs 1979-1981 categorical funds
- 6640 -- AHL, FYs 1982-1984 categorical funds
- 6650 -- AHL, FYs 1983-1984 categorical funds
- A650 -- AHL, Primary apportioned funds
- A750 -- AHL, Consolidated Primary apportioned funds
- B650 -- AHL, Secondary apportioned funds
- B750 -- AHL, Rural Secondary apportioned funds
- W650 -- AHL, Urban System apportioned funds

FEDERAL SHARE: 95 percent for categorical grants (70 percent prior to the 1978 STAA; 75 percent between the 1978 STAA and the 1982 STAA). 95 percent for regularly apportioned Federal-aid funds used for AHL prior to the 1991 ISTEA.

PERIOD AVAILABLE: FY + 2 years for categorical funds except as noted or modified in appropriations acts

FUND: General Funds for categorical grants. Highway Trust Fund for apportioned funds.

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget for categorical grants. Contract for apportioned funds.

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 155

CFR REFERENCE: None

ELIGIBILITY: Construction or reconstruction of access highways to public recreation areas on lakes developed by Federal agencies.

BACKGROUND: The AHL Program was established by Section 115(a) of the Federal-aid Highway Amendments of 1974 (Public Law 93-643). It was codified in 23 U.S.C. 155.

The Secretary of Transportation was authorized to construct or reconstruct access highways to public recreation areas on lakes in order to accommodate present and projected traffic. However, only those lakes resulting from the construction of a lock, dam, or similar structure by one of four specifically designated Federal agencies were eligible for funding, unless legislatively exempted from this restriction.

Initial funding for the AHL program was provided in FY 1976. Additional funding and specific new projects were included in several DOT appropriations acts.

Categorical funds authorized and appropriated under 23 U.S.C. 155 were normally earmarked for specific projects in the legislative history of the appropriations acts. Through FY 1984 all funds appropriated under 23 U.S.C. 155 were earmarked. In FYs 1985 and 1986 the funds were not earmarked. In FY 1987 some funds were earmarked and others were not. The non-earmarked funds in FYs 1985, 1986, and 1987 were allocated to States for projects deemed most meritorious. The FY 1988 funds were earmarked for a project in Mississippi. Categorical funds have not been appropriated since FY 1988.

Separate appropriation codes were required for the categorical funds appropriated each year as the integrity of each year's funds had to be maintained. Appropriation code 600, however, was assigned to all "no-year" funds appropriated for AHL projects in the different acts.

Section 318 of the Department of Transportation and Related Agencies Appropriation Act, 1984 (Public Law 98-78) increased the Federal share from 75 to 95 percent for categorical funds obligated after January 6, 1983.

Section 117(c) of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) added Section 120(j) to Title 23. This allowed funds apportioned for use on any Federal-aid system to be used for AHL projects at a 95 percent Federal participation rate.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) changed Section 120(j) of Title 23, relative to the Federal share for AHL projects, to Section 120(k). Section 1021(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) deleted Section 120 (k).

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Additional Allocation - Wisconsin
Updated April 20, 2007

STATUS: INACTIVE These equity adjustment funds were transferred to the Surface Transportation Program (STP) account.

PROGRAM CODE: None

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Funds were allocated to Wisconsin to be used as STP funds

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 1015(c) of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: These funds were to be used in the State of Wisconsin as if they were STP funds. However, one-half of the amount was not subject to the set-asides and sub-State distribution requirements of the STP.

BACKGROUND: The Additional Allocation for Wisconsin was authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240).

Section 1015(c) authorized $40.0 million in FY 1992 and $47.8 million in each of FYs 1993-1997 to be allocated to the State of Wisconsin and to be transferred to the STP apportionment.

ADDITIONAL INFORMATION: Contact the Office of the Chief Financial Officer (HCF-1)

Alaskan Assistance
Updated April 20, 2007

STATUS: INACTIVE - The last appropriation was in 1976. All authorized funds have been apportioned and obligated.

PROGRAM CODE: 1330

FEDERAL SHARE: Unknown

PERIOD AVAILABLE: Unknown

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 138 of the Federal-aid Highway Act of 1970 (Public Law 91-605).

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: Section 138 of the Federal-aid Highway Act of 1970 (Public Law 91-605) authorized $20 million to be appropriated out of the Highway Trust Fund, in addition to funds otherwise made available under title 23, U.S.C., for each of FYs 1972-1973 for the construction of Federal-aid highways in Alaska.

Section 130 of the Federal-aid Highway Act of 1973 (Public Law 93-87) extended the authorization for each of FYs 1974-1976.

The entire $100 million authorized has been obligated.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Baltimore-Washington Parkway
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODE: 161, 544, 36J, R92 and 18D

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: Until expended

FUND: General Fund and Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget and Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 146 of the Federal-aid Highway Act of 1970, Section 1069(a) of the 1991 ISTEA (Public Law 102-240), Sections 1601 and 1602 of the 1998 TEA-21

CFR REFERENCE: None

ELIGIBILITY: Funds appropriated for reconstruction of the Federally owned portion of the Baltimore-Washington Parkway may be used for projects from the District of Columbia (D.C.) Line to Maryland Route 175.

BACKGROUND: Section 146 of the Federal-aid Highway Act of 1970 (Public Law 91-605) authorized $65 million to be appropriated for reconstruction of the Federally owned portion of the Baltimore-Washington Parkway from the D.C. Line to Maryland Route 175. This portion of highway is under the jurisdiction of the National Park Service (NPS). This Act required that an agreement be executed among the Department of Transportation, the Department of the Interior (DOI), and the State of Maryland to (a) provide for the transfer of jurisdiction to Maryland upon completion of construction, (b) assign primary responsibility for design and construction to Maryland, and (c) cause the route to be placed on the Federal-aid Primary System. The agreement was executed on June 9, 1972.

Maryland initiated extensive studies of various alternatives for reconstruction in July 1974. These studies progressed to the public hearing stage, but controversy over the scope of the improvements became an issue. Also, all alternatives except the "no build" alternative exceeded the $65 million authorized.

In 1976, the NPS completed a $5.7 million project for interim resurfacing of the existing pavement and shoulders and minor safety improvements using DOI funds made available for Bicentennial activities.

Section 130 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) deleted a requirement contained in the 1970 Act for construction of 6 lanes to full Interstate standards and provided instead that the design and construction standards "preserve the parkway characteristics."

In 1980, Maryland indicated they would not accept ownership of the Baltimore-Washington Parkway unless the reconstruction was of sufficient scope to preclude the need for further capital improvements for at least 20 years, which included additional lanes and major interchange reconstruction. Maryland later indicated they were no longer willing to accept ownership under any circumstances. Section 156 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) relieved Maryland of the obligation to accept ownership of the Baltimore-Washington Parkway.

FHWA's Eastern Federal Lands Highway Division (EFLHD) completed a study for the NPS in April 1984 of improvement needs along the Parkway, and has administered design and construction activities in cooperation with the NPS and affected States and local agencies.

In 1991, NPS appropriations provided $13.4 million in funds using funding authority from 1978 Federal-aid Highway Act, Section 104(a)(8), Public Law 95-599. Other funding has been provided from the Park Road and Parkway Program.

Section 1069(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA, Public Law 102-240) provided budget authority for Congress to appropriate $74 million in General Funds for the renovation and reconstruction of the Baltimore-Washington Parkway in Prince Georges County, Maryland. The Federal share of the cost of this project remained at 100 percent. Also Section 1104(b)(2) provided $16.3 million in contract authority and Section 1021(d) directed the Federal share to be 100 percent.

Sections 1601 and 1602 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) provided authority for the Secretary to allocate $11.25 million to carry out project number 1020, Reconstruct Baltimore

Washington Parkway at Route 197, Prince Georges County. The Federal share of the cost of this project is 100 percent.

The remaining funds to complete the parkway will come from the park road and parkway program and possibly other funds such as discretionary public lands highway.

ADDITIONAL INFORMATION: Contact the Office of Program Development (HFPD).

Bicycle Grants
Updated April 20, 2007

STATUS: INACTIVE - Repealed by Section 133(e)(2) of the 1987 STURAA.

PROGRAM CODE: 6940

FEDERAL SHARE: 75 percent

PERIOD AVAILABLE: FY for which appropriated. However, the period of availability has now expired.

FUND: 1/2 Highway Trust Fund and 1/2 General Funds

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 141 of the 1978 STAA (Public Law 95-599). Section 133(e)(2) of the 1987 STURAA (Public Law 100-17).

CFR REFERENCE: 23 CFR 663 (Repealed)

ELIGIBILITY: N/A

BACKGROUND: This program was established by Section 141 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) for the construction of bikeways and for non-construction programs or projects to enhance the safety and use of bicycles. Funds were authorized for FYs 1979-1982; however, the first appropriation was made for FY 1980, and no subsequent appropriations were made. Funds were available for obligation only during the year for which appropriated; therefore, the availability period for these funds expired September 30, 1980.

Section 133(e)(2) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) repealed Section 141 of the Federal-aid Highway Act of 1978.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Bikeway Demonstration
Updated April 20, 2007

STATUS: INACTIVE Repealed by Section 133(e)(2) of the 1987 STURAA.

PROGRAM CODE:

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: Until expended

FUND: General

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 119 of the Federal-aid Highway Amendments of 1974 (Public Law 93-643). Section 133(e)(2) of the 1987 STURAA (Public Law 100-17).

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: This program was established by Section 119 of the Federal-aid Highway Amendments of 1974 (Public Law 93-643) as a discretionary allocation, with projects proposed by the Regions and selected by the Office of Engineering. While $10 million was authorized for this program for FY 1976, only $6 million was appropriated, all for specific projects.

Section 133(e)(2) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) repealed Section 119 of the Federal-aid Highway Amendments of 1974.

Other related bicycle programs independent of the Bikeway Demonstration Program were the Bicycle Transportation and Pedestrian Walkways Program and the Bicycle Grants Program.

Grants made under the demonstration program were in addition to, and not in lieu of, funds made available for the Bicycle Transportation and Pedestrian Walkways Program.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Bridges On Federal Dams
Updated April 20, 2007

STATUS: INACTIVE - There have been no recent appropriations of funds for bridges on Federal dams. All previously available funds have been allocated and obligated.

PROGRAM CODE: 0720

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: 23 U.S.C. 320

CFR REFERENCE: 23 CFR 630H

ELIGIBILITY: Funding under this program, when available, was generally for projects earmarked by Congress to reimburse Federal dam building agencies (Tennessee Valley Authority, Department Of Defense, Bureau Of Reclamation) for the costs of designing and constructing certain dams to support public highway bridges upon and across these dams.

BACKGROUND: This program was initiated by the Federal-aid Highway Act of 1946 (Public Law 79-562) which authorized and appropriated $10 million to reimburse Federal dam building agencies for the costs of designing and constructing (a) certain dams in such a manner that they would support public highway bridges and (b) public highway bridges upon and across these dams. It was codified at 23 U.S.C. 320.

Subsequent highway acts have authorized and appropriated an additional $55 million for the Bridges on Federal Dams Program. Funding has been largely discretionary. The Federal-aid Highway Act of 1970 and subsequent acts earmarked funds for specific projects through direct references in the law or in conference reports. No additional funding has been authorized since the Federal-Aid Highway Act of 1978. In FY 1994, P.L. 103-211 rescinded the $9,478,139 balance that was in the account.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Bridges On Indian Reservation Roads (IRR)
Updated April 20, 2007

STATUS: INACTIVE Continuing only until funds apportioned in FY 1997 and previous fiscal years are obligated, transferred back to States or lapsed. This set-aside was eliminated under the TEA 21 Restoration Act. This set-aside was replaced by a Nationwide Priority Program for Improving Deficient Indian Reservation Road Bridges under Section 1115 of TEA-21 funded by a set-aside from the Indian Reservation Roads Program (see the program with that title for details).

PROGRAM CODES: 11T, 11U, 11Z -- until pre-FY 1998 obligated

FEDERAL SHARE: 80 percent. Indian Reservation Road funds can be used to increase the Federal share to 100 percent.

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Set-aside from HBRRP apportionments are transferred to the Secretary of the Interior to carry out this program.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 144(g)

CFR REFERENCE: None

ELIGIBILITY: Highway Bridge Replacement and Rehabilitation Program (HBRRP) funds set aside for Bridges on Indian Reservation Roads may be obligated for eligible projects to replace, rehabilitate, paint, or apply calcium magnesium acetate to highway bridges located on Indian reservation roads.

BACKGROUND: Section 1028(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA, Public Law 102-240), contained new requirements concerning Indian reservation bridges. Prior to making apportionments for the HBRRP, not less than 1 percent of the amount apportioned to each State which has an Indian reservation within its boundaries must be transferred to the Secretary of the Interior each fiscal year to expend for eligible projects on Indian reservation roads. In addition to bridges under the jurisdiction of the Department of the Interior's Bureau of Indian Affairs (BIA), there are also State, local, and other federally owned bridges on Indian reservation roads on which the funds may be used.

Candidate bridges for which States may want to use a portion of the one percent funding are submitted to the BIA. These bridges must meet the HBRRP eligibility criteria set forth in 23 U.S.C. 144. The projects to be funded are selected by the BIA and should represent an equitable distribution of the transferred funds.

Indian Reservation Road funds made available under Section 1003 of the 1991 ISTEA may be used to increase the Federal share on eligible bridge projects from 80 percent to 100 percent.

Section 9002 eliminated the 1 percent HBRRP set-aside for IRR bridges. However, Section 1115 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) established a new nationwide priority program for improving Indian Reservation Road bridges and codified it under 23 U.S.C. 202 of the Federal Lands Highways program.

ADDITIONAL INFORMATION: Contact the Office of Program Development (HFPD) or the Office of Bridge Technology (HIBT).

Bridge Replacement (Special)
Updated April 20, 2007

STATUS: INACTIVE. Replaced by Highway Bridge Replacement and Rehabilitation Program (HBRRP).

PROGRAM CODE: 115

FEDERAL SHARE: 75 percent

PERIOD AVAILABLE: Until expended.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 144.

CFR REFERENCE: 23 CFR 650D

ELIGIBILITY: N/A

BACKGROUND: This program was established by Section 204 of the Federal-aid Highway Act of 1970 (Public Law 91-605) and codified as 23 U.S.C. 144. Authorizations were provided for FYs 1972-1973.

The Federal-aid Highway Act of 1973 (Public Law 93-87) provided authorizations through FY 1976; the Federal-aid Highway Amendments of 1974 authorized additional funds for FY 1976; and the Federal-aid Highway Act of 1976 (Public Law 94-280) authorized funds for FYs 1977-1978.

Projects under this program had to be on a Federal-aid system. Funds were allocated to the States on the basis of comparative bridge replacement needs.

Section 124 of the Federal-aid Highway Act of 1978 (Public Law 95-599) retitled and amended 23 U.S.C. 144. In so doing, it deleted all references to the "Special Bridge Replacement Program" and replaced it with the "Highway Bridge Replacement and Rehabilitation Program," which was applicable to both on and off-system bridges.

ADDITIONAL INFORMATION: Contact the Office of Bridge Technology (HIBT).

Combined Road Plan
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODES:

- CG10 -- CRP-Pooled Fund, 100 percent
- CR10 -- CRP-Secondary, Urban, Non-Primary Bridge Pooled Fund
- EC10 -- CRP-Minimum Allocation
- EC20 -- CRP-Excess Interstate 1/2 Percent Minimum Apportionment
- EC30 -- CRP-Interstate Substitution, Apportioned
- EC40 -- CRP-Interstate Substitution, Discretionary
- EG10 -- CRP-Minimum Allocation, 100 percent, 23 U.S.C. 120(d)
- EG20 -- CRP-Excess Interstate 1/2 Percent Minimum Apportionment, 100 percent

FEDERAL SHARE: Same as source funds. The non-Federal share may be increased if the State desires, so as to reduce the normal Federal pro-rata share.

PERIOD AVAILABLE: Same as source funds.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Same as source funds.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 137 of the 1987 STURAA (Public Law 100-17).

CFR REFERENCE: None

ELIGIBILITY: Funds were used in five States selected by the FHWA-- California, Minnesota, New York, Rhode Island, and Texas--to conduct a demonstration to test the feasibility of approaches for combining, streamlining, and increasing the flexibility in the administration of the Federal-aid Secondary Program, Urban Program, and the Non-Primary portion of the Bridge Program.

BACKGROUND: The Combined Road Plan (CRP) Demonstration Program was authorized by Section 137 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17). The Secretary of Transportation was directed to conduct a demonstration to test the feasibility of approaches for combining, streamlining, and increasing the flexibility in the administration of the Federal-aid Secondary Program, Urban Program, and the Non-Primary portion of the Bridge Program. Section 137 required that the demonstration be conducted in cooperation with up to five States.

A key objective of this demonstration was to place as much responsibility as was feasible with State and local governments. The FHWA was mandated to report to Congress on implementation experiences and needed recommendations. Funds from the programs designated for the CRP demonstration were pooled into a single fund (appropriation code CR10).

It was administratively determined that Secondary, Urban, and Non-Primary Bridge projects which used (a) Minimum Allocation, (b) Interstate Substitution, and/or (c) excess minimum apportionment Interstate construction funds could be made a part of the CRP demonstration at the State's option. The only difference in the use of these funds for the CRP demonstration and the funds specifically identified in Section 137 was that they could not be pooled into the single CRP fund. Hence, separate appropriation codes were provided.

No authority was provided for the continuation of the Combined Road Plan demonstration in the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240).

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Commercial Driver's License
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODES:

- 21A -- Basic Grant (FYs 1987-1991).
- 21B -- Supplemental Grant (FYs 1989-1991).
- 21C -- Clearinghouse Grant (FYs 1989-1991).
- 708 -- Supplemental Grant (FYs 1987-1988).
- 709 -- Information System Grant (FYs 1987-1989).

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: Until expended. Funds not obligated by the State in the fiscal year during which they were made available were withdrawn and made available for use at the discretion of the Secretary of Transportation.

FUND: Highway Trust Fund, appropriations 21A, 21B, and 21C were from funds made available to carry out Section 404 of the STAA of 1982 (MCSAP). Appropriations 708 and 709 were from funds made available to carry out 23 U.S.C. 402 by NHTSA.

FUND DISTRIBUTION METHOD: Allocation.

SUBJECT TO OBLIGATION LIMITATION: Yes for codes 21A, 21B, and 21C. No for codes 708 and 709.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: Sections 12005(c,d,e), 12007(g), and 12010 of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570).

CFR REFERENCE: None

ELIGIBILITY: Grants were available to all the States for developing and implementing commercial driver's license programs. Remaining funds may continue to be used for these purposes.

BACKGROUND: The FHWA began a major effort in 1986 to assure that all commercial motor vehicle operators--more than 5 million--had only one license. Under this license program, which is required by the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570), all States must test and license commercial drivers according to Federal standards or face a loss of Federal-aid highway funds. To assist the 50 States and the District of Columbia in developing and implementing required commercial driver's license programs, a $61 million, 5-year grant program was established in the Commercial Motor Vehicle Safety Act of 1986. Funds for the grants are to be derived from the Motor Carrier Safety Assistance Program (MCSAP) and from 23 U.S.C. 402 funds administered by the National Highway Traffic Safety Administration (NHTSA).

The Commercial Motor Vehicle Safety Act authorized the following four categories of grants:

- Basic grants, available in FYs 1987-1991. A minimum of $100,000 per State was available each year. Total funding was $5 million per year. The basic grant minimum of $100,000 per State each year for the 50 States and the District of Columbia was maintained by adding $100,000 a year in supplemental grant funds to the $5 million in basic grant funds.
- Supplemental grants, available in FYs 1987-1991. In FYs 1987-1989, funds were available on a discretionary basis. In FYs 1990-1991, funds were available based on the number of tests administered and licenses issued in the previous year. Total funding was $3 million per year.
- Information systems grants, available in FYs 1987-1989 on a discretionary basis. The total funding was $2 million per year.
- Clearinghouse grants, available in FYs 1989-1991. A minimum of $100,000 per State was available each year. Total funding was $5 million per year. No other sources of funds were available to make up the $100,000 per year shortfall in the clearinghouse grant program. The Truck and Bus Safety and Regulatory Reform Act of 1988 authorized the setting aside of up to $1 million per year in clearinghouse grant funds in FYs 1989-1990 for a pilot demonstration of biometric identification systems. As a result, the minimum State grant per year was reduced from $100,000 to $78,431 (including the Gramm-Rudman reduction) in FY 1989 and from $100,000 to $98,039 in FY 1990.

No new provisions were contained in the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public

Law 102-240). Even so, unobligated funds from the sources mentioned above could continue to be used for the purposes of this program.

ADDITIONAL INFORMATION: Contact the Office of Motor Carrier Enforcement (HMCE).

Consolidated Primary
Updated April 20, 2007

STATUS: INACTIVE - Discontinued after funds apportioned in FY 1991 and previous fiscal years were obligated, transferred, or lapsed. Title 23 provisions relative to the Federal-aid Primary System were repealed by the 1991 ISTEA. Unobligated funds apportioned to a State for the Primary System remained available for obligation under the old rules or could be transferred to the NHS or Surface Transportation Program (STP) programs.

PROGRAM CODES:

- 0100 -- Consolidated Primary
- 01B0 -- Consolidated Primary, Priority, Section 149(k) of Public Law 100-17
- 01E0 -- Consolidated Primary, Temporary Matching Fund Waiver
- 1840 -- Consolidated Primary, Alaska Highway
- 1960 -- Consolidated Primary, I-4R
- 33D0 -- STP-State Flexible
- A040 -- Consolidated Primary, PR
- A060 -- Consolidated Primary, Economic Growth Center, 95 percent
- A090 -- Consolidated Primary, Economic Growth Center, Temporary Matching Fund Waiver
- A140 -- Consolidated Primary, 100 percent
- A450 -- Consolidated Primary, Great River Road
- A610 -- Consolidated Primary, Bicycle and Pedestrian
- A750 -- Consolidated Primary, Access to Lakes
- A850 -- Consolidated Primary, Energy Impacted Roads
- A860 -- Consolidated Primary, 20 percent Mandatory Energy Roads
- A870 -- Consolidated Primary, Energy Impacted Roads, Temporary Matching Fund Waiver
- X140 -- Consolidated Primary, NHI
- X150 -- Consolidated Primary, 1/4 percent NHI

FEDERAL SHARE: 75 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula set forth in Section 108 of the STAA of 1982 (Public Law 97-424).

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 103(b) [Subsequently amended to reflect current Federal-Aid Systems]. Section 108 of the 1982 STAA (Public Law 97-424).

CFR REFERENCE: 23 CFR 470A [Subsequently revised to reflect current Federal-Aid Systems]

ELIGIBILITY: Unobligated funds apportioned to a State for the Primary System remained available for obligation under the pre-ISTEA rules or could be transferred to the NHS or STP programs. These funds could be used for planning, engineering, construction, and other related activities.

BACKGROUND: Section 105(a)(1) of the Federal-aid Highway Act of 1976 (Public Law 94-280) established the Consolidated Primary Program by consolidating the Rural Primary, Priority Primary, and Urban Primary Extension programs into a single funding category. Although this created a new fund, it did not affect previously authorized Primary funds. The first appropriation for the Consolidated Primary Program was for FY 1977.

The Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) provided that at least 20 percent of the Consolidated Primary funds were to be used for 3R purposes. Section 105(d) of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) provided that at least 40 percent of the Consolidated Primary funds were to be used for 4R purposes, starting with the FY 1984 apportionments. However, section 106(a)(2) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) did not include these requirements for the FY 1987-1991 apportionments.

Section 108 of the 1982 STAA established a two formula procedure for apportioning the FYs 1983-1986 primary authorizations. Section 107 of the 1987 STURAA continued the use of this procedure for FYs 1987-1991.

Funds apportioned under this program could be transferred to the Rural Secondary and Urban System programs.

The Federal-aid Primary System was abolished when Sections 103(a) and (b) of title 23, U.S.C., were repealed by Section 1006(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), on December 18, 1991. The last apportionments of funds for the Primary System were for FY 1991. The system as it existed on June 1, 1991, is still used to define where control of outdoor advertising under 23 U.S.C. 131 applies.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Donor State Bonus
Updated April 20, 2007

STATUS: INACTIVE These equity adjustment funds were used for the same purposes as if apportioned for the Surface Transportation Program (STP).

PROGRAM CODES:

- 35A -- DSB-50 percent in Any Areas
- 35B -- DSB-Urbanized Areas with >200,000 Population
- 35C -- DSB-Areas <200,000 Population
- 35D -- DSB-Mandatory for Non-Urban Areas

FEDERAL SHARE: 80 percent, same as STP

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: In FYs 1992-1997, donor States were identified by comparing each State's projected contributions to the Highway Trust Fund in the fiscal year to the apportionments that would be received by the State in that fiscal year. Section 1013(c) of the 1991 ISTEA authorized a particular amount each year to distribute to these donor States as a bonus. Starting with the State having the lowest return (apportionments compared to contributions), each State was brought up to the level of return for States with the next highest level of return. This was repeated successively for each State until the funds authorized for that fiscal year were exhausted.

TYPE OF AUTHORITY: Contract, same as STP.

SUBJECT TO OBLIGATION LIMITATION: Yes, same as STP.

STATUTORY REFERENCE: Section 1013(c) of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Donor State Bonus funds are to be used as STP funds, except that the amounts are available until expended and one-half of the amount was subject to the sub-State STP distribution rules contained in 23 U.S.C. 133(d)(3). The other half could be used in any areas for STP activities.

BACKGROUND: The Donor State Bonus program was contained in Section 1013(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). Section 1013(c) authorized $429 million in FY 1992 and $514 million in each of FYs 1993-1997 to be appropriated out of the Highway Trust Fund for the payment of Donor State Bonus amounts.

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

Elimination Of Roadside Obstacles
Updated April 20, 2007

STATUS: INACTIVE. Incorporated into the High-Hazard Locations/Elimination of Roadside Obstacles Program by the Highway Safety Act of 1976.

PROGRAM CODE: 1440

FEDERAL SHARE: 90 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 153 (Repealed by 1978 STAA).

CFR REFERENCE: 23 CFR 924

ELIGIBILITY: N/A

BACKGROUND: The Elimination of Roadside Obstacles Program was established by Section 210 of the Highway Safety Act of 1973 (Title II of Public Law 93-87) and authorizations were made for FYs 1974-1976. This program provided Federal funds for safety improvement projects on all Federal-aid systems, except the Interstate System, for the purpose of correcting roadside hazards. It was codified in 23 U.S.C. 153.

Section 210(7) of the Highway Safety Act of 1976 (Title II of Public Law 94-280) combined the funding for this program and the High-Hazard Locations program, and in so doing, created the High-Hazard Locations/Elimination of Roadside Obstacles Program. Section 168 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) replaced the combined program with a new program called the Hazard Elimination Program and repealed 23 U.S.C. 153. The new Hazard Elimination funds could be used for the elimination of roadside obstacles. In addition, Section 108 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) added the elimination of roadside obstacles to the definition of "construction" in 23 U.S.C. 101, which meant that regular Federal-aid construction funds could be used for the elimination of roadside hazards.

ADDITIONAL INFORMATION: Contact the Office of Safety Programs (HSA-20) or the Office of Program Administration (HIPA).

Energy Impacted Roads
Updated April 20, 2007

STATUS: INACTIVE A higher Federal share was allowed for projects to reconstruct, resurface, restore, and rehabilitate energy impacted roads (generally coal haul routes).

PROGRAM CODES:

- A850, A860 -- Consolidated Primary funds for energy impacted roads.
- B850, B860 -- Rural Secondary funds for energy impacted roads.
- N850 -- Minimum Allocation funds for energy impacted roads.
- R850, R860 -- HBRRP funds for energy impacted roads.
- W850, W860 -- Urban System funds for energy impacted roads.

FEDERAL SHARE: 85 percent

PERIOD AVAILABLE: Same as source funds.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Same as source funds.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Same as source funds.

STATUTORY REFERENCE: 23 U.S.C. 105(l) (repealed)

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: Section 109 of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) added (a) 23 U.S.C. 105(h), which provided that priority could be given to Federal-aid projects to reconstruct, resurface, restore, and rehabilitate energy impacted roads, and (b) 23 U.S.C. 120(k) [later changed to 120(l)], which allowed an 85 percent Federal share to be used for these projects on energy impacted roads. There were no separate authorizations for these projects. Instead, projects were funded from Consolidated Primary, Rural Secondary, Urban System, Bridge Replacement and Rehabilitation, and Minimum Allocation apportionments and allocations. Criteria for determining which projects qualified for this special funding were provided by the Office of Engineering (HNG-12) in a March 25, 1983, memorandum to Regional Federal Highway Administrators. Very generally, the highways or railroad-highway grade crossings proposed to be improved using the 85 percent Federal share had to be (a) impacted by continuing and substantial truck or train traffic transporting energy materials, (b) on the appropriate Federal-aid system for the funds involved, and (c) in need of 4R type improvements to restore safety, capacity, and/or mobility.

Section 1021(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) repealed Section 120(l).

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Express Lanes Demonstration Program
Updated January 25, 2017

STATUS: ACTIVE existing projects continue to completion, but no additional authority was provided through MAP-21

PROGRAM CODES: Same as source funds

FEDERAL SHARE: N/A

PERIOD AVAILABLE: N/A

FUND: N/A

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Section 1604(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59; August. 10, 2005)

CFR REFERENCE: None

ELIGIBILITY: Section 1604(b) of the SAFETEA-LU authorizes the Secretary of Transportation (Secretary) to carry out fifteen (15) demonstration projects to permit States, public authorities, or public or private entities designated by States, the authority to collect a toll from a motor vehicle on an eligible toll facility. No funds have been authorized or appropriated under this subsection of SAFETEA-LU for the Express Lanes Demonstration Program (ELDP). Projects funded use regularly apportioned Federal-aid funds.

The ELDP permits tolling on any newly constructed Interstate or non-Interstate lanes. In addition, existing Interstate or non-Interstate facilities that are modified or constructed to create toll lanes are eligible to collect tolls on the entire facility. Additionally, existing Interstate or non-Interstate HOV facilities are eligible to collect tolls on the entire facility. As stated in SAFETEA-LU, an eligible tolling facility falls under four broad categories of new and existing highway capacity. Specifically, SAFETEA-LU lists the following as eligibility for participation in the program:

1. A facility in existence on August 10, 2005 (date of enactment of SAFETEA-LU), that collects tolls;
2. A facility in existence on August 10, 2005, that serves high occupancy vehicles (HOV);
3. A facility modified or constructed after August 10, 2005, to create additional tolled lane capacity, including a facility constructed by a private entity or using private funds; and
4. In the case of a new lane added to a previously non-tolled facility, only the new lane.

As provided at Section 1604(b)(3)(C) of SAFETEA-LU, a toll agreement must be executed prior to the collection of tolls on any toll facility under a demonstration project prior to the collection of tolls. Since authority to carry-out these demonstration projects was only granted through the end of fiscal year 2009, a toll agreement must be executed prior to September 30, 2009. While a toll agreement must have been executed prior to September 30, 2009, tolling may commence any time after this date.

BACKGROUND: The Express Lanes Demonstration) Program (ELDP) was a pilot program that permitted tolling on selected new and existing Interstate lanes to manage high levels of congestion, reduce emissions in a non-attainment or maintenance area, or finance added Interstate lanes for the purpose of reducing congestion.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) did not extend this program. Existing projects may move forward to completion.

On December 4, 2015, the President signed the Fixing America's Surface Transportation (FAST) Act into law (Pub. L. 114-94). The FAST Act made no changes to this program which was not extended by MAP-21.

ADDITIONAL INFORMATION: Contact the Office of Operations (HOTM).

Funding Restoration
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODES:

- 31J0 - Funding Restoration
- 3170 - Allocation Formula (91 ISTEA)
- 3180 - Urbanized Areas Over 200,000 (91 ISTEA)
- 3190 - Transportation Planning (91 ISTEA)
- 31H0 - Research and Planning (91 ISTEA)
- Q500 - Allocation Formula -- Department of Transportation and Related Agencies Appropriations Act of 1997 (97 STEA)
- Q510 - Urbanized Areas Over 200,000 (97 STEA)
- Q520 - Transportation Planning (97 STEA)
- Q530 - Research and Planning (97 STEA)

FEDERAL SHARE: Determined by the type of project for which the funds are used

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation based on Section 202(b) of the National Highway System Designation Act of 1995 (1995 NHSDA, Public Law 104-59)

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 202 of the 1995 NHSDA (Public Law 104-59)

CFR REFERENCE: None

ELIGIBILITY: Funds may be spent on any project eligible under Title 23

BACKGROUND: Section 202 of the 1995 NHSDA created a Funding Restoration Program for FYs 1996-1997. Section 202 authorized $266,522,436 for FY 1996 and $155 million for FY 1997 for carrying out projects. The purpose of this program is to restore funds for FY 1996 that were reduced as a result of application of Section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) did not authorize funding for this program.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Great River Road
Updated April 20, 2007

STATUS: INACTIVE Categorical funds are no longer available. In the past, regularly apportioned highway construction funds could be used for Great River Road projects at a higher Federal share.

PROGRAM CODES:

- 6150 - Categorical funds used in FY 1981 and prior years.
- 1350 - Categorical funds used in FY 1982 and subsequent years.
- A350 and A450 - Consolidated Primary funds for the Great River Road.
- B350 and B450 - Rural Secondary funds for the Great River Road.
- W350 and W380 - Urban system funds for the Great River Road.

FEDERAL SHARE: 95 percent for regular funds (prior to the 1991 ISTEA) and 75 percent for categorical funds

PERIOD AVAILABLE: Same as source funds for regular funds, FY + 3 years for categorical funds (availability expired September 30, 1986)

FUND: Highway Trust Fund for categorical on-system projects and General Funds for categorical off-system projects. Highway Trust Fund for projects financed with regular funds.

FUND DISTRIBUTION METHOD: Allocation for categorical funds. Same as source funds for regular funds.

TYPE OF AUTHORITY: Contract for categorical on-system projects and Appropriated Budget for categorical off-system projects. Contract for regularly funded projects.

SUBJECT TO OBLIGATION LIMITATION: Same as source funds

STATUTORY REFERENCE: 23 U.S.C. 148 [Amended to be Highway Safety Improvement Program by Section 1401(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59]

CFR REFERENCE: 23 CFR 661(repealed)

ELIGIBILITY: N/A

BACKGROUND: The concept of a parkway route along the Mississippi River was introduced in Section 14 of the Federal-aid Highway Act of 1954 (Public Law 83-350). The Bureau of Public Roads made studies of routes and potential sites for development in conjunction with the natural, geologic, and historic features of interest along the river. Studies were completed in each of the 10 States bordering the river, but the opportunity for development of a unique parkway route was determined to be limited by high cost and other development. As a result, the use of existing roadway alignments was recommended.

Section 129 of the Federal-aid Highway Act of 1973 (Public Law 93-87) established the Great River Road program, codified in 23 U.S.C. 148, and provided funds from (a) the Highway Trust Funds for construction and reconstruction of on-system roadways and (b) the General Fund for off-system roadways. The route was to be developed using criteria which would give priority to access to large population centers, connections to other Federal-aid highways (particularly the Interstate system), and construction near the confluence of the Wisconsin and Mississippi Rivers. The definition of construction was expanded to include acquisition of areas of historical, archaeological, or scientific interest, and construction of roadside rest areas. Funds were to be distributed on the basis of relative needs. Estimates were prepared in 1975, 1977, and 1981.

The Conference Report for the Federal-aid Highway Act of 1976 (Public Law 94-280) stated that existing roadways should be used as much as possible and that the Great River Road should be one route crossing the river several times.

The Surface Transportation Assistance Act (STAA) of 1978 (Public Law 95-599) authorized spur highways to connect the Great River Road by the most direct route with access to scenic, historical, recreational, or archaeological features on the opposite side of the Mississippi River. Such spurs had to cross the river on existing bridges.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) terminated separate categorical funding for the development of the Great River Road. Instead, it provided a 95 percent Federal share under the provisions of 23 U.S.C. 120(j) for projects financed with funds apportioned for use on any Federal-aid system. This was interpreted to include primary, secondary, urban system, and minimum 1/2 percent Interstate funds.

Section 117(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public

Law 100-17) deleted Great River Road references in Section 120(j) of title 23 and added a new Section 120(m), which allowed the Federal share payable for Great River Road projects financed with funds apportioned for use on the other systems to be less than 95 percent if requested by a State, but not less than 75 percent.

All available categorical funds (codes 1350 and 6150) have been allocated to the States of Arkansas, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Tennessee, and Wisconsin. All the allocated funds have been obligated.

Section 1021(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) deleted 23 U.S.C. 120(m). Thus, there is no longer a higher Federal share for regular Federal-aid funds used for projects located on the Great River Road.

Section 1401(a) of SAFETEA-LU amended 23 U.S.C. 148 to establish the Highway Safety Improvement Program, eliminating the Great River Road program from title 23.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Hazard Elimination
Updated April 20, 2007

STATUS: INACTIVE Replaced by STP Set-Aside for Safety Improvements program.

PROGRAM CODES:

- 1410 -- Hazard Elimination
- 33P0 -- STP-Hazard Elimination Program
- 33Z0 -- STP-Hazard Elimination Program, 100 percent

FEDERAL SHARE: 90 percent.

PERIOD AVAILABLE: FY + 3 years (availability expired September 30, 1994)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 152

CFR REFERENCE: 23 CFR 924

ELIGIBILITY: N/A

BACKGROUND: The Hazard Elimination Program was established by Section 168 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599). It replaced the combined High-Hazard Locations/Elimination of Roadside Obstacles program and provided Federal funds for highway safety improvement projects on all Federal-aid systems, except the Interstate System (exception amended out by Section 1401 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)). [Highway safety improvement projects are defined in 23 U.S.C. 101(a)]. The Hazard Elimination program was codified in 23 U.S.C. 152. The 1978 STAA authorized $125 million for FY 1979, $150 million for FYs 1980-1981, and $200 million for FY 1982.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) expanded the Hazard Elimination program to make funds available for expenditure on any public road, except the Interstate system. The extension of eligibility applied to all unobligated Hazard Elimination funds. The 1982 STAA also provided $200 million per fiscal year for FY 1983 (reduced by the amount authorized by the Federal-aid Highway Act of 1982) and for FYs 1984-1986.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) authorized $170 million per fiscal year for each of FYs 1987-1991 for projects for the elimination of hazards under 23 U.S.C. 152.

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) did not provide earmarked funds subsequent to FY 1991 for the Hazard Elimination Program. However:

- In not specifically revising 23 U.S.C. 152 or the definition of "construction" in 23 U.S.C. 101, the use of regular Federal-aid highway construction funds (i.e., those funds apportioned under 23 U.S.C. 104) continued to be considered eligible for the elimination of roadside hazards.
- It stipulated in Section 1007 (codified in 23 U.S.C. 133(d)(1)) that at least 10 percent of the funds apportioned to a State for the Surface Transportation Program (STP) must be used for carrying out the Hazard Elimination Program (23 U.S.C. 152) and the Rail-Highway Crossings Program (23 U.S.C. 130). (See "STP Set-Aside for Safety Improvements" in Part I of this guide).

The Transportation Equity Act for the 21st Century amended the Hazard Elimination Program to allow States to survey and correct hazards to motorists, bicyclists and pedestrians. It also removed the exception regarding use of funds for removal of hazards on the Interstate System.

Section 1113(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) repealed the 10 percent safety set-aside from STP funds effective October 1, 2005. Section 1401 of SAFETEA-LU established the Highway Safety Improvemernt Program (HSIP) under 23 U.S.C. 148, and section 1101(a)(6) of SAFETEA-LU authorized funding for the HSIP for FYs 2006 through 2009.

ADDITIONAL INFORMATION: Contact the Office of Safety Programs (HSA-20) or the Office of Program Administration

(HIPA).

High-Hazard Locations/Elimination Of Roadside Obstacles
Updated April 20, 2007

STATUS: INACTIVE Replaced by the Hazard Elimination program under provisions of the 1978 STAA.

PROGRAM CODES:

- 1450 - High Hazard Locations.
- 1460 - Elimination of Roadside Obstacles.

FEDERAL SHARE: 90 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1981)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 152 (subsequently amended) and 153 (subsequently repealed)

CFR REFERENCE: 23 CFR 924

ELIGIBILITY: N/A

BACKGROUND: The High-Hazard Locations/Elimination of Roadside Obstacles program was established by Section 202(7) of the Highway Safety Act of 1976 (Title II of Public Law 94-280) and authorizations were made for FYs 1977-1978. This program consolidated funding for the High-Hazard Locations Program and the Elimination of Roadside Obstacles Program.

Section 168 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) replaced this combined program with a new program called the Hazard Elimination Program. Section 152 of Title 23, U.S.C., was amended to reflect the new program and section 153 was repealed.

ADDITIONAL INFORMATION: Contact the Office of Safety Programs (HSA-20) or the Office of Program Administration (HIPA).

High-Hazard Locations
Updated April 20, 2007

STATUS: INACTIVE Incorporated into the High-Hazard Locations/Elimination of Roadside Obstacles program by the Highway Safety Act of 1976.

PROGRAM CODE: 1420

FEDERAL SHARE: 90 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 152 (Prior to 1978)

CFR REFERENCE: 23 CFR 924

ELIGIBILITY: N/A

BACKGROUND: The High-Hazard Locations Program was established by Section 209 of the Highway Safety Act of 1973 (Title II of Public Law 93-87) and authorizations were made for FYs 1974-1976. This program provided Federal funds for safety improvement projects on all Federal-aid systems, except the Interstate System, for the purpose of eliminating or reducing hazards at specific locations or sections of highways with high accident experiences or accident potential.

Section 202(7) of the Highway Safety Act of 1976 (Title II of Public Law 94-280) combined funding for this program and the Elimination of Roadside Obstacles program, and, in so doing, created the High-Hazard Locations/Elimination of Roadside Obstacles program.

Section 168 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) amended 23 U.S.C. 152 and replaced the combined program with a new program called the Hazard Elimination Program.

ADDITIONAL INFORMATION: Contact the Office of Safety Programs (HSA-20) or the Office of Program Administration (HIPA).

Highways Crossing Federal Projects
Updated April 20, 2007

STATUS: INACTIVE Repealed by 1987 STURAA.

PROGRAM CODES:

- 5820 - Washington HQs Use Only (Reappropriated Funds).
- 6430 - Construction.

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: FY + 2 years. Availability has expired.

FUND: General Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: 23 U.S.C. 156 (repealed)

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: This program was initiated by the Federal-aid Highway Act of 1956 (Public Law 84-627) which authorized $100 million for the construction or reconstruction of public highways or bridges across Federal public works projects where there had been substantial changes in requirements and costs subsequent to authorization, and where such increased costs would work an undue hardship on the State. The legislative history identified two specific public works projects for this program, the Tennessee-Tombigbee Waterway in Alabama and Mississippi, involving the construction of 13 bridges, and the Oahe Reservoir in South Dakota, involving the rehabilitation of 2 bridges constructed by the Corps of Engineers in conjunction with earlier dam construction.

Section 132(a) of the Federal-aid Highway Act of 1976 (Public Law 94-280) codified this program in 23 U.S.C. 156, but it was later repealed by Section 126 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17).

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Hold Harmless
Updated April 20, 2007

STATUS: INACTIVE These funds were an adjustment to the Surface Transportation Program (STP), to be used as STP funds.

PROGRAM CODE: STP Codes

FEDERAL SHARE: 80 percent, same as STP

PERIOD AVAILABLE: FY + 3 Years, same as STP

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Section 1015(a) of the 1991 ISTEA established a legislative percentage that each State and the District of Columbia must receive each fiscal year. The percentage applied to the total funding that was distributed for Interstate Construction (IC), Interstate Maintenance (IM), Interstate Substitution (IS), National Highway System (NHS), STP, Congestion Mitigation and Air Quality Improvement (CMAQ), Bridge Program (HBRRP), Federal Lands, Minimum Allocation (MA), Interstate Reimbursement (when it became available in FY 1996), and Donor State Bonus (DSB). Each State that did not receive the established percentage received additional apportionments so that its total equaled the percentage.

TYPE OF AUTHORITY: Contract, same as STP

SUBJECT TO OBLIGATION LIMITATION: Yes, same as STP

STATUTORY REFERENCE: Section 1015(a) of the 1991 ISTEA (Public Law 102-240)

CFR REFERENCE: None

ELIGIBILITY: Hold Harmless funds were to be used as STP funds, except that one-half of the amount received by a State was not subject to the two set-asides or the sub-State distribution requirements of the STP.

BACKGROUND: The Hold Harmless category was authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). Section 1015(a) of the 1991 ISTEA established a legislative percentage each State must receive of the Nation's funding for each of FYs 1992-1997. The funding programs included in the adjustment process, which included apportionments and prior year allocations, were IC, IM, IS, NHS, STP, CMAQ, HBRRP, MA, Federal Lands, DSB, and Interstate Reimbursement. Additions were made to the STP apportionment so each State's total would reach the legislative percentage set forth in Section 1015(a)(2) of the 1991 ISTEA. Funds were to be used as if they were STP funds; however, one-half of the amount was not subject to the set-asides and sub-State distribution requirements of the STP. Also, the 90 percent guarantee and priority projects were not included in the Hold Harmless adjustment.

ADDITIONAL INFORMATION: Contact the Office of Finance and Budget (HABF).

Idling Reduction Facilities in Interstate Rights-Of-Way
Updated July 16, 2010

STATUS: INACTIVE (Repealed by Public Law 110-244)

PROGRAM CODE: N/A

FEDERAL SHARE: N/A

PERIOD AVAILABLE: N/A

FUND: N/A

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Section 1412 of the 2005 SAFETEA-LU (Public Law 109-59) and codified as 23 USC 111(d) was repealed by SAFETEA-LU Technical Corrections Act of 2008 (Public Law 110-244)

CFR REFERENCE: N/A

ELIGIBILITY: States may allow idling reduction facilities for commercial vehicles to be placed in rest or recreation areas, and in safety rest areas constructed or located on rights-of-way of the Interstate System. The idling reduction facilities may not reduce the existing number of truck parking spaces at a given rest or recreation area. States may charge a fee, or permit charging of a fee, for parking spaces actively providing idling reduction measures.

BACKGROUND: SAFETEA-LU Section 1412 (codified as 23 U.S.C. 111(d)) allowed States to provide facilities in Interstate System rights-of-way that allow operators of commercial vehicles to reduce truck idling or provide alternative power to support driver comfort while parked in a rest, recreation, or safety area.

SAFETEA-LU Technical Corrections Act of 2008 Section 104. Idling Reduction Facilities repealed 23 U.S.C. 111(d).

ADDITIONAL INFORMATION: Contact the Office Natural and Human Environment (HEPN)

Innovative Technologies (Federal Share Increase)
Updated April 20, 2007

STATUS: INACTIVE The original program has expired, but innovative technology activities continue under other programs (but Federal share increase is no longer available).

PROGRAM CODE: Same as source funds

FEDERAL SHARE: Normal Federal share plus 5 percent - see comments

PERIOD AVAILABLE: See comments

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A - see comments

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: Section 142 of the STAA of 1982 (Public Law 97-424)

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: In order to encourage and promote the utilization of highway materials which were produced from recycled materials or which contained asphalt additives to strengthen the

materials, prolong the life of the pavement, and lower maintenance costs, Congress authorized a Federal share increase of 5 percent for projects utilizing significant amounts of these materials [Section 142 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424)].

The Federal share increase for such projects was for FYs 1983-1985 for any of the projects provided for in 23 U.S.C. 119, 120, and 144 if the State met requirements set forth in FHWA Notice N5080.98 dated April 6, 1983. The 5 percent increase was over and above the pro-rata share provided in the programs. The total Federal share could not, however, exceed 100 percent. In order to qualify, the technology could not already be in general use by the State. Instead it must have been in the innovative stage.

No special appropriation codes or project prefixes were used for the increased Federal share. Categories of funds which qualified for the increased Federal share were Bridge Replacement and Rehabilitation, Consolidated Primary, Interstate, Interstate 4R, Minimum Allocation, Primary 3R (through FY 1982), Primary 4R (FY 1984), Rural Secondary, Secondary 3R (through FY 1982), Secondary 4R (FY 1984), and Urban System (Attributable and Non-attributable).

The original Innovative Technologies program has expired. However, Section 117(f) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17) provided for a 5 percent increase in the Federal share (not to exceed 95 percent) for each of FYs 1987-1991 for any highway or bridge construction project in which materials produced from coal ash are used in significant amounts. This provision was not continued beyond FY 1991.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Interstate 4R
Updated April 20, 2007

STATUS: INACTIVE The 1991 ISTEA replaced Interstate 4R with the Interstate Maintenance (IM) Program for resurfacing, rehabilitation, and restoration, and with the National Highway System (NHS) Program for reconstruction.

PROGRAM CODE: 0440

FEDERAL SHARE: 90 percent

PERIOD AVAILABLE: 3 years (FY for which funds are authorized, 1 year prior, and 1 year after)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula set forth in 23 U.S.C. 104(b)(5)(B)

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 104(b)(5)(B), 118(b)(3), and 119. Section 1009 of the 1991 ISTEA.

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: The Interstate 3R Program was first established by the Federal-aid Highway Act of 1976 (Public Law 94-280) and provided for resurfacing, restoring, and rehabilitating lanes on the Interstate System which had been in use for more than five years and were not on toll roads. It was initially referred to as the "3R" Program and authorizations were made for FYs 1978 and 1979.

Section 116 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) made the Interstate 3R Program permanent as 23 U.S.C. 119, and required the States to develop an Interstate System maintenance program and certify annually that they were maintaining the system in accordance with the program. The Federal-aid Highway Act of 1981 (Public Law 97-134) expanded the Interstate 3R program to a 4R program with the addition of reconstruction as an eligible item. Work eligible for Interstate 4R funding included (a) the traditional restoration, rehabilitation, and resurfacing work; (b) work included in the 1981 Interstate Cost Estimate but no longer eligible for Interstate construction funding; and (c) other work on the Interstate System not previously eligible for Interstate construction funding. The 4R work eligibility still excluded maintenance work that was not eligible under the 3R Program. Interstate 4R funds were generally not eligible for use on Interstate toll roads, but could be used on Interstate toll roads if an agreement was reached with the State that the toll road would become free upon the collection of enough tolls to pay for the road and maintain it during the time tolls were collected. Interstate 4R funds were also made eligible for all Interstate routes designated under 23 U.S.C. 103 and 139(c), rather than just those in use for more than five years as specified in a previous act.

Section 218 of the Urgent Supplemental Appropriations Act of 1982 (Public Law 97-216) provided an alternative for the use of certain Interstate construction funds that were in danger of lapsing. It allowed the Secretary to approve the use of Interstate construction funds on projects for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System in accordance with the provisions of 23 U.S.C. 119, or for those purposes for which funds apportioned for the primary, secondary, and urban systems might be expended, in a State that had received no more than 1/2 percent of the total Interstate apportionment for FY 1983, where necessary in order to fully utilize Interstate System funds apportioned through FY 1982. All Interstate 4R projects authorized using this provision were identified using program code 0550.

Federal participation for the Interstate 4R Program oscillated with various legislative actions. The Federal share was 90 percent prior to November 6, 1978; 75 percent from November 6, 1978 to December 28, 1981; and 90 percent from December 29, 1981 forward.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) authorized $1.95 billion for the program for FY 1984 with the amount increasing each subsequent year to $3.15 billion for FY 1987.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) authorized $2.815 billion for each of FYs 1988-1992. Section 114 of the 1987 STURAA reduced the availability period for Interstate 4R funds from 4 years to 3 years (i.e., the FY for which funds are authorized, one year before, and one year after). Section 116 of the 1987 STURAA: (a) permitted all States, except Massachusetts, to transfer their Interstate construction apportionment to their Interstate 4R or primary apportionments, (b) permitted a State to transfer up to 20 percent of its Interstate 4R apportionment to the primary apportionment in any fiscal year without showing that the funds were in excess of Interstate 4R needs, and (c) codified toll agreement language into 23 U.S.C. 119.

In accordance with Section 1009 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), much of the previous Interstate 4R legislation was retained but the name was changed to "Interstate Maintenance Program." The resurfacing, rehabilitation, and restoration portions of the Interstate 4R Program were replaced by the IM Program and the reconstruction portion was replaced by the NHS Program under provisions in the 1991 ISTEA.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Interstate Gap Closing
Updated April 20, 2007

STATUS: INACTIVE Only applicable to FY 1978 and 1979 Interstate apportionments

PROGRAM CODE: 0450

FEDERAL SHARE: 90 percent

PERIOD AVAILABLE: 2 years (1 year prior to the FY and the FY itself -- availability expired on September 30, 1979)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A - 30 percent earmarking of Interstate funds

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: Section 102(b) of the Federal-aid Highway Act of 1976 (Public Law 94-280)

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: Section 102(b) of the Federal-aid Highway Act of 1976 (Public Law 94-280) required that at least 30 percent of the Interstate apportionment made to each State for FYs 1978 and 1979 be expended for the construction of intercity portions which would close essential gaps.

Subsequent highway legislation has made no provisions for continuation of the gap closing requirement.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Interstate 1/2 Percent Minimum Apportionment
Updated April 20, 2007

STATUS: INACTIVE Discontinued effective October 1, 1991, under provisions contained in Section 1001(h) of the 1991 ISTEA.

PROGRAM CODE: 0500

FEDERAL SHARE: 75 percent share for primary, secondary, or urban system work; 90 percent share for I-4R or hazard elimination work

PERIOD AVAILABLE: Apportionments prior to October 1, 1989 were available for 2 years (one year prior to the FY designated and the FY itself). Apportionments on or after October 1, 1989 but ending before October 1, 1991 were available until expended.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Guaranteed amount.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 104(b)(1) of the STAA of 1978 (Public Law 95-599); Section 1001(h) of the 1991 ISTEA (Public Law 102-240)

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: Section 104(b)(1) of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) provided a guarantee that each State including Alaska would receive a minimum of 1/2 percent of the total Interstate apportionments for each of FYs 1980-1983 under 23 U.S.C. 104(b)(5)(A). The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) continued the program for FYs 1984-87, and the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) continued the program for fiscal years after 1987.

When such amounts apportioned exceeded the cost of completing the Interstate in a State, the excess could be used for Interstate 4R projects. If not needed for Interstate 4R work, the excess could be expended for primary, secondary, urban system, and hazard elimination projects within that State.

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) discontinued the 1/2 percent minimum apportionment to States for Interstate construction, effective October 1, 1991. (Section 1001(h) of the 1991 ISTEA).

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Interstate Reimbursement
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODES: None - Funds are transferred to each State's apportionment of Surface Transportation Program (STP) funds.

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation - statutory formula with individual State factors set forth in the Reimbursement Table contained in 23 U.S.C. 160(c). The formula is based on a 1958 Congressionally-mandated study to determine the amounts each State should be reimbursed for Interstate routes, toll or free, which were constructed between 1947 and 1957, and were incorporated into the Interstate System. Each State receives at least 1/2 percent of the annual authorizations.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 160; Section 1014, ISTEA

CFR REFERENCE: None

ELIGIBILITY: Interstate Reimbursement funds lose their separate identify and are distributed as STP funds and may be used for any purpose for which STP funds may be used.

BACKGROUND: The Interstate Reimbursement Program was established by Section 1014 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) to reimburse the States for segments of the Interstate System constructed without Federal assistance. The reimbursement concept was an outgrowth of Section 114 of the Federal-Aid Highway Act of 1956 which directed the Bureau of Public Roads "to determine whether or not the Federal Government should equitably reimburse any State for a portion of a highway which is on the Interstate System, whether toll or free, the construction of which has been completed subsequent to August 2, 1947, or which is either in actual use or under construction by contract, for completion, awarded not later than June 30, 1957 ..."

The results of that study were reported to Congress on January 7, 1958, and identified $4.967 billion as the equitable reimbursement amount, split almost evenly between the non-Federal share of toll and free roads. This amount is shown is Section 1014 of ISTEA as the "Original Cost in Millions".

23 U.S.C. 160(d) provides that "the Secretary shall transfer amounts allocated to a State pursuant to this section to the apportionment of such State under Section 104(b)(3) for the Surface Transportation Program (STP). The provisions of 23 U.S.C. 133(d)(1), (2) and (3) do not apply to the transferred funds.

23 U.S.C. 160(f) authorized $2.0 billion annually for FYs 1996 and 1997 for the Interstate Reimbursement Program.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) did not provide additional authorizations for this program.

ADDITIONAL INFORMATION: Contact the Office of the Chief Financial Officer (HCF) or the Office of Program Administration (HIPA).

Interstate Substitution
Updated April 20, 2007

STATUS: INACTIVE [TEA-21 removed this program from Title 23]

PROGRAM CODES:

- 5800, 7720, and 8230 - IX-Prior to FY 1984, from the General Fund
- 1770 - IX - FY 1984 and Subsequent Years, Apportioned Funds from the Highway Trust Fund.
- 1780 - IX - FY 1984 and Subsequent Years, Discretionary Funds from the Highway Trust Fund.

FEDERAL SHARE: 85%. These funds are not subject to the sliding scale rates for public land States.

PERIOD AVAILABLE:

Until Expended - FY 1995 funds apportioned for substitute highway projects and FY 1993 funds apportioned for substitute transit projects. [23 U.S.C. 103(e)(4)(E)(i), in effect prior to TEA-21]

FY + 1 Year - Funds apportioned prior to the above years. Unobligated funds are withdrawn and reapportioned among other States, except when an amount by itself is not sufficient to pay the Federal share of the cost of a substitute project. [23 U.S.C. 103(e)(4)(E)(i), in effect prior to TEA-21]

FUND: General Fund and Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - In accordance with adjusted cost estimates. The Secretary (a) adjusted such estimates annually, (b) used the Federal share of adjusted estimates of remaining substitute highway funds needed in making apportionments for substitute highway projects for FY's 1992-1995, and (c) used the Federal share of adjusted estimates of remaining substitute transit needs in making apportionments for substitute transit projects for FY's 1992-1993. [23 U.S.C. 103(e)(4)(H) & (J), in effect prior to TEA-21]

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 103(e)(4) [repealed by Section 1106(b) of TEA-21 (Public Law 105-178)]

CFR REFERENCE: 23 CFR 476 [repealed]

ELIGIBILITY: Projects eligible for Interstate Substitution (IX) funding included:

- Highway construction projects on any public road which will serve the area or areas from which the Interstate route or portion thereof was withdrawn.
- Public mass transit projects involving the construction of fixed rail facilities and/or the purchase of passenger equipment including rolling stock which will serve the area or areas from which the Interstate route or portion thereof was withdrawn.

BACKGROUND:

The Interstate Substitution (IX) Program was established by Section 137(b) of the Federal-aid Highway Act of 1973 (Public Law 93-87). It authorized, upon the request of the Governor and local government officials, the withdrawal of certain urban segments of the Interstate System and the substitution of public transit projects in or serving the same urbanized areas. It was codified in 23 U.S.C. 103(e)(4). Later amendments allowed the funding of substitute highway projects.

Initial authorizations for this program, through FY 1979, were available with contract authority and a 70% Federal share. The Federal-aid Highway Act of 1978 (Public Law 95-599) changed the Federal participation to 85% and established a September 30, 1986, deadline for substitute projects to be under construction or under contract for construction. A subsequent amendment rescinded available contract authority and required that all funds for substitute projects be appropriated. These projects were funded out of the General Fund (Appropriation codes 5800, 7720, and 8230). Subsequently, the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) provided that future projects be funded out of the Highway Trust Fund.

Section 107 of the 1982 STAA provided authorizations through FY 1986 and reinstated contract authority. It also limited the period of availability to 2 years. At the end of the 2 year period, unobligated funds were to be redistributed to States that had obligated their funds. Beginning in FY 1984, funds were directed to be redistributed such that 25% were allocated on a discretionary basis and 75% were apportioned on the basis of special cost estimates (Appropriation codes

1780 and 1770, respectively). Also eligible routes for Interstate withdrawal were expanded to rural areas.

Section 103 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) provided authorizations of $740 million per year for highway substitute projects from the Highway Trust Fund for FY's 1987-1991 (75% apportioned and 25% discretionary); provided authorizations of $200 million per year for substitute transit projects from general revenue funds for FY's 1987-1991 (50% apportioned and 50% discretionary); eliminated the deadline for putting substitute projects under construction; made highway projects on any public road eligible as highway substitute projects; and required the Secretary of Transportation, if right-of-way for a withdrawn section had not been disposed of, to hold in reserve an amount equal to that expended on the right-of-way until the funds were repaid or the Secretary determined that repayment was not required. This provision did not apply in any year where the projected apportionment and allocation for future years exceeded the amount expended for such right-of-way.

The Interstate Substitution program was continued by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), dated December 18, 1991.

Section 1011(a)(1)(B) of the 1991 ISTEA authorized $960 million to be appropriated out of the Highway Trust Fund over a 4-year period for **substitute highway projects** (i.e., $240 million for each of FY's 1992-1995). In addition, Section 3025 of the 1991 ISTEA authorized $160 million for FY1992 and $164,843,000 for FY 1993 to be appropriated out of the General Fund for **substitute transit projects**.

The 1991 ISTEA also:

- Provided that substitute highway funds may be obligated for substitute transit projects.
- Eliminated the distribution of discretionary funds consisting of 25 percent for highway funds and 50 percent for transit funds. All funds authorized were then apportioned in accordance with estimates of the cost to complete and were adjusted annually.

Section 1106(b) of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178, June 9, 1998) eliminated the Interstate Substitution program from title 23, with its amendment of 23 U.S.C. 103.

Section 1106 of TEA-21 also provided that unobligated balances of Substitute Highway funds apportioned to a State under 23 U.S.C. 103(e)(4)(H), as in effect on the day before the enactment of TEA-21, shall be available for obligation by the State under the laws, regulations, policies, and procedures relating to the obligation and expenditure of the funds in effect on that date. This was just a restatement of existing law at the time.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Program Administration (HIPA).

Junkyard Control
Updated April 20, 2007

STATUS: INACTIVE For all practical purposes the categorical program has ended. Screening of junkyards is generally not eligible for funding with regular Federal-aid construction funds, but may possibly be eligible under certain circumstances incidental to the construction of an eligible project or as a transportation enhancement activity (landscaping and other scenic beautification)

PROGRAM CODES:

- 656 -- FY 1966 funds
- 657 -- FY 1967 funds
- 659 -- FYs 1970-1973 and 1975 funds
- 65A -- Deobligated and recovered 659 funds
- 689 -- FY 1977 and subsequent year funds

FEDERAL SHARE: Same as source funds. Was 75 percent for categorical projects.

PERIOD AVAILABLE: Same as source funds. Relative to the categorical projects, codes 689 and 65A were available until expended, and codes 656, 657, and 659 have lapsed. (deobligated 659 funds were recovered as 65A funds through the Washington Office).

FUND: Same as source funds. Was General Funds for categorical projects.

FUND DISTRIBUTION METHOD: Same as source funds. Categorical funds were allocated.

TYPE OF AUTHORITY: Same as source funds. The categorical funds were subject to Appropriated Budget Authority for the 689 funds, and Contract Authority for the 656, 657, and 659 funds.

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 136

CFR REFERENCE: 23 CFR 751

ELIGIBILITY: A State may use any funds apportioned to it under 23 U.S.C. 104 for the screening of any lawfully established but now nonconforming junkyards as part of its transportation enhancement activities.

BACKGROUND: The Junkyard Control Program was a discretionary program funded by allocations to the Regional Office from the Headquarters Office of Right-of-Way. The Regional Administrator was authorized to make suballocations to the Divisions.

This program was established by the Highway Beautification Act of 1965 (Title II of Public Law 89-285), which provided authorizations for FYs 1966 (code 656) and 1967 (code 657). Authorizations (659) were included in the Federal-Aid Highway Act of 1970 for FYs 1970-1973 and the Federal-Aid Highway Amendments of 1974 for 1975 (all code 659), with obligational authority for this fund available from FY 1969 through and including FY 1977.

The Federal-aid Highway Act of 1976 (Public Law 94-280) changed the period of availability for FY 1976 and prior years' funds to the FY and three years thereafter. Therefore, the 659 funds lapsed at the end of FY 1978. During the period October 1, 1978, through December 18, 1985, deobligated funds were only available to cover legitimate project overruns.

The 1975 Budget Act removed contract authority from General funded programs. Hence, a new appropriation code (code 689) was created for FY 1977 and subsequent years' funds, including funds authorized for FYs 1977-1978 by the 1976 Act, which was independent of the 659 contract authority funds. The 689 funds could not be used to offset overruns on junkyard control projects utilizing 659 funds.

The Continuing Appropriations Act for FY 1986 (Public Law 99-190) provided that funds deobligated subsequent to December 18, 1985, were available until expended. These deobligations were controlled by the Associate Administrator for ROW and Environment and had to be reallocated in order to be used. They were available for new Junkyard Control projects under appropriation code 65A, but were not available to cover overruns on 659 projects. Overruns on 659 projects could be covered with lapsed 659 funds which were deobligated prior to December 19, 1985.

ADDITIONAL INFORMATION: Contact the Office of Real Estate Services (HERE).

Long-Term Monitoring (LTM)
Updated April 20, 2007

STATUS: INACTIVE This program is no longer being funded with categorical funds; however, participating States are expected to commit additional State funds and/or Federal-aid SPR funds to continue the intent of the program.

PROGRAM CODE: Same as source funds. 943 for categorical funds.

FEDERAL SHARE: Same as source funds. 100 percent for categorical funds.

PERIOD AVAILABLE: Same as source funds. Until obligated, but could be administratively withdrawn and reallocated, for categorical funds.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Same as source funds, Highway Trust Fund. Appropriated Budget for categorical funds.

SUBJECT TO OBLIGATION LIMITATION: Same as source funds. No for categorical funds.

STATUTORY REFERENCE: Section 506 of the Surface Transportation Assistance Act of 1978 (Public Law 95-599).

CFR REFERENCE: None

ELIGIBILITY: State Planning and Research (SPR) funds may be used for LTM activities.

BACKGROUND: The LTM Program was initially part of the Highway Cost Allocation Study mandated by Section 506 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599). The Congress appropriated special funds for this program, $200,000 per State. These funds were to be used for pavement monitoring efforts to supplement the State's on-going pavement monitoring program.

The program is no longer being funded; however, participating States are expected to commit additional State funds and/or Federal-aid funds (i.e., State Planning and Research Funds) to continue the program.

ADDITIONAL INFORMATION: Contact the Office of Pavement Technology (HIPT).

Minimum Allocation -- 90 Percent
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODES:

- 160 -- MA-85 percent, FY 1991 and Prior Years
- 34A -- MA-90 percent, Any Areas
- 34B -- MA-90 percent, Urbanized Areas with >200,000 Population
- 34C -- MA-90 percent, Areas <200,000 Population
- 34D -- MA-90 percent, Mandatory for Non-Urban Areas
- 34E -- MA-90 percent, Metropolitan Planning
- 34F -- MA-90 percent, State P&R

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: In FYs 1992-1997, each State was guaranteed an amount so that its percentage of total apportionments in each fiscal year of Interstate Construction (IC), Interstate Maintenance (IM), Interstate Substitution (IX), National Highway System (NHS), Surface Transportation Program (STP), Highway Bridge Replacement And Rehabilitation Program (HBRRP), Scenic Byways, and Safety Belt and Motorcycle Helmet grants and allocations from any of these programs received in the prior year would not be less than 90 percent of the percentage of estimated contributions to the Highway Trust Fund. The contributions were based upon the latest year for which data was available.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: 23 U.S.C. 157(a)and(b) (repealed)

CFR REFERENCE: None

ELIGIBILITY: The 90 percent MA funds may be used for IC, IM, IX, NHS, STP, HBRRP, and Congestion Mitigation and Air Quality Improvement projects, and also for metropolitan planning (PL) activities (not to exceed 1/2 percent of the MA funds apportioned to a State) and for State Planning and Research (SPR) activities (not to exceed 1-1/2 percent of the MA funds apportioned to a State). One-half of the amount distributed to each State is subject to the sub-State distribution rules of the STP contained in 23 U.S.C. 133(d)(3). The other half may be used in any areas.

BACKGROUND: Section 150 of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) established a minimum allocation program for FYs 1983-1986 to ensure that all States would receive apportionments in each fiscal year for Interstate, Interstate 4R, Interstate Substitute, Primary, Secondary, Urban, HBRRP, Hazard Elimination, and Railroad programs that were at least 85 percent of the percentage of estimated Highway Trust Fund contributions. Interstate 4R was not specifically mentioned in the legislation, but was considered to be part of the Interstate category.

Section 124 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) (a) made permanent the minimum allocation provision established in the 1982 STAA; (b) revised the calculation procedure; and (c) permitted States to use 1/2 percent of their minimum allocation funds for Metropolitan Planning (PL) activities and 1-1/2 percent for Highway Planning and Research (HPR) activities.

Section 1013 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amended 23 U.S.C. 157(a)and(b) and guaranteed each State a 90 percent minimum allocation.

The Transportation Equity Act for the 21st Century did not reauthorize the minimum allocation funds. Instead it established a similar category, Minimum Guarantee, which guarantees a return to the States of 90.5 percent of their percentage contribution of highway taxes to the Highway Trust Fund.

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

National Corridor Planning And Development Program *(See also Coordinated Border Infrastructure Program)*

Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODES:

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Sections 1101(a)(9) and 1118 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: Allocations are made to States and metropolitan planning organizations for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. Allocations may be made for conducting feasibility studies, comprehensive corridor planning and design, location and routing studies, multistate and intrastate coordination for corridors, and after review of a development and management plan for the corridor or a useable segment, environmental review and construction.

Eligible corridors consist of:

- high priority corridors identified in Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), and
- any other significant regional or multistate highway corridor selected after consideration of:
- the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State has increased since NAFTA and is projected to increase,
- the extent to which commercial vehicle traffic in each State has increased since NAFTA, and is projected to increase,
- the extent to which international truck-borne commodities move through each State,
- the reduction in travel time through major international gateway or port as a result of the proposed project,
- the extent of leveraging of Federal funds by innovative financing or other funds provided under Title 23, or other sources of funds,
- the extent of impact on value of commercial cargo due to border congestion, and
- encouragement of major multistate or regional mobility or economic growth in areas undeserved by existing infrastructure.

BACKGROUND: The TEA-21 authorized $140 million for each of FYs 1999-2003 for the National Corridor Planning and Development and the Coordinated Border Infrastructure Programs. It provided eligibility criteria and a definition of Corridor Development and Management Plan.

This program was replaced by the National Corridor Infrastructure Improvement Program by Section 1302 of the Safe Accountable, Flexible, Efficient Transportation Equity Act: A legacy for Users (SAFETEA-LU, Public Law 109-59).

ADDITIONAL INFORMATION: Contact the Office of Interstate and Border Planning (HEPI).

National High-Speed Ground Transportation Technology Demonstration Program
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODE: N/A (FRA gets the funds directly from the Highway Trust Fund. The FRA appropriation code is X552).

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund and General Funds

FUND DISTRIBUTION METHOD: Cooperative Agreement

TYPE OF AUTHORITY: Contract for Highway Trust funds and Appropriated Budget for General Funds.

SUBJECT TO OBLIGATION LIMITATION: Yes, for the Highway Trust Fund portion.

STATUTORY REFERENCE: 49 U.S.C. 309; Section 1036(c) of the 1991 ISTEA

CFR REFERENCE: None

ELIGIBILITY: To fund selected projects that demonstrate new technologies related to any high-speed ground transportation projects already under construction or in operation.

BACKGROUND: The National High-Speed Ground Transportation Technology Demonstration Program was established in Section 1036(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991. "High-Speed Ground Transportation," was added to Title 49, U.S. Code (49 U.S.C. 309).

This high speed ground transportation demonstration program provides $25 million from the Highway Trust Fund and $150 million from General Funds as shown below:

- Section 1036(d)(1)(B) of the 1991 ISTEA authorized $25 million out of the Highway Trust Fund ($5 million for each of FYs 1993-1997) for the national high-speed ground transportation technology demonstration program under 49 U.S.C. 309. However, the $5 million authorized for FY 1997 was later rescinded.
- Section 1036(d)(2)(B) of the 1991 ISTEA authorized $25 million to be appropriated out of General Funds for each of FYs 1992-1997 for the national high-speed ground transportation technology demonstration program under 49 U.S.C. 309. No General Funds were ever appropriated for this project.

Highway Trust Funds [Section 1036(d)(1)(B)] were used to develop and test a high speed gas turbine locomotive for non-electrified high speed rail, test an in-cab grade crossing warning system, develop a deploy able grade crossing barrier with an impact attenuator, and develop a low cost grade separation.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

National Highway System High Priority Corridor Feasibility Study Discretionary Program Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODES: 0AH0, 3620, 3630, 3640, 36C0 and 36D0

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: Section 1105 of the 1991 ISTEA; Section 332 of the 1995 NHS Act

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: In order to serve the travel and economic development needs of regions of the Nation not adequately served by the Interstate System or comparable highways, Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) identified 21 High Priority Corridors to be included in the National Highway System. Section 332 of the National Highway System Designation Act of 1995 (1995 NHS Act, Public Law 104-59) added 8 corridors bringing the total number of High Priority Corridors to 29. Subsequent legislation has amended section 1105(c) of ISTEA to significantly increase the number of these High Priority Corridors.

Section 1105(h) of ISTEA authorized $8 million per fiscal year for FYs 1992 - 1997 from the Highway Trust Fund for feasibility and design studies on those corridors for which such studies had not been prepared. Feasibility and design study projects were selected for funding after evaluation of candidate projects submitted by the States. All of the available funds have been distributed to the States.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

National Magnetic Levitation (MAGLEV) Prototype Development Program
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODE:

FEDERAL SHARE: 75 percent - 90 percent

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund and General Fund

FUND DISTRIBUTION METHOD: Contracts and Grants.

TYPE OF AUTHORITY: Contract for Highway Trust Funds and Budget for General Funds

SUBJECT TO OBLIGATION LIMITATION: Yes, the Highway Trust Fund portion

STATUTORY REFERENCE: Section 1036(b) of the 1991 ISTEA (Public Law 102-240)

CFR REFERENCE: None

ELIGIBILITY: MAGLEV funds are available for research and development leading to a detailed design for a prototype MAGLEV system, and eventual development of a selected design into a full-scale prototype.

BACKGROUND: The National Magnetic Levitation (MAGLEV) Prototype Development Program was established in Section 1036(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991.

The MAGLEV Program was authorized at $725 million. Section 1036(d)(1)(A) of the 1991 ISTEA authorized $500 million from the Highway Trust Fund over a six year period. All of the authorized Highway Trust Funds were subsequently rescinded.

Section 1036(d)(2)(A) of the 1991 ISTEA authorized $225 million to be appropriated out of the General Fund for FYs 1992-1997. These funds were to be directed toward the development of one prototype MAGLEV project, selected from applicants across the Nation. As of August 1997, $39 million in General Funds had been appropriated and used for a system concept definition study and follow-up research.

ADDITIONAL INFORMATION: Contact the Office of Intermodal and Statewide Programs (HESP) or the Federal Railroad Administration, Office of Railroad Research and Development (HDV2).

National Ridesharing Demonstration
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODES:

- 244 - UMTA Section 6 funds
- 944 - FHWA GOE funds.

FEDERAL SHARE: See comments

PERIOD AVAILABLE: The 944 funds were available only during FY 1979. The 244 funds were available only during FYs 1979-1981.

FUND: Highway Trust Fund/General Funds

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: None

CFR REFERENCE: None

ELIGIBILITY: See Below

BACKGROUND: The U.S. Department of Transportation, through its authority to use funds available to the Department and its modal agencies for research purposes, established the National Ridesharing Demonstration Program in March 1979. FHWA and UMTA pooled available funds to provide $2 million for 17 demonstration projects. These funds were centrally controlled by FHWA Headquarters. All of the funds were reserved or obligated for specific projects.

All project related activities eligible for funding under the Federal-aid carpool and vanpool program were eligible expenses under this demonstration program. The demonstration funds could be used to reimburse eligible expenses provided that:

- For every $1 of demonstration funds, $2 of other funds (combination of Federal-aid Primary, Secondary and Urban System funds or UMTA Section 5 funds and the local match, 10 percent or 25 percent) were committed to the project.
- Demonstration funds generally did not exceed $250,000 per project.

ADDITIONAL INFORMATION: Contact the Office of Travel Management (HOTM).

National Ridesharing Discretionary Program
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODES:

- 172 and 174 - Grants and loans
- 171 and 175 - Technical assistance

FEDERAL SHARE: 75 percent

PERIOD AVAILABLE: The 174 and 175 funds are available until expended. The 171 and 172 funds have lapsed.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 126 of the 1978 STAA

CFR REFERENCE: None

ELIGIBILITY: See Below

BACKGROUND: This program was established by Section 126 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) and referred to as the "National Ridesharing Discretionary Program." It authorized the Secretary of Transportation to make funds available for grants and loans to States, counties, municipalities, metropolitan planning organizations, and other units of local and regional government to promote commuter modes of transportation which would conserve energy, reduce pollution, and reduce traffic congestion. Grants were awarded to assist public and private employers and employees establish carpool and vanpool programs, to assist local and State governments in encouraging the removal of legal and regulatory barriers to carpool and vanpool programs, to support existing carpool and vanpool programs, and to provide technical assistance for the purpose of increasing participation in such modes. Grants could not be used for the purchase or lease of vehicles.

Congress appropriated $3 million for these purposes in November 1979 (codes 171 and 172) and another $3 million in July 1980 (codes 174 and 175). Projects were submitted to, selected by, and administered by FHWA Headquarters.

ADDITIONAL INFORMATION: Contact the Office of Travel Management (HOTM).

Non-Urbanized Public Transportation
Updated April 20, 2007

STATUS: INACTIVE Transferred to UMTA effective October 1, 1983

PROGRAM CODES:

- 7700 - 1981 and Subsequent Years, General Fund, Non-operating and Operating Expenses
- 7710 - 1981 and Subsequent Years, General Fund, Program Administration and Technical Assistance
- 7860 - 1983, HTF, Non-operating Expenses
- 7870 - 1983, HTF, Program Administration and Technical Assistance
- 8810 - 1980 and Prior Years, General Fund, Non-operating and Operating Expenses
- 8820 - 1980 and Prior Years, General Fund, Program Administration and Technical Assistance

FEDERAL SHARE: 80 percent for construction and 50 percent for operating expenses for codes 7700 and 8810; 100 percent (limited to 15 percent of apportionment) for codes 7710, 7870, and 8820; and 80 percent for construction for code 7860.

PERIOD AVAILABLE: FY + 2 years (lapsed funds reapportioned among other States)

FUND: General Funds and Highway Trust Fund - see appropriation codes above

FUND DISTRIBUTION METHOD: Apportionment in accordance with a statutory formula set forth in the 1964 UMTA Act. (See Section 313 of the 1978 STAA)

TYPE OF AUTHORITY: Appropriated Budget

STATUTORY REFERENCE: Section 313 of the 1978 STAA

CFR REFERENCE: 23 CFR 825

ELIGIBILITY: N/A

BACKGROUND: Section 313 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) amended the Urban Mass Transportation Act of 1964 by adding Section 18 entitled "Formula Grant Program For Areas Other Than Urbanized Areas." Funds made available under Section 18 could be used for capital and operating assistance to State agencies, nonprofit organizations, and operators of public transportation services. Up to 15 percent of the State apportionment could be used for State administrative and technical assistance activities. Eligible items included transit passenger facilities, bus purchases, administrative expenses (State and project), and operating expenses.

This program, jointly implemented by FHWA and Urban Mass Transit Administration (UMTA), was administered by FHWA through the Division Offices, with the advice and consultation of UMTA.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) authorized funds for this program out of the Mass Transit Account of the Highway Trust Fund beginning in FY 1983. Previously all funds were from the General Funds. The Highway Trust Fund money was made available for projects for capital expenditures and State highway agency administration of the program, but was not available for operating expenditures. The provision that 15 percent of the apportionment could be used for administration and technical assistance was continued. New appropriation codes (7860 and 7870) were established to account for the trust fund appropriations. General Funds appropriations continued to be controlled by codes 7700 and 7710.

Although separate codes were used to control each years' funds, the two codes were combined to determine lapse. Therefore, obligations from one code could be used to protect funds in the other category from lapsing.

Section 316 of the 1982 STAA also amended the Urban Mass Transportation Act of 1964 by changing the period of availability from 3 years to 2 years.

Administration of this program was transferred to UMTA, effective October 1, 1983.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Off-System Roads
Updated April 20, 2007

STATUS: INACTIVE Merged into the Safer Off-System Roads program by the Federal-aid Highway Act of 1976.

PROGRAM CODE: 627

FEDERAL SHARE: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

FUND: General Funds

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Appropriated Budget

STATUTORY REFERENCE: 23 U.S.C. 219 (Repealed)

CFR REFERENCE: 23 CFR 922 (Repealed)

ELIGIBILITY: N/A

BACKGROUND: Section 122 of the Federal-aid Highway Amendments in 1974 (Public Law 93-643) established the Off-System Roads program. It was codified at 23 U.S.C. 219. Funds were authorized for FY 1976 only. Roads and bridges eligible for improvement under this program could not be on any Federal-aid highway system, had to be toll free, had to be located in a rural area, had to be under the jurisdiction of and maintained by a public authority, and had to be open to public travel.

Section 135(a) of the Federal-aid Highway Act of 1976 (Public Law 94-280) amended 23 U.S.C. 219 by substituting new wording to combine the Off-System Roads program with the Safer Roads Demonstration program under the title Safer Off-System Roads.

Off-System Roads funds were available until they were obligated or lapsed, and were to be used prior to any use of the new Safer Off-System Roads funds. The period of availability for the Off-System Roads funds expired September 30, 1979; therefore, unobligated funds lapsed.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HMHS).

Pavement Marking Demonstration Program
Updated April 20, 2007

STATUS: INACTIVE The categorical Pavement Marking Demonstration Program (PMDP) was repealed by the 1987 STURAA.

PROGRAM CODE: 140

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1984)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 151 (Repealed)

CFR REFERENCE: 23 CFR 655.607

ELIGIBILITY: N/A

BACKGROUND: The PMDP was established by Section 205 of the Highway Safety Act of 1973 (Title II of Public Law 93-87) and codified in 23 U.S.C. 151. This program provided Federal funds for pavement markings on all highway systems (on or off the Federal-aid system), except the Interstate System. Priority was given to projects in rural areas. Funding was authorized for FYs 1974-1976.

The Highway Safety Act of 1976 (P.L. 94-280) authorized funds for FYs 1977-1978. The Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) authorized funds for FYs 1979-1981. This Act amended the PMDP to provide that unobligated amounts at the end of the fiscal year following the fiscal year for which authorized must lapse and be reallocated among the other States. Funds have not been specifically authorized for this program since FY 1981; thus, funding expired September 30, 1984.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) provided an incentive for using primary, secondary, and urban system funds for pavement marking projects by permitting a Federal share of up to 100 percent to be authorized. Hazard Elimination funds could also be used for pavement marking projects.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) repealed 23 U.S.C. 151 relative to the PMDP.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HMHS).

Priority Primary Discretionary
Updated April 20, 2007

STATUS: INACTIVE Discontinued program. Discretionary funds were last made available in FY 1983. To continue the intent of the program, regular Federal-aid system funds were available for use at a higher Federal share, prior to the 1991 ISTEA, for priority primary projects designated in Congressional legislative history. The 1991 ISTEA repealed this provision.

PROGRAM CODE: 0710

FEDERAL SHARE: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1986)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 147 [Amended by Section 1801(a) of SAFETEA-LU to be the Construction of Ferry Boats and Ferry Terminal Facilities Program, thus deleting Priority Primary Routes from Title 23]; 23 U.S.C. 120(k) (repealed)

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: The Priority Primary Program was established by Section 126 of the Federal-aid Highway Act of 1973 (Public Law 93-87), which authorized funds for FYs 1974-1976. It was codified in Section 147 of Title 23. Priority primary routes were defined as high traffic sections of primary highways which connect to and supplement the service provided by the Interstate System. The Federal-aid Highway Act of 1976 (Public Law 94-280) combined the funding for the Priority Primary Program with the Rural Primary and Urban Primary Extensions programs in creating a new category of funding identified as Consolidated Primary.

At the same time, however, **discretionary funds** were made available for priority primary routes by Sections 105(c)(1) and (2) of the 1976 Act, which provided that $50 million of the sums authorized for each of FYs 1977-1978 for use on the Priority Primary routes would not be apportioned. Rather, these funds would be available for obligation at the discretion of the Secretary of Transportation for projects of unusually high cost which would require long periods of time for construction. Although discretionary, these funds were allocated only for projects with a legislative history. If these specified funds were not obligated by October 1, 1977, and October 1, 1978, respectively, they were to be apportioned in accordance with the Priority Primary formula and be available for obligation for the same period as such apportionment previously made for the applicable fiscal year.

Section 104(c) of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) specified that $125 million of the amounts authorized for the Primary System for each of the FYs 1979-1982 were not to be apportioned and were to be available for obligation at the discretion of the Secretary of Transportation for priority primary projects of unusually high cost or which would require long periods of time for construction. Any part of this discretionary fund not obligated by the end of the fiscal year for which authorized was to be apportioned and used with the next year's Primary System apportionments.

The Surface Transportation Assistance Act of 1982 (Public Law 97-424) provided discretionary funds for FY 1983 under the same provisions as described under the 1978 Highway Act.

Discretionary funds were not authorized after the 1982 Act; however, to continue the development of certain priority primary routes, Section 117(c) of the 1982 Act added a new Section 120(j) to Title 23 which made provisions for continuing projects designated in Committee Print 97-61 of the Committee on Public Works and Transportation of the House of Representatives using regular Federal-aid system funds at a 95 percent Federal share. The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) changed Section 120(j) of Title 23 to Section 120(k) and added projects to the listing of priority primary projects that are eligible for a Federal share of 95 percent by changing the above mentioned Committee Print 97-61 to Committee Print 100-3. Section 120(k) was repealed by Section 1021(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991.

Section 1801(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) amended 23 U.S.C. 147 to establish the Construction of Ferry Boats and Ferry Terminal Facilities program, thus deleting the Priority Primary Routes program from title 23.

ADDITIONAL INFORMATION: Contact the Office of Office of Program Administration (HIPA).

Priority Primary
Updated April 20, 2007

STATUS: INACTIVE Incorporated into the Consolidated Primary Program.

PROGRAM CODE: A120

FEDERAL SHARE: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 147 [Amended by Section 1801(a) of SAFETEA-LU to be the Construction of Ferry Boats and Ferry Terminal Facilities Program, thus deleting Priority Primary Routes from Title 23]

CFR REFERENCE: 23 CFR 470 [Subsequently revised to reflect current Federal-aid Systems]

ELIGIBILITY: N/A

BACKGROUND: The Priority Primary Program was added by Section 126(a) of the Federal-aid Highway Act of 1973 (Public Law 93-87), which authorized funds for FYs 1974-1976. This program provided for priority improvements to high traffic sections of the Primary System which connect to the Interstate System.

Section 105(c) of the Federal-aid Highway Act of 1976 (Public Law 94-280) combined the funding for the Priority Primary Program with the Rural Primary and Urban Primary Extensions programs and created a new category of funding identified as "Consolidated Primary".

Section 1801(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) amended 23 U.S.C. 147 to establish the Construction of Ferry Boats and Ferry Terminal Facilities program, thus deleting the Priority Primary Routes program from title 23.

ADDITIONAL INFORMATION: Contact the Office of Office of Program Administration (HIPA).

Rail Crossings Demonstration (Northeast Corridor)
Updated April 20, 2007

STATUS: INACTIVE All work has essentially been completed.

PROGRAM CODES:

- 693 - Funds available under 23 U.S.C. 322
- 824 - Funds transferred from FRA for private crossings
- 853 - Funds transferred from FRA for public crossings

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: Until expended

FUND: General Funds and Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: 23 U.S.C. 322 (repealed by section 133(e)(1) of the 1987 STURAA)

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: The Northeast Corridor Program was created by Section 205 of the Federal-aid Highway Act of 1970 (Public Law 91-605) and codified in 23 U.S.C. 322. Its purpose was to eliminate all public railroad-highway grade crossings along the Northeast Corridor (NEC) route between Boston and Washington. Also included with the NEC in the Act was a provision to consolidate and relocate railroads in Greenwood, South Carolina. Appropriations were authorized to be made from the Highway Trust Fund and from the General Funds.

Originally, 49 public crossings were scheduled to be eliminated in Maryland, Delaware, Connecticut, Rhode Island, and Massachusetts. However, the Federal-aid Highway Amendments of 1974 amended Section 322 to permit 5 crossings in Connecticut to remain at-grade if protected by the best possible warning devices (i.e., flashing light signals and automatic gates), and the 1980 DOT appropriations act allowed 2 more crossings in Connecticut to remain at-grade. Hence 42 crossings remained to be eliminated.

The share payable for these projects was originally set at 80 percent Federal, 10 percent State, and 10 percent Railroad for projects **not** on a Federal-aid system, and 90 percent Federal, 10 percent Railroad for projects on a Federal-aid system. However, the 1978 DOT appropriations act waived the State/Railroad shares, effectively increasing the Federal share for projects to 100 percent.

Title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 210, the 4R Act) made provisions for the elimination of private crossings (i.e., 19 private crossings) along the NEC. The Federal Railroad Administration (FRA) transferred funds to the FHWA which in turn were allocated to the States on a needs basis. A memorandum of understanding was entered into by the FRA and FHWA on June 14, 1977, which provided for the FHWA to administer the program for the FRA through the various State's in accordance with established FHWA procedures.

Section 133(e)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) repealed 23 U.S.C. 322.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HMHS).

Rail-Highway Crossings 203 Program
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODES:

- 138 -- Elimination of Hazards, FY 1991 and Prior Years
- 139 -- Protective Devices, FY 1991 and Prior Years

FEDERAL SHARE: 90 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment based upon the statutory formula in 23 U.S.C. 130(f)

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 130(d-h)

CFR REFERENCE: 23 CFR 646B

ELIGIBILITY: Funds were used for the elimination of hazards of rail-highway crossings, including (a) the separation or protection of grades at crossings, (b) the reconstruction of existing railroad grade crossing structures, (c) the relocation of highways to eliminate grade crossings, and (d) the relocation of a portion of a railway if the cost is less than (a), (b), or (c). The use of these funds was limited to public crossings located on the Federal-aid systems and later changed to mitigate hazards at rail-highway crossings on any public road.

BACKGROUND: The Rail-Highway Crossings program was established by Section 203 of the Highway Safety Act of 1973 (Public Law 93-87), which authorized funds for projects on the Federal-aid highway systems for FYs 1974-1976. The 1973 Act stipulated that at least one-half of the funds had to be made available for the installation of protective devices at rail-highway grade crossings (code 139).

The Highway Safety Act of 1976 (Public Law 94-280) continued the program by authorizing funding for FYs 1977-1978. This Act also established a separate off-system program.

The Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) consolidated the on-system and off-system programs and authorized funds for FYs 1979-1982. Funds were totally from the Highway Trust Fund and were available for projects on any public road.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) extended this program for FYs 1983-1986.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) extended the rail-highway crossings program for FYs 1987-1991, codified the program in 23 U.S.C. 130(d-h), and repealed Section 203 of the 1973 and subsequent highway acts.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HMHS).

Rail-Highway Crossings--Off-System
Updated April 20, 2007

STATUS: INACTIVE Merged with the categorical on-system program by the STAA of 1978 (Public Law 95-599)

PROGRAM CODES:

- 685 - Elimination of Hazards
- 686 - Protective Devices

FEDERAL SHARE: 90 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1981)

FUND: General Funds

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 203 of the Highway Safety Act of 1976

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: This program was established by Section 203 of the Highway Safety Act of 1976 (Public Law 94-280), which added separate authorizations for rail-highway crossings projects not on any Federal-aid system (i.e., off-system projects) to Section 203 of the Highway Safety Act of 1973 (Public Law 93-87). Funds were authorized for the transition quarter and for FYs 1977 and 1978.

At least 50 percent of the off-system funds had to be used for the installation of protective devices (code 686), and the remainder for the elimination of hazards (code 685).

The Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) merged this off-system program with the existing on-system program, creating a new program for the installation of protective devices and the elimination of hazards at rail-highway grade crossings on any public road.

Since the off-system program was not funded separately after FY 1978, the availability period for funds has expired.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HMHS)

Research And Development Administrative Funds
Updated April 20, 2007

STATUS: INACTIVE This program was replaced by an expanded Research and Technology Program under provisions contained in Section 6001 of the 1991 ISTEA.

PROGRAM CODES: 248, 942, and 953 - See comments

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 104(a), 23 U.S.C. 307(a) and (b) prior to issuance of the 1991 ISTEA

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: In accordance with 23 U.S.C. 104(a), whenever an apportionment was made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the FHWA was authorized to deduct a percentage for carrying out the research authorized by 23 U.S.C. 307(a) and (b). These administrative funds were provided to the Associate Administrators who have responsibilities for research, development, and technology transfer activities.

Beginning in April 1983, one appropriation code (248) and a separate activity code for each element was assigned for use when the Region was allocated funds to use at its discretion. Formerly, the funds were accounted for with separate appropriation codes (953 and 942).

Section 6001 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amended 23 U.S.C. 307(a) and (b) and in so doing replaced this program with an expanded Research and Technology Program.

ADDITIONAL INFORMATION: Contact the Office of Program Development and Evaluation (HRPD).

Right-Of-Way Revolving Fund
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODE: 102

FEDERAL SHARE: Same as source funds

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Section 1211(e) of the Tea-21 terminated the fund but provided for a twenty year transition period to allow States to continue use of advanced funds to complete projects for which the funds were authorized.

STATUTORY REFERENCE: 23 U.S.C. 108 (terminated by Section 1211(c) of the TEA-21)

CFR REFERENCE: 23 CFR 130D and 712G (No longer apply)

ELIGIBILITY: The Right-of-Way Revolving Fund was a discretionary fund established by Congress to provide interest free loans to States for the purchase of rights-of-way in advance of future construction of highways and passenger transit facilities on any Federal-aid route. Revolving funds obligated prior to June 9, 1998, remain available to a State for use on the project for which the funds were advanced for a twenty year period from the date the funds were advanced.

BACKGROUND: The Rights-of-Way Revolving Fund was established by Congress in Section 7 of the Federal-aid Highway Act of 1968 (Public Law 90-495). The legislation was codified in 23 U.S.C. 108(c).

Sums authorized to be appropriated to the Revolving Fund remain available for expenditure without regard to the fiscal year for which they are authorized. Actual construction of a highway on right-of-way acquired by the Revolving Fund must not begin less than 2 years after the advance of funds, or more than 20 years after the advance of funds, unless an earlier or later termination date was approved by the Division Administrator. At the latest under the transition provisions in the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) all funds advanced under this program must be returned by no later than June 9, 2018.

ADDITIONAL INFORMATION: Contact the Office of Real Estate Services (HERE).

Rural Highway Public Transportation Demonstration
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODE: 6160

FEDERAL SHARE: 100 percent

PERIOD AVAILABLE: Until expended (program was closed on September 30, 1985)

FUND: Highway Trust Funds 2/3, General Funds 1/3

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

STATUTORY REFERENCE: Section 147 of the Federal-aid Highway Act of 1973

CFR REFERENCE: 23 CFR 820 (repealed)

ELIGIBILITY: N/A

BACKGROUND: The Rural Highway Public Transportation Demonstration Program was established by the Federal-aid Highway Act of 1973 (Public Law 93-87), which authorized funds for FYs 1975-1976. Section 129 of the Federal-aid Highway Act of 1976 (Public Law 94-280) extended the period of availability by two years; however, the 1976 DOT appropriations act, which took precedence over the Highway Act, had previously provided that the funds were available until expended. Although limited funds remained, this demonstration program was closed out by decision of the Associate Administrator for Planning and Policy Development, effective September 30, 1985.

More permanent Federal assistance for rural highway public transportation systems than that provided by the demonstration program was provided in Section 313 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599). This Act created a formula grant program for areas other than urbanized areas to make funds available for public transportation projects.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Rural Primary
Updated April 20, 2007

STATUS: INACTIVE Incorporated into the Consolidated Primary Program

PROGRAM CODE: 0730 and 0740

FEDERAL SHARE: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 104(a)(1) of the Federal-aid Highway Act of 1973 (Public Law 93-87)

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: The Rural Primary Program was established by Section 104(a)(1) of the Federal-aid Highway Act of 1973 (Public Law 93-87), which distinguished between rural and urban highway programs by establishing the Rural Primary, Priority Primary, and Urban Primary Extensions programs. Rural Primary appropriations were made only for FYs 1974-1976.

Section 105(c) of the Federal-aid Highway Act of 1976 (Public Law 94-280) combined the funding for the Rural Primary Program with the Priority Primary and Urban Primary Extensions programs and created a new category of funding identified as "Consolidated Primary".

ADDITIONAL INFORMATION: Contact the Office of Office of Program Administration (HIPA).

Rural Secondary
Updated April 20, 2007

STATUS: INACTIVE Title 23 provisions relative to the Federal-aid Secondary System were repealed by the 1991 ISTEA. Prior to the 1991 ISTEA there were four Federal-aid highway systems--Interstate, Primary, Secondary, and Urban. Now there is one system, the National Highway System (NHS) of which the Interstate System is a part.

PROGRAM CODES:

- 0750 -- Rural Secondary
- 0790 -- Secondary 3R/4R
- 33D0 -- STP-State Flexible

FEDERAL SHARE: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1994)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula set forth in 23 U.S.C. 104(b)(2)

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 103(c), (repealed); 104(b)(2), (repealed); and, 23 U.S.C. 117(f), (repealed)

CFR REFERENCE: 23 CFR 470A [Subsequently amended to reflect current Federal-aid Systems]

ELIGIBILITY: N/A

BACKGROUND: The Rural Secondary Program was established by Section 104 of the Federal-aid Highway Act of 1973 (Public Law 93-87). It superseded the original Secondary Program which had been initiated by the Federal-aid Highway Act of 1944 and differentiated between urban and rural systems. Rural segments of the Secondary System were to be funded under the Rural Secondary Program, while urban segments continued to be funded under the Urban Extensions Program.

The Surface Transportation Assistance Act of 1982 (Public Law 97-424) provided that 40 percent or more of Rural Secondary apportionments for FY 1984-86 were to be used for 4R type activities. This requirement was not continued in the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17).

The Federal-aid Secondary System was abolished when Section 103(c) of Title 23, U.S.C., was repealed by Section 1006(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), on December 18, 1991. Unobligated funds apportioned to a State for the Secondary System, as set forth in Section 1100(c) of the 1991 ISTEA, remained available for obligation under the old rules or could be transferred to the STP program.

Transferred funds were not subject to sub-allocation and were transferred into the State flexible appropriation code, 33D0. The last apportionments of funds for the Secondary System were for FY 1991.

ADDITIONAL INFORMATION: Contact the Office of Office of Program Administration (HIPA).

Safer Off-System (SOS) Roads
Updated April 20, 2007

STATUS: INACTIVE The last appropriation was for FY 1980.

PROGRAM CODES:

- 679 -- Bridge Inventory (Off-system bridges)
- 680 -- Construction (SOS)

FEDERAL SHARE: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1983)

FUND: General Funds

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 219 (repealed)

CFR REFERENCE: 23 CFR 922 (repealed)

ELIGIBILITY: N/A

BACKGROUND: The SOS Roads Program was established by Section 135 of the Federal-aid Highway Act of 1976 (Public Law 94-280), which combined the Off-System (OS) Roads Program and the Safer Roads Demonstration Program, and which amended and retitled 23 U.S.C. 219 to reflect the new program.

Funds were authorized in the amount of $200-million for each of FYs 1977-1981; however, only about $360-million of this amount was ever appropriated by Congress. These funds came from the General Funds and were subject to specific Congressional appropriations each year. The last appropriation was for FY 1980, and the program is now inactive.

The SOS Roads program provided for the construction, reconstruction, or improvement of any off-system road, including, but not limited to, the correction of safety hazards, the replacement of bridges, and the elimination of high-hazard locations and roadside obstacles. No safety related requirements were included, nor was there any stipulation that any of the funds had to be used for safety purposes. This was later changed by the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599), which required that at least 50 percent of the funds obligated in any fiscal year had to be obligated for highway safety construction projects.

Congressional guidance related to this funding indicated that it could be utilized by a State only after the State had fully committed its existing balances of FY 1976 OS money. In utilizing these OS funds prior to the SOS funds, projects were to be charged on a first come basis to the FY 1976 funds until they were obligated. The OS funds were available for projects in urban as well as rural areas.

Of the FY 1978 funds, $500,000 was made available to inventory, inspect and classify all off-system bridges.

Roads and bridges which were eligible for improvement under this program could not be on any Federal-aid highway system, but had to be under the jurisdiction of and maintained by a public authority and open to public travel.

Section 133(e) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) repealed 23 U.S.C. 219.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HNHS).

Safer Roads Demonstration
Updated April 20, 2007

STATUS: INACTIVE Merged into the Safer Off-System Roads program by the Federal-aid Highway Act of 1976.

PROGRAM CODE: 148

FEDERAL SHARE: 90 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 405 (repealed)

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: The Safer Roads Demonstration program was established by Section 230 of the Highway Safety Act of 1973 (Title II of Public Law 93-87), which provided authorizations for FYs 1974-1976, and which was codified 23 U.S.C. 405. It provided Federal funds for safety improvement projects on all public roads which were not on the Federal-aid system.

The Safer Roads Demonstration Program was discontinued by the Federal-aid Highway Act of 1976 (Public Law 94-280), which combined it with the Off-System Roads Program to create the Safer Off-System Roads program, and which repealed 23 U.S.C. 405.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HNHS).

Safety Belts And Motorcycle Helmets
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODE: 335

FEDERAL SHARE:

- 75 percent -- First Year
- 50 percent -- Second Year
- 25 percent -- Third Year

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Grants

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes, but only in FY 1992

STATUTORY REFERENCE: 23 U.S.C. 153

CFR REFERENCE: None

ELIGIBILITY: Grants were made to States to adopt and implement traffic safety programs for the following purposes:

- To educate the public about motorcycle and passenger vehicle safety and motorcycle helmet, safety belt, and child restraint system use and to involve public health education agencies and other related agencies in these efforts.
- To train law enforcement officers in the enforcement of State laws related to the use of motorcycle helmets and safety belts.
- To monitor the rate of compliance with State laws related to these laws.
- To enforce these State laws.

BACKGROUND: The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) authorized the Secretary to provide grants to States that enact motorcycle helmet and safety belt use laws.

A grant made to a State had to be used to adopt and implement a traffic safety program to carry out the following purposes: (a) to educate the public about motorcycle helmet, safety belt, and child restraint system use, (b) to train law enforcement officers in the enforcement of State laws pertaining to safety belts and motorcycle helmets, (c) to monitor the rate of compliance with these laws, and (d) to enforce these laws.

A State could not receive a grant for more than 3 fiscal years. The Federal share payable could not exceed 75 percent in the first fiscal year, 50 percent in the second fiscal year, and 25 percent in the third fiscal year, of the cost of implementing this program. The aggregate amount of grants made to a State could not exceed 90 percent of the amount apportioned to such State for FY 1990 under 23 U.S.C. 402.

States that did not enact motorcycle helmet and safety belt laws by FY 1994 had penalties applied to their NHS, STP, and CMAQ funds. These penalties are set forth in 23 U.S.C. 153(h).

Section 1031(a)(1) of the 1991 ISTEA codified the above information as 23 U.S.C. 153. To carry out the program, Section 153(j) of Title 23, U.S.C.:

- Authorized $17 million to be appropriated out of the Highway Trust Fund to carry out the provisions of 23 U.S.C. 153 in FY 1992, and
- Made available 402 Safety Program funds in the amount of $17 million in FY 1992, $24 million in FY 1993, and $24 million in FY 1994.

The Secretary is required to make a study and report on the benefits of safety belt use and motorcycle helmet use for individuals involved in crashes. The report was due not later than 40 months after funds are made available by the Secretary. The study was to be funded using $5 million of funds apportioned to carry out 23 U.S.C. 153 in FYs 1992 and/or 1993. These funds remain available until expended.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) did not reauthorize this program. It

authorized 23 U.S.C. 405, Occupant Protection Incentive Grants to encourage States to adopt and implement effective programs to reduce highway deaths. In order to be eligible, States must demonstrate or adopt at least 4 of the following:

- A Safety Belt Use Law
- State provides for primary enforcement of a safety belt use law
- State imposes a minimum fine for violation of a safety belt use law or child restraint law
- Statewide special traffic enforcement program for occupant protection via publicity
- Implementation of a Child Passenger Protection Education Program
- Pass a Child passenger protection law

Grant amounts may equal up to 25 percent of the State s apportionment of funds under 23 U.S.C. 402 in FY 1997.

The Federal share is 80 percent and there is an authorization of $7.5 million for FYs 2000 and 2001 (subject to appropriation).

ADDITIONAL INFORMATION: Contact Office of Highway Safety Infrastructure (HNHS).

Secondary
Updated April 20, 2007

STATUS: INACTIVE Replaced by Rural Secondary Program.

PROGRAM CODE: 0220

FEDERAL SHARE: 50 percent and 70 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on June 30, 1976)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 103(c) (repealed); and 23 U.S.C. 117(f) (repealed)

CFR REFERENCE: 23 CFR 470A [Amended to reflect current Federal-aid Systems] and 642 [repealed]

ELIGIBILITY: N/A

BACKGROUND: The Federal-aid Secondary System was established by the Federal-aid Highway Act of 1944 (Public Law 78-521). Funding was provided under this Act for projects on the Secondary System.

Section 104 of the Federal-aid Highway Act of 1973 (Public Law 93-87) discontinued the original Secondary Program. In so doing, the Act differentiated between urban and rural systems. Rural segments of the Secondary System were to be funded under the Rural Secondary Program, while urban segments continued to be funded under the Urban Extensions Program.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Special Urban High Density
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODES:

- 1070 -- Funds authorized in the 1981 and 1987 Acts
- 1340 -- Funds authorized in the 1973, 1976, and 1978 Acts

FEDERAL SHARE: 90 percent

PERIOD AVAILABLE: FY + 3 Years for 134 funds; however, availability expired September 30, 1982. Until expended for 107 funds; however, all funds have been obligated.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation to specific projects

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 146 (repealed)

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: Section 125(a) of the Federal-aid Highway Act of 1973 (Public Law 93-87) initiated this program, which was codified at 23 U.S.C. 146, and authorized $50 million for each of FYs 1974-1976. The legislative history suggested three projects for this program:

- Cline Avenue in East Chicago, Indiana, connecting I-80 and I-90.
- East Belt Freeway in Little Rock, Arkansas, from I-30 to the Adams Field Terminal.
- West Vickery Boulevard in Fort Worth, Texas.

The purpose of these projects was to construct highways connected to the Interstate System in portions of urbanized areas with a high traffic density. The Federal-aid Highway Act of 1976 (Public Law 94-280) repealed 23 U.S.C. 146, but authorized an additional $65 million for each of FYs 1977-1978 to continue work on the three projects.

The Surface Transportation Assistance Act (STAA) of 1978 (Public Law 95-599) authorized $85 million presumably for FY 1979.

The 1981 Supplemental Appropriations and Rescission Act (Public Law 97-12) authorized $33,959,000 which the legislative history indicated was for the Cline Avenue project. Funds were to remain available until expended. Section 153 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) rescinded $2,806,675 of the 1981 funds, but then made the same amount available for the Cline Avenue interchange with the Borman Expressway at the western edge of Gary, Indiana.

The funds authorized in the 1973, 1976, and 1978 Acts were available for the fiscal year authorized plus the following 3 fiscal years. They were assigned program code 1340. All 1340 funds had a lapse date on or before September 30, 1982. The funds authorized in the 1981 and 1987 Acts were available until expended and had program code 1070.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

State Flexibility
Updated April 20, 2007

STATUS: ACTIVE

PROGRAM CODE: 31K

FEDERAL SHARE: 80 percent with sliding scale for Federal-aid highway funds

PERIOD AVAILABLE: Same as source funds

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 204 of the 1995 NHS Act

CFR REFERENCE: None

ELIGIBILITY: See the discussion below

BACKGROUND: Section 204 of the National Highway System Designation Act of 1995 (1995 NHS Act, Public Law 104-59) allowed States to transfer FY 1996 unobligated balances of apportioned Federal-aid highway funds to a flexible account to carry out projects eligible for assistance under chapter 1 of Title 23, United States Code.

A State could transfer an amount which was less than or equal to the total amount of the reduction in authorized funds that would have been apportioned to a State if not for Section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991. States could transfer funds from any category which met the following criteria:

- Funds which were apportioned, subject to the limitation on Federal-aid highway program obligations and not obligated for projects on September 30, 1995.
- Funds allocated to urbanized areas (population of 200,000 or more) had to be approved by the State s metropolitan planning organization.
- Funds apportioned for Congestion Mitigation and Air Quality or funds allocated from the Surface Transportation Program for Transportation Enhancements could not be transferred unless the State had utilized all flexibility and transferability available to it.
- Not more than one-third of a State s September 30, 1995, unobligated balance of Interstate Construction funds could be transferred.

The Transportation Equity Act for the 21st Century (Public Law 105-178) did not extend this program.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

STP Set-Aside For Safety Improvements
Updated March 9, 2016

STATUS: INACTIVE (STP Set-Aside for Safety ends after FY2005, so unobligated funds lapsed at end of FY 2008)

PROGRAM CODES:

- 3AL0 -- STP-FTA Optional Safety (ISTEA)
- 3AR0 -- STP-FTA Rail-Highway Crossings, Protective Devices (ISTEA)
- 3AT0 -- STP-FTA Rail-Highway Crossings, Elimination of Hazards (ISTEA)
- 3AW0 -- STP-FTA Hazard Elimination Program (ISTEA)
- 33A0 -- STP-Optional Safety (ISTEA)
- 33M0 -- STP-Rail-Highway Crossings, Protective Devices (ISTEA)
- 33N0 -- STP-Rail-Highway Crossings, Elimination of Hazards (ISTEA)
- 33P0 -- STP-Hazard Elimination Program (ISTEA)
- 33Q0 -- STP-Optional Safety, 100 percent (ISTEA)
- 33X0 -- STP-Rail-Highway Crossings, Protective Devices, 100 percent for Safety (ISTEA)
- 33Y0 -- STP-Rail-Highway Crossings, Elimination of Hazards, 100 percent for Safety (ISTEA)
- 33Z0 -- STP-Hazard Elimination Program, 100 percent for Safety(ISTEA)
- QB20 -- STP-FTA Optional Safety (TEA-21)
- QB70 -- STP-FTA Rail-Highway Crossings, Protective Devices (TEA-21)
- QB80 -- STP-FTA Rail-Highway Crossings, Elimination of Hazards (TEA-21)
- QB90 -- STP-FTA Hazard Elimination Program (TEA-21)
- Q210 -- STP-Optional Safety (TEA-21)
- Q260 -- STP-Rail-Highway Crossings, Protective Devices (TEA-21)
- Q270 -- STP-Rail-Highway Crossings, Elimination of Hazards (TEA-21)
- Q280 -- STP-Hazard Elimination Program (TEA-21)
- Q330 -- STP-Optional Safety, 100 percent (TEA-21)
- Q380 -- STP-Rail-Highway Crossings, Protective Devices, 100 percent for Safety (TEA-21)
- Q390 -- STP-Rail-Highway Crossings, Elimination of Hazards, 100 percent for Safety (TEA-21)
- Q430 -- STP-Hazard Elimination Program, 100 percent for Safety(TEA-21)
- H210 -- STP-Optional Safety (STEA's of 2003, 2004 & 2005)
- H260 -- STP-Rail-Highway Crossings, Protective Devices (STEA's of 2003, 2004 & 2005)
- H270 -- STP-Rail-Highway Crossings, Elimination of Hazards (STEA's of 2003, 2004 & 2005)
- H280 -- STP-Hazard Elimination Program (STEA's of 2003, 2004 & 2005)
- L21R – STP-Optional Safety (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)

FEDERAL SHARE: The Federal share of Surface Transportation Program (STP) funds set-aside for safety can be determined under either of the following two approaches:

- 23 U.S.C. 120. This section allows use of the Federal share used for other STP funded improvements including adjustment for sliding scale. Section 120(c) allows up to 100 percent Federal share for certain designated types of work.
- 23 U.S.C. 130/152. These sections allow the Federal share to be 90 percent (with no adjustments for sliding scale) for the types of work covered by these safety programs.

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: 10 percent set-aside of State's STP apportionment

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 133(d)(1) [Repealed on 10/1/2005 by Section 1113(b) of SAFETEA-LU]

CFR REFERENCE: None

ELIGIBILITY: STP funds set aside for safety may be used on any public road for any of the activities set forth in 23 U.S.C. 130 and 152 (rail-highway crossings and hazard elimination activities, respectively).

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) amended 23 U.S.C. 152 to allow funding of safety improvements at public transportation facilities and public pedestrian and bicycle pathways and trails.

BACKGROUND: The Surface Transportation Program (STP) was established by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). It is codified in 23 U.S.C. 133. It is required in 23 U.S.C. 133(d)(1) that 10 percent of the STP funds apportioned to a State each fiscal year (through FY 2005) must be used for carrying out the provisions of 23 U.S.C. 130 and 152 (rail-highway crossings and hazard elimination activities, respectively).

Of the 10 percent of STP funds set aside for safety, amounts must be reserved separately in each State for rail-highway crossing activities and for hazard elimination activities that are at least as much as were apportioned for those purposes in FY 1991. Any additional funds remaining in a State after those reservations may be used for either rail-highway or hazard elimination activities. If enough funds are not available in a State for the above reservations, the two categories are reduced proportionately.

TEA-21, the Surface Transportation Extension Acts of 2003, 2004 (Parts I through V), and 2005 (Parts I through VI), and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) continued the STP set-aside for safety improvements through FY 2005.

Under the provisions of section 1113(b) of SAFETEA-LU, the STP set-aside for safety under 23 U.S.C. 133(d)(1) is ended after FY 2005, and safety funding is provided to the States for FYs 2006 through 2009 under section 1101(a)(6) of SAFETEA-LU, for the Highway Safety Improvement Program in 23 U.S.C. 148, as amended by section 1401 of SAFETEA-LU.

ADDITIONAL INFORMATION: Contact the Office of Safety Programs (HSA) or the Office of Program Administration (HIPA).

STP Set Aside For Transportation Enhancements
Updated March 9, 2016

STATUS: INACTIVE – Previously apportioned Transportation Enhancement (TE) funds are available for TE eligible activities until they are obligated and expended, rescinded, or until they lapse. The STP set-aside for TE was eliminated by Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141). A new program, the Transportation Alternatives Program (TAP), was created and is partially funded via a set-aside from STP. While similar, the TAP is not the same as the TE program. See the Transportation Alternatives Program.

PROGRAM CODES:

- 33B0 - STP-Transportation Enhancement (ISTEA)
- 33R0 - STP-Transportation Enhancement, 100 percent for Safety (ISTEA)
- 3AM0 - STP-FTA Transportation Enhancement (ISTEA)
- H220 - STP-Transportation Enhancement - STEA 03
- Q220 - STP-Transportation Enhancement - TEA21
- Q340 - STP-Transportation Enhancement, 100 percent for Safety (TEA-21)
- QB30 - STP-FTA Transportation Enhancement (TEA-21)
- L220 - STP-Transportation Enhancement - SAFETEA-LU
- L22E - STP- Transportation Enhancement (SAFETEA-LU Extension – P.L. 111-068)
- L22R - STP- Transportation Enhancement (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)

FEDERAL SHARE: Same as STP: 80 percent with sliding scale. Title 23, section 133(e)(5)(C), as in effect prior to MAP-21, had additional provisions for innovative financing: Provided that the aggregate non-Federal share is the same as the non-Federal share required under Section 120(b): 80 percent with sliding scale: (1) funds from other Federal agencies or other contributions to be credited toward the non-Federal share, (2) the non-Federal share may be calculated on a multiple project or program basis, or (3) the Federal share of an individual project may be up to 100 percent.

PERIOD AVAILABLE: Funds are available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Thus funds are available for obligation for up to 4 years.

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: TE funds were 10 percent of STP Apportionments, plus 10 percent of Equity Bonus programmatically distributed to the STP.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: MAP-21 Section 1108(c) and (d) - eliminated 23 U.S.C. 133((d)(2) and (e)(5) provisions for the TE program. MAP-21 Section 1103(a)(13) - eliminated the 23 U.S.C. 101(a)(35) definition of TE. Sections 1108(b) and (g), and 1201 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178). Sections 1113 and 1122 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59).

CFR REFERENCE: None, except for property acquisition: 23 CFR 710.511.

ELIGIBILITY: Transportation enhancement activity.--The term "transportation enhancement activity" means, with respect to any project or the area to be served by the project, any of the following activities as the activities relate to surface transportation:

A. Provision of facilities for pedestrians and bicycles.
B. Provision of safety and educational activities for pedestrians and bicyclists.
C. Acquisition of scenic easements and scenic or historic sites (including historic battlefields).

D. Scenic or historic highway programs (including the provision of tourist and welcome center facilities).
E. Landscaping and other scenic beautification.
F. Historic preservation.
G. Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals).
H. Preservation of abandoned railway corridors (including the conversion and use of the corridors for pedestrian or bicycle trails).
I. Inventory, control, and removal of outdoor advertising.
J. Archaeological planning and research.
K. Environmental mitigation--
   i. to address water pollution due to highway runoff; or,
   ii. reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.
L. Establishment of transportation museums.

Each State administers its own program and develops its own procedures to solicit and select projects for funding.

States are encouraged to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform appropriate transportation enhancement activities (TEA-21 Section 1108(g)).

BACKGROUND: The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) established the STP, including transportation enhancements (Section 1107). Under pre-MAP-21, 23 U.S.C. 133(d)(2), 10 percent of the STP funds apportioned to a State each fiscal year may only be used for transportation enhancement activities.

The National Highway System Designation Act of 1995 (Public Law 104-59) established an advanced payment option for TE projects in pre-MAP-21 23 U.S.C. 133(e)(3) and streamlining procedures in pre-MAP-21 §133(e)(5) (Section 316).

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-85) amended TE as follows: Section 1108(b) amended pre-MAP-21 §133(e)(5) to provide additional cost sharing flexibilities. Section 1108(g) required the Secretary to encourage States to use qualified youth conservation or service corps. Section 1201 of TEA-21 amended the eligible categories.

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) amended TE as follows: Section 1113(c) guaranteed a minimum funding level for TE to be no less than the amount available in FY 2005. Section 1122 of SAFETEA-LU clarified the eligible categories.

The Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141) eliminated the STP set-aside for Transportation Enhancements. A new program, the Transportation Alternatives Program (TAP), was created and is partially funded via a set-aside from STP. Remaining TE funds continue to follow the TE requirements until the funds are obligated and expended, rescinded, or until they lapse.

ADDITIONAL INFORMATION: Contact the Office of Human Environment (HEPH).

Temporary Matching Fund Waiver (FYs 1992-1993)
Updated April 20, 2007

STATUS: INACTIVE No special funds were authorized for this activity. This special provision allowed for a temporary waiver of the non-Federal share of Federal-aid highway projects.

PROGRAM CODE: Various (See Below)

FEDERAL SHARE: See Below

PERIOD AVAILABLE: 2 Years (October 1, 1991 through September 30, 1993)

FUND: N/A

FUND DISTRIBUTION METHOD: N/A

AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Section 1054 of the 1991 ISTEA

CFR REFERENCE: None

ELIGIBILITY: A qualifying project for a temporary waiver of the non-Federal share was a project approved by the FHWA or for which the United States became obligated to pay after October 1, 1991, and for which the Governor of the State submitting the project had certified that sufficient funds were not available to pay the cost of the non-Federal share of the project.

BACKGROUND: Section 1054 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) provided for a temporary waiver of the State matching fund requirements. Under this provision a State could request an increased Federal share up to and including 100 percent for any qualifying Title 23 project, beginning on October 1, 1991, and ending on September 30, 1993.

The total amount of any such increases in the Federal share had to be repaid to the United States by the State on or before March 30, 1994. Payments were deposited in the Highway Trust Fund and credited to the appropriate apportionment accounts of the State.

If a State did not make a required repayment by March 30, 1994, the Secretary made deductions from funds apportioned to the State for FYs 1995 and 1996. Amounts deducted were reapportioned to other States for which deductions were not made.

The Dire Emergency Supplemental Appropriations Act of 1992 (Public Law 102-302), which was approved on June 22, 1992, provided that certain funds for projects administered by the Federal Transit Administration could be applied in the same manner as those specified in Section 1054 of the 1991 ISTEA. Hence, temporary matching fund waiver provisions could be applied to any funds provided under Section 9 of the Federal Transit Act.

Appropriation codes established for this temporary matching fund waiver are as follows:

- 01E -- TMFW-Consolidated Primary
- 04P -- TMFW-Interstate Construction
- 04Q -- TMFW-Interstate Maintenance
- 04T -- TMFW-Interstate 4R
- 04V -- TMFW-Interstate Transfers, Apportioned
- 05C -- TMFW-Interstate,1/2percent Minimum
- 07A -- TMFW-Rural Secondary
- 08A -- TMFW-2 percent HPR, 80 percent Federal Participation
- 08C -- TMFW-1 percent Apportioned Planning, 80 percent Federal Participation
- 08E -- TMFW-HPR, 25 percent Minimum for Res., Dev., and Tech. Trans.
- 08F -- TMFW-1-1/2 percent HPR
- 08G -- TMFW-1/2 percent Allocated Planning Funds
- 11D -- TMFW-Bridge Replacement (Optional 20 percent On/Off System)
- 11E -- TMFW-Bridge Replacement (Mandatory 15 percent Off System)
- 11G -- TMFW-Bridge Replacement (Mandatory 65 percent On System)

- 11M -- TMFW-Bridge Replacement, Discretionary
- 13M -- TMFW-Rail-Highway Crossings, Elimination of Hazards
- 13N -- TMFW-Rail-Highway Crossings, Protective Devices
- 14K -- TMFW-Hazard Elimination
- 17H -- TMFW-Interstate Transfers, Discretionary
- 31C -- TMFW-NHS
- 32B -- TMFW-CMAQ
- 33G -- TMFW-STP, Optional Safety
- 33H -- TMFW-STP, Transportation Enhancement
- 33J -- TMFW-STP, Urban Areas >200,000 Population
- 33K -- TMFW-STP, State Flexible
- 33L -- TMFW-STP, Mandatory Amount for Non-Urban Areas
- 36A -- TMFW-High Cost Bridge Projects
- 36B -- TMFW-Congestion Relief Projects
- 36C -- TMFW-High Priority Corridors on NHS
- 36D -- TMFW-High Priority Corridors on NHS Feasibility Study
- 36E -- TMFW-Rural Access Projects
- 36F -- TMFW-Urban Access and Urban Mobility Projects
- 36G -- TMFW-Innovative Projects
- 36H -- TMFW-Priority Intermodal Projects
- 3AB -- TMFW-STP, Areas <200,000 Population
- 3AE -- TMFW-STP, Rail-Highway Crossings, Elimination of Hazards
- 3AF -- TMFW-STP, Rail-Highway Crossings, Elimination of Hazards
- 3AG -- TMFW-STP, 1/16 percent Skill Training
- 3AH -- TMFW-STP, Hazard Elimination
- 3AJ -- TMFW-STP, 1/4 percent Skill Training
- 3TZ -- TMFW-CMAQ, Transit
- 52A -- TMFW-Highway Demonstration Projects
- A09 -- TMFW-Consolidated Primary, Economic Growth Center
- A52 -- TMFW-Interstate,1/2percent Minimum, Economic Growth Center
- A87 -- TMFW-Consolidated Primary, Energy Impacted Roads
- B11 -- TMFW-Rural Secondary, Economic Growth Center
- CR2 -- TMFW-Combined Road Plan
- W3A -- TMFW-Urban System
- W3B -- TMFW-Allocated Urban System
- W09 -- TMFW-Urban System, Not Attrib., Economic Growth Center

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

Temporary Matching Fund Waiver (FYs 1983-1984)
Updated April 20, 2007

STATUS: INACTIVE All actions authorized under this waiver provision have been completed.

PROGRAM CODES:

- 01L, A3T, 19T, 11L -- Increased Federal share for Consolidated Primary funding categories 101, A35, A12, and 110
- 01U -- Increased Federal share for Economic Growth Center funding category 106
- 04N, 05R, 04R -- Increased Federal share for Interstate funding categories 042, 054, and 044
- 07M -- Increased Federal share for Discretionary Priority Primary funding category 071
- 07T, 07Y -- Increased Federal share for Rural Secondary funding categories 075 and 079
- 11R, 11V, 11W, 11Y -- Increased Federal share for HBRRP funding categories 114, 117, 118, and 119
- 13T -- Increased Federal share for Great River Road funding category 135
- 13W, 13Y -- Increased Federal share for Rail-Highway Crossings funding categories 138 and 139
- 14M -- Increased Federal share for Hazard Elimination funding category 141
- 16L -- Increased Federal share for Minimum Allocation funding category 160
- 17V, 17W -- Increased Federal share for Interstate funding categories 177 and 178
- W3N, W3U -- Increased Federal share for Urban funding categories W32 and W36

FEDERAL SHARE: See below

PERIOD AVAILABLE: January 6, 1983 - September 30, 1984

FUND: N/A

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Section 145 of the Surface Transportation Assistance Act of 1982

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: Section 145 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424) provided for a temporary waiver of the State matching fund requirements. Under this provision a State could request an increased Federal share up to and including 100 percent on projects to be approved under 23 U.S.C. 106(b) and 117 when the Governor certified that sufficient funds were not available to pay the non-Federal share of the project. The total amount which could be obligated under this provision was limited to the difference between the obligation authority for FY 1983 (comprised of the FY 1983 obligation ceiling, 85 percent minimum allocation, and authority provided by allocations of discretionary funds and the Jobs Bill), and the FY 1982 obligation ceiling (excluding the FY 1982 redistribution). This limitation amount applied to the sum of all matching fund waiver projects authorized from January 6, 1983, to September 30, 1984.

Special appropriation codes were established for the fund categories and any project funded from these categories could qualify for a matching fund waiver, including preliminary engineering and right-of-way projects. Qualifying projects funded from other categories were to be approved with prior concurrence from the FHWA Office of Fiscal Services. Project identifications for the increased Federal share were to be the same as those assigned to the regular Federal share.

The increased Federal share was to be repaid on or before September 30, 1984, or deductions were to be made from the State's FYs 1985 and 1986 apportionments. The amounts deducted were to be reapportioned to those States for which deductions were not made. All actions authorized under this waiver provision have been completed.

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

Traffic Control Signalization Demonstration
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODE: Same as source funds, 137 for categorical funds

FEDERAL SHARE: Same as source funds (up to 100 percent), 100 percent for categorical funds

PERIOD AVAILABLE: Same as source funds, FY + 3 years for categorical funds (availability expired on September 30, 1981)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Same as source funds, appropriated budget for categorical funds

SUBJECT TO OBLIGATION LIMITATION: Yes and No

STATUTORY REFERENCE: Section 146 of the Federal-aid Highway Act of 1976 (Public Law 94-280)

CFR REFERENCE: None

ELIGIBILITY: Funds appropriated under 23 U.S.C. 104 to be used at up to a 100 percent Federal share for any activities related to traffic control signalization.

BACKGROUND: Traffic control signalization demonstration projects were authorized by Section 146 of the Federal-aid Highway Act of 1976 (Public Law 94-280) to demonstrate through the use of technology not in general use the increased capacity of existing highways, the conservation of fuel, the decrease in traffic congestion, the improvement in air and noise quality, and the furtherance of highway safety, giving preference to projects providing coordinated signalization of two or more intersections.

Initial funding was provided by the Economic Stimulus Act of 1977, but funds have not been authorized specifically for this program since the 1978 DOT appropriations act. However, the Surface Transportation Assistance Act (STAA) of 1978 (Public Law 95-599) did establish a continuing program for traffic control signalization projects by permitting States to use up to 100 percent Federal funds in accordance with the provisions of 23 U.S.C. 120(d) for this purpose.

ADDITIONAL INFORMATION: Contact the Office of Transportation Operations (HOTO).

Traffic Operations Program To Increase Capacity And Safety (TOPICS)
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODE: Same as source funds, 077 for categorical funds

FEDERAL SHARE: Same as source funds for regular funds, 70 percent for categorical funds

PERIOD AVAILABLE: Same as source funds, FY + 2 years for categorical funds (availability expired on June 30, 1975)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Same as source funds, statutory formula for categorical funds. Same as source funds for regular funds.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Formerly 23 U.S.C. 135 (repealed)

CFR REFERENCE: 23 CFR 655A

ELIGIBILITY: TOPICS projects were traffic operation improvements financed from funds available for the specific roadway on which the improvement was made or the system which directly benefited from the improvement. In addition, improvements on any public road which would ensure the efficient use of existing roadways on any of the Federal-aid systems through improved traffic flow, reduced vehicle congestion, or improved transit service were eligible as projects.

BACKGROUND: This program, originally entitled "Urban Area Traffic Operations Improvement Programs," was established by section 10(a) of the Federal-aid Highway Act of 1968 (Public Law 90-495), which provided authorizations for FYs 1970-1971. The Federal-aid Highway Act of 1970 (Public Law 91-605) provided authorizations for FYs 1972-1973. Funding was discontinued after FY 1973; hence, all unobligated funds lapsed on June 30, 1975.

Although no separate TOPICS funds were made available in the 1973 Act, regular Federal-aid highway construction funds were made available for TOPICS-type projects in urban areas. Section 123(a) of the 1976 Highway Act deleted "Urban Area" from the title of the program and expanded the program to "any public road." While TOPICS does not continue as an independent fund, funds from other programs may be used for TOPICS-type projects.

ADDITIONAL INFORMATION: Contact the Office of Transportation Operations (HOTO).

Transition Quarter
Updated April 20, 2007

STATUS: INACTIVE All funds for this program have now lapsed.

PROGRAM CODES:

- 124 - Non-Interstate
- 125 - Interstate

FEDERAL SHARE: Same as that normally applicable to Interstate and non-Interstate projects

PERIOD AVAILABLE: Availability expired September 30, 1980

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Section 104 of the Federal-aid Highway Act of 1976

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: This program was established by Section 104 of the Federal-aid Highway Act of 1976 (Public Law 94-280) to bridge the funding gap created by the change in fiscal year starting dates which occurred at the end of FY 1976.

All funds for this program have now lapsed.

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

Transportation Systems Management Demonstration
Updated April 20, 2007

STATUS: INACTIVE

PROGRAM CODE: 780

FEDERAL SHARE: 100 percent - See comments

PERIOD AVAILABLE: Until expended

FUND: General and Transfer - See comments

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: FY 1981 DOT Appropriations Act

CFR REFERENCE: None

ELIGIBILITY: Projects were financed from funds available for obligation as deemed appropriate by the Office of Traffic Operations and Intelligent Vehicle/Highway Systems (HTV-31).

BACKGROUND: The Department of Transportation Appropriations Act for 1981 (Public Law 96-400) provided $15 million of discretionary funds ($10 million from National Highway Traffic Safety Administration (NHTSA) State and Community Highway Safety funds and $5 million from Urban Mass Transit Administration (UMTA) urban discretionary grants) for a joint FHWA, UMTA, NHTSA program to accomplish energy conservation, air quality, and related objectives. FHWA had the lead administrative responsibility for the program.

The funds were centrally controlled by FHWA Headquarters (HTV-31), and all of the funds were earmarked for specific projects. Amounts awarded for subelements of each project were reallocated within the project, but Regional and Headquarters' concurrence was required. Total project amounts were changed only in unusual circumstances and only with Regional and Headquarter's concurrence.

No explicit local match was required for this program; however, DOT expected significant evidence of an applicant's commitment to support and continue the activities of this program. A suggested minimum commitment was two-thirds local funds, with the remaining one-third to be Federal funds.

ADDITIONAL INFORMATION: Contact the Office of Transportation Operations (HOTO).

Urban Extensions
Updated April 20, 2007

STATUS: INACTIVE Incorporated into the Consolidated Primary Program.

PROGRAM CODE: 0320

FEDERAL SHARE: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 103(b) and (c) (repealed)

CFR REFERENCE: 23 CFR 470A [Subsequently amended to reflect current Federal-aid Systems]

ELIGIBILITY: N/A

BACKGROUND: This program was established by the Federal-aid Highway Act of 1944. It extended the previously rural oriented primary and secondary systems into urban areas.

The Federal-aid Highway Act of 1976 (Public Law 94-280) consolidated the Urban Primary Extension, Rural Primary, and Priority Primary programs into a single Consolidated Primary funding category, and made no appropriation for secondary system urban extensions, thereby terminating this fund.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

Urban System
Updated April 20, 2007

STATUS: INACTIVE Title 23 provisions relative to the Federal-aid Urban System were repealed by the 1991 ISTEA. Prior to the 1991 ISTEA there were four Federal-aid highway systems--Interstate, Primary, Secondary, and Urban. Now there are two systems--National Highway System (NHS) and Interstate System, which is a component of the NHS.

PROGRAM CODES:

- W320 -- FAUS, Non-Attributable
- W360 -- FAUS, Attributable to Urbanized Areas >200,000 Population
- 33D0 -- STP-State Flexible

FEDERAL SHARE: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired September 30, 1994)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula set forth in 23 U.S.C. 104(b)(6)

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 103(d) (repealed); 23 U.S.C. 137, 142(a)(2), 142(c), 146, and 150

CFR REFERENCE: 23 CFR 470A [Amended to reflect current Federal-aid Systems]

ELIGIBILITY: N/A

BACKGROUND: The Federal-aid Urban System (FAUS) Program was established by Section 106(b)(1) of the Federal-aid Highway Act of 1970 (Public Law 91-605) and expanded by Section 157 of the Federal-aid Highway Act of 1973 (Public Law 93-87).

In addition to highway and road construction, FAUS funds could be used for many public transportation and ridesharing activities, including the purchase of buses and the construction of bus shelters; the construction of fringe and corridor parking lots; and the construction, reconstruction, and improvement of fixed rail facilities, including the purchase of rolling stock for fixed rail.

FAUS funds were apportioned to the States based upon the ratio of their total urban population (all communities over 5,000 population) to the nationwide total urban area population. Once each State's share of the funds was determined, the funds were divided into two categories--attributable to urbanized areas of 200,000 population or more (W360) and non-attributable (W320), based upon a straight percentage split of each State's urban area population in areas of over and under 200,000 population.

Attributable funds had to be distributed to the urbanized areas in accordance with a formula developed by the State and approved by the Secretary of DOT, or, if such a formula was not used, the funds had to be allocated in the ratio that the population within each urbanized area was to the population of all urbanized areas, or parts thereof, within the State. (23 U.S.C. 150). Local officials, working through the metropolitan planning organization (MPO), had the option of suballocating attributable FAUS funds to cities, counties, or groupings by geographical subarea. This was often done to meet the Federal requirement of fair and equitable treatment for individual cities of over 200,000 population.

States had the option of allocating none, some, or all of the non-attributable funds to cities, counties, or other geographical subdivisions.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) required that 40 percent or more of the FAUS apportionments for FYs l984-86 had to be used for 4R purposes (i.e., resurfacing, restoration, rehabilitation, and/or reconstruction). The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) dropped this requirement for the FYs 1987-1991 apportionments.

The Federal-aid Urban System was abolished when Section 103(d) of Title 23, U.S.C., was repealed by Section 1006(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), on December 18, 1991. Unobligated funds apportioned to a State for the Urban System, both attributable and non-attributable, as set forth in Section 1100(c) of the 1991 ISTEA, remained available for obligation under the old rules or could be transferred to the Surface Transportation Program (STP). As required by 23 U.S.C. 150, the appropriate MPO must have approved the transfer of attributable funds. Funds transferred to the STP were not subject to sub-allocation and could be transferred

into the State flexible program code, 33D0. The last apportionments of funds for the Urban System were for FY 1991 and expired on September 30, 1994.

ADDITIONAL INFORMATION: Contact the Office of Office of Program Administration (HIPA).