

CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM (CMAQ)

Year	2013	2014
Estimated funding	\$ 2.21 B *	\$ 2.23 B *

*Calculated (sum of estimated individual State CMAQ apportionments)

Program purpose

The CMAQ program is continued in MAP-21 to provide a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Funding is available to reduce congestion and improve air quality for areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter (nonattainment areas) and for former nonattainment areas that are now in compliance (maintenance areas).

Statutory citation(s): MAP-21 §1113; 23 USC 149

Funding features

Funded by contract authority from the Highway Account of the Highway Trust Fund. Funds are subject to the overall Federal-aid obligation limitation.

MAP-21 has a new approach to core 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 CMAQ program via a calculation based on the relative size of the State's FY 2009 CMAQ apportionment. (See "Apportionment" fact sheet for a description of this calculation)

Set-asides

From the State's CMAQ apportionment, the following sums are to be set aside:

- A proportionate share of funds for the State's Transportation Alternatives (TA) program. (See "Apportionment" fact sheet for a description of this calculation)
- 2% for State Planning and Research (SPR). [§52005; 23 USC 505]

Federal share: In accordance with 23USC120.

Eligible activities

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

Some specific eligible activities are described below:

- Establishment or operation of a traffic monitoring, management, and control facility, including advanced truck stop electrification systems, if it contributes to attainment of an air quality standard.
- Projects that improve traffic flow, including projects to improve signalization, construct HOV lanes, improve intersections, 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 projects to improve incident and emergency response or improve mobility, such as real-time traffic, transit, and multimodal traveler information.

- Purchase of integrated, interoperable emergency communications equipment.
- Projects that shift traffic demand to nonpeak hours or other transportation modes, increase vehicle occupancy rates, or otherwise reduce demand.
- Purchase of diesel retrofits or conduct of related outreach activities.
- Facilities serving electric or natural gas-fueled vehicles (except where this conflicts with prohibition on rest area commercialization) are explicitly eligible.
- Some expanded authority to use funds for transit operations.

Workforce development, training, and education activities are also an eligible use of CMAQ funds. [§1109; 23 USC 504(e)]

Program features

Some existing provisions are explicitly highlighted:

- *PM-10 non-attainment* -- A State may obligate CMAQ funds for projects for PM-10 non-attainment areas without regard to type of air quality standard it addresses.
- *HOV facilities* -- No funds may be used to add capacity except HOV facilities that are available to SOV only at off-peak times.

State flexibility

- A State *without* a nonattainment or maintenance area may use its CMAQ funds for any CMAQ- or STP-eligible project.
- States *with* a nonattainment or maintenance area that received a minimum apportionment in FY 2009 may use an amount of its 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 projects.
- The amount that may be obligated in any area of the State for STP-eligible projects is to be adjusted if a new nonattainment area is designated or a nonattainment area redesignated as an attainment area.

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.

Optional programmatic eligibility

At the discretion of an MPO, a technical assessment of a selected program of projects may be conducted through modeling or other means. If the required emissions reduction is demonstrated, no further demonstration is needed for individual projects included.

PM 2.5 areas

MAP-21 calls for a State with PM 2.5 (fine particulate matter) nonattainment or maintenance areas to give priority to using funds for projects proven to reduce PM 2.5 emissions in such areas; eligible projects to mitigate PM 2.5 include diesel retrofits.

CMAQ outcomes assessment study

- The Secretary, in consultation with EPA, will assess emission reductions, air quality and health impacts of actions funded under the CMAQ program since the enactment of SAFETEA-LU.
- To be performed by an independent scientific research organization.
- Scoping report due within 1 year; final report within 2 years of enactment.
- Funded by up to \$1 million set aside from the amount authorized for FHWA's Administrative expenses.

Performance

The CMAQ program has new performance-based features.

- Within 18 months of enactment, the Secretary, in consultation with States, MPOs, and other stakeholders, is directed to publish a rulemaking establishing measures for States to use to assess traffic congestion and on-road mobile source emissions. [§1203; 23 USC 150(c)]
- States are required to establish targets for these measures within 1 year of the final rule on national performance measures. [§1203; 23 USC 150(d)]
- Each MPO with a transportation management area of more than one million in population representing a nonattainment or maintenance area is required to develop and update biennially a performance plan to achieve air quality and congestion reduction targets. [§1113; 23 USC 149(l)]