

NATIONAL HIGHWAY PERFORMANCE PROGRAM (NHPP)

Year	2013	2014
Estimated funding	\$ 21.8 B *	\$ 21.9 B *

*Calculated (sum of estimated individual State NHPP apportionments)

Program purpose

The NHPP provides support for the condition and performance of the National Highway System (NHS), for the construction of new facilities on the NHS, and to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in a State's asset management plan for the NHS.

Statutory citation(s): MAP-21 §1106; 23 USC 119

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 share of the total is calculated, it is divided up by program within the State. (See "Apportionment" fact sheet for more detail).

Set-asides

From the State's NHPP 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: Determined in accordance with 23 USC 120, including a special rate for certain safety projects and a new provision for increased Federal share for projects incorporating Innovative Project Delivery. The Federal share for NHPP projects for a State that has not implemented an asset management plan within the established timeframe is limited to 65%. Other exceptions to 23 USC 120 are provided for certain freight projects, workforce development, training, and education activities, Appalachian development highway system projects. (See "Federal Share" fact sheet)

Eligible activities

NHPP projects must be on an eligible facility and support progress toward achievement of national performance goals for improving infrastructure condition, safety, mobility, or freight movement on the NHS, and be consistent with Metropolitan and Statewide planning requirements. Eligible activities include:

- Construction, reconstruction, resurfacing, restoration, rehabilitation, preservation, or operational improvements of NHS segments.
- 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 NHS bridges and tunnels.
- Bridge and tunnel inspection and evaluation on the NHS and inspection and evaluation of other NHS highway infrastructure assets.
- Training of bridge and tunnel inspectors.

- Construction, rehabilitation, or replacement of existing ferry boats and facilities, including approaches, that connect road segments of the NHS.
- 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, if the project is in the same corridor and in proximity to a fully access-controlled NHS route, if the improvement is more cost-effective (as determined by a benefit-cost analysis) than an NHS improvement, and will reduce delays or produce travel time savings on the NHS route and improve regional traffic flow.
- Bicycle transportation and pedestrian walkways.
- Highway safety improvements on the NHS.
- Capital and operating costs for traffic and traveler information, monitoring, management, and control facilities and programs.
- Development and implementation of a State Asset Management Plan for the NHS including data collection, maintenance and integration, software costs, and equipment costs.
- Infrastructure-based ITS capital improvements.
- Environmental restoration and pollution abatement.
- Control of noxious weeds and establishment of native species.
- Environmental mitigation related to NHPP projects.
- Construction of publicly owned intracity or intercity bus terminals servicing the NHS.

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

Location of projects

NHPP funds may only be used for projects on or associated with the NHS as described above under “Eligible activities.” An exception is provided under certain circumstances for non-NHS highway or transit projects in an NHS corridor.

Program features

Enhanced National Highway System

Under MAP-21, the enhanced 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. It 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.

[§1104; 23 USC 103]

Asset management

Within 18 months of enactment, the Secretary is directed to publish a rulemaking establishing the process for States to use in developing a risk-based, performance-based asset management plan for preserving and improving the condition of the NHS. States are encouraged to include all infrastructure assets within the right-of-way corridor. The plan must include at least the following:

- Summary list, including condition, of the State’s NHS pavements and bridges
- Asset management objectives and measures
- Performance gap identification

- Lifecycle cost and risk management analysis
- Financial plan
- Investment strategies

Each State's process must be reviewed and recertified at least every 4 years. If certification is denied, the State has 90 days to cure deficiencies. If a State has not developed and implemented an asset management plan consistent with requirements by the beginning of the 2nd fiscal year after the establishment of the process, the Federal share for NHPP projects in that fiscal year is reduced to 65%.

Minimum pavement and bridge conditions

- *Interstate conditions* --The Secretary will establish a minimum level of condition for Interstate pavements, which may vary by geographic region. If, during two consecutive reporting periods, Interstate pavement conditions in a State fall below the minimum set by the Secretary, the State must, at a minimum, devote the following resources to improve Interstate pavement conditions during the following fiscal year (and each year thereafter if the condition remains below the minimum):
 - NHPP funds in an amount equal to the State's FY 2009 Interstate Maintenance (IM) apportionment, to increase by 2% per year for each year after FY 2013.
 - Funds transferred from the STP (not from suballocated amounts) to the NHPP in an amount equal to 10% of the amount of the State's FY 2009 IM apportionment.
- *Bridge conditions* – MAP-21 establishes a minimum standard for NHS bridge conditions. If more than 10% of the total deck area of NHS bridges in a State is on structurally deficient bridges for three consecutive years, the State must devote NHPP funds in an amount equal to 50% of the State's FY 2009 Highway Bridge Program apportionment to improve bridge conditions during the following fiscal year (and each year thereafter if the condition remains below the minimum).

Bridge and tunnel inspection standards

If a State is in noncompliance with bridge and tunnel inspection standards established by the Secretary, a portion of NHPP funds must be used to correct the problem. (See "Bridge and Tunnel Inspection" fact sheet). [§1111; 23 USC 144(h)(5)]

Performance

Within 18 months of enactment, the Secretary, in consultation with States, MPOs, and other stakeholders, is directed to publish a rulemaking establishing:

- Minimum standards for States to use in developing and operating bridge and pavement management systems.
- Performance measures for Interstate and NHS pavement condition, NHS bridge condition, and Interstate and NHS performance.
- Minimum conditions for Interstate pavements – may vary geographically.
- Data elements necessary to collect and maintain standardized data to carry out a performance-based approach.

[§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)]

- States will report to DOT on progress in achieving targets within 4 years of enactment and then every 2 years [§1203; 23 USC 150(e)] and MPOs will report to DOT on progress in their Metropolitan Transportation Plan (4 or 5 year frequency). [§1201; 23 USC 134(i)]

- If a State does not meet or make significant progress toward targets for 2 consecutive reporting periods, the State must document in its next report the actions it will take to achieve the targets. [§1106; 23 USC 119(e)(7)]

Transition period

Until a State has in effect an approved asset management plan and has established performance targets, but no later than 18 months after the Secretary has promulgated the rulemaking for the performance measures, the Secretary will approve obligations of funds in that State for the NHPP that otherwise meet the NHPP eligibility criteria. This transition period may be extended if the Secretary determines that the State has made a good faith effort to establish an asset management plan and performance targets.

[§1106(b)]

Superseded