

# Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)

## Summary and Highlights

### Background – Public Law 112-141

By a vote of 373-52 in the House and 74-19 in the Senate, the United States Congress adopted H.R. 4348, the federal surface transportation authorization bill for Fiscal Years 2013 and 2014. The President signed the bill into law on July 6.

TxDOT's Federal Affairs has initiated processes to analyze and implement the bill's provisions in conjunction with each impacted division and the federal agencies who will promulgate rules and regulations.

### Summary of Legislation

Legislation provides current funding levels plus inflation.

Distributes funds to states based on each state's share of total highway funds distributed in FY12.

Every state is guaranteed a minimum return of 95% of its payments (fuel and excise taxes) into the Highway Trust Fund. The legislation transfers \$18.8 billion from the General Fund and \$2.4 billion from the Leaking Underground Storage Tank Fund into the Highway Trust Fund.

Apportioned total for highway program is \$37.477 billion for FY13 (\$3.056 billion for Texas) and \$39.798 billion for FY14 (\$3.083 billion for Texas). FY12 estimated apportionments are identical to FY13. FY14 represents a slight increase.

Apportioned total for transit programs is \$8.328 billion for FY13 (\$404 million for Texas) and \$8.444 billion for FY14 (\$410 million for Texas), representing increases in both fiscal years for transit programs. FY12 estimated apportionments were \$7.199 billion total, and \$366 million for Texas.

The bill extends the Highway Trust Fund's motor fuel taxes and non-fuel excise taxes at their current rates through September 30, 2016.

Texas impact: Funding is basically static.

### Program Consolidation

Reduces the number of highway programs by two-thirds. Four core programs are:

- National Highway Performance Program – to improve the condition and performance of the National Highway System
- Surface Transportation Program – broad eligibility for public roads and bridges
- Highway Safety Improvement Program – road infrastructure safety
- Congestion Mitigation and Air Quality Program

Texas impact: Streamlines federal dollars toward core programs integral to the mission and responsibilities of TxDOT.

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### Environmental Streamlining

Contains significant reforms in the environmental review and planning process designed to reduce project delivery time and costs, including:

- Expands the number and types of projects that can be excluded from the federal environmental review process.
- Encourages early coordination between relevant agencies to avoid delays later in the review process and directs U.S. DOT to develop specific review deadlines.
- Designates U.S. DOT as the lead agency for the review and approval of transportation projects. U.S. DOT to encourage deadlines for actions by other federal agencies.
- Allows for programmatic decisions instead of project by project decisions.
- Limits federal National Environmental Policy Act review requirements for projects that are less than \$5 million or where Federal funds are less than 15 percent of the project costing more than \$30 million.
- Expands the category of projects that are automatically exempt from federal environmental review processes, including emergency projects, many maintenance projects and reconstruction projects.
- Provides expedited procedures for approval of projects with minimal environmental impact.
- Allows for the purchase of right of way and for design to begin prior to final environmental clearance.

Texas impact: Will potentially expedite environmental processes for all pending projects

### Transportation Infrastructure Finance and Innovation Act (TIFIA) Credit Assistance

The bill increases TIFIA credit assistance from approximately \$120 million per fiscal year to \$750 million in FY13 and \$1 billion in FY14.

In addition, the bill modifies the program from a competitive application process to a rolling application process. Provisions have been added that allow for applicants to enter into master credit agreements to provide funding for a suite of projects at once. In addition, there are modifications that make it easier for public transportation agencies with dedicated revenue sources to apply for TIFIA loans.

Texas impact: Provides an opportunity to pursue TIFIA assistance for multiple projects simultaneously versus existing process of developing and completing a single TIFIA application.

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### Transportation Enhancements

The bill merges Transportation Enhancements, Safe Routes to Schools and Recreational Trails programs into a new “Transportation Alternatives” program.

States no longer are required to spend 10 percent of their Surface Transportation Program funding on these programs. Instead, 2 percent of each state’s apportionments are directed toward eligible transportation alternative projects with 50 percent provided to local governments and 50 percent to states.

Texas impact: Provides the flexibility to direct funding to high priority projects, emergency conditions or safety issues.

### Freight

Provides incentives for states to create freight plans

For projects on the state freight plan, the federal share would increase from 80 percent to 90 percent for non-Interstate projects on the plan, and from 90 to 95 percent for projects on the Interstate system, in order to give states incentives to prioritize freight mobility projects.

Establishes a national freight policy and requires development of a national freight strategic plan and designation of a primary freight network.

Texas impact: Provides increased federal match and additional funding for capital projects related to freight infrastructure and systems.

### Performance Measures

Integrates performance measures for Metropolitan Planning Organizations and States that will be developed with the US Department of Transportation (DOT) to assess the condition of the facilities and operation of roads and bridges and establish performance targets.

Texas impact: Incorporates metrics already identified and utilized by TxDOT.

### Project Delivery

Expands the ability of states to use federal funds for toll roads by granting authority for tolling for new capacity on Interstate Highways, provided that the number of current non-HOV toll-free lanes does not decrease.

Directs the Secretary of Transportation to develop policies and procedures to address impediments to the use of public-private partnerships for transit projects. Additionally, the bill requires the Secretary to coordinate, promote and provide technical assistance to public transportation public-private partnerships and requires the development of guidance for agencies.

Texas impact: Provides additional flexibility for TxDOT and our public transportation partners in developing projects.

# Texas Transportation Commission Reauthorization Policy Considerations MAP-21 Scorecard

## **RATE OF RETURN AND MINIMUM GUARANTEE**

Increased rate of return of federal fuel taxes

Minimum guarantee of 95 percent rate of return established

## **EXPANDED FUNDING OPTIONS**

TIFIA Credit Assistance Program reauthorized

TIFIA Program funding significantly increased

TIFIA Program modified from a competitive application process to a rolling application process

Emphasizes Public-Private Partnerships for multiple modes of transportation

## **CLEARLY DEFINED GOALS AND PERFORMANCE MEASUREMENT**

National transportation goals established related to safety, infrastructure conditions, reducing congestion, reliability, freight movement and economic vitality

## **PROGRAM CONSOLIDATION AND FUNDING FLEXIBILITY**

Greater funding flexibility provided

Federal programs consolidated by 60 percent

Funds directed to four core highway programs

Surface Transportation Program expanded to include activities of consolidated programs

## **STRENGTHENED PARTNERSHIPS**

Reserves toll project development decision authority for states/local governments

Expands the ability of states to use federal funds for toll roads for new Interstate capacity

Reserves Public-Private Partnership decision authority for states/local governments

## **EXPEDITED PROJECT DELIVERY**

Requires greater coordination among federal agencies reviewing projects

Establishes firm time limits for federal review of projects

Reduces the time authorized for filing lawsuits on environmental documents

Expands the number and types of projects that can be excluded from the federal process

Provides expedited procedures for approval of projects with minimal environmental impact

## **EFFICIENT INTERNATIONAL FREIGHT MOVEMENT**

Establishes a National Freight Policy

Directs the Secretary of Transportation to develop a National Freight Strategic Plan

Requires identification of the most critical freight routes

Provides incentives to states to develop freight plans