



## Memorandum

**TO:** Craig Weinaug, Douglas County Administrator  
David L. Corliss, Lawrence City Manager  
John Harrenstein, Eudora City Manager  
Chris Lowe, Baldwin City Manager  
Lynley Sanford, Lecompton City Clerk

**FROM:** Todd Girdler, MPO Senior Transportation Planner

**CC:** MPO Policy Board , MPO Technical Advisory Committee , MPO Regional Transit Advisory Committee

**Date:** October 23, 2012

**RE:** Federal Transportation Act- Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Summary

## Overview

On July 6, 2012, President Obama signed into law P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21). MAP-21 is the first long-term highway authorization enacted since 2005; this uniquely short act covers only FFY 2013 and 2014. This act replaces SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users). MAP-21 builds on and refines many of the highway, transit, bicycle, and pedestrian programs and policies first established in 1991 under ISTEA (Intermodal Surface Transportation Equity Act). The states and MPOs are just now beginning to understand the changes and details of the new MAP-21 programs.

The basis of the MAP-21 highway funding transformation is the transition to a performance and outcome-based program. While these end goals to change how States invest resources are more long term, they desire to help states' achieve individual targets that collectively will make progress toward national goals. MAP-21 will fund the types of projects that our region is used to receiving federal aid for; however, it changes the federal aid program for highway and transit projects in three basic ways: Program Changes, Funding Level Changes and Operations and Management Process changes.

The following sections detail the known analysis of how MAP-21 will impact the Douglas County Area. KDOT is working through many of the program and policy changes and will work with the MPO and

local staffs as decisions are made about how to put these new requirements and processes in place across Kansas.

## Program Changes

### Federal Highway Administration (FHWA)

MAP-21 consolidates and restructures the highway funding programs into a smaller number of broader core programs. The programs listed below, with the exception of the CMAQ program, are the FHWA programs that are likely to be used in Douglas County. The use of CMAQ funds in our area will depend on our future air quality status and/or KDOT decisions about where to allocate those funds.

### Major Highway Programs under MAP-21

- National Highway Performance Program (NHPP)
- Surface Transportation Program (STP)
- Highway Safety Improvement Program (HSIP)
- Railway-Highway Crossings (set-aside from HSIP)
- Transportation Alternatives (TA)
- Congestion Mitigation and Air Quality Improvement Program (CMAQ)

The FHWA programs listed in the following table have been used in the past to fund projects in Douglas County under SAFETEA-LU but are now eliminated and/or consolidated into other programs under MAP-21.

Project Type	Funding program under :	
	SAFETEA-LU	MAP-21
Bridge	Bridge (BR)	Surface Transportation Program (STP)
Bridge on a principal arterial or higher class road	Bridge (BR)	National Highway Performance Program (NHPP) or Surface Transportation Program (STP)
Shared Use Pathway	Transportation Enhancement (TE)	Transportation Alternatives (TA)
Rural roadway exceeding statewide average for accident rates for roadway type	High Risk Rural Roads (HRRR)	Highway Safety Improvement Program (HSIP)

MAP-21 also greatly expanded the National Highway System (NHS) to include all principal arterials, and all of those roads are now eligible for NHPP funding. In Douglas County, more miles of road will be eligible for either NHPP or STP funds, and the eligibility will provide more options for funding for certain projects. However, the new miles of NHS roads are also understood to involve additional requirements for bridge inspections and increased requirements for billboard signing regulations. KDOT is still working through the implications of these changes. Roadway improvement projects will still be eligible for STP funding, and roadway projects on principal arterial or higher class roads will also be eligible for NHPP funding.

### Federal Transit Administration (FTA)

Most SAFETEA-LU transit funding programs used in Douglas County are retained under MAP-21, including the urban formula program that provides both operating and capital assistance. The programs listed below are likely to be used in our area in the foreseeable future.

### Major Transit Programs under MAP-21

- Urban Area Formula Grants (5307)
- Rural Area Formula Grants (5311)
- Enhanced Mobility of Seniors and Individuals with Disabilities (5310)
- Bus and Bus Facilities (5339) Program

The FTA programs listed in the following table have been used in the past to fund projects in Douglas County under SAFETEA-LU but are now eliminated and/or consolidated into other programs under MAP-21.

Project Type	Funding program under :	
	SAFETEA-LU	MAP-21
Operating Assistance	Jobs Access Reverse Commute (JARC-5316) Program	Urbanized Area Formula Grants (5307) and/or Rural Area Formula Grants (5311)
Fleet Replacement	Discretionary Bus (5309) Program	Bus and Bus Facilities (5339) Program

The past reliance on getting a large discretionary grant to replace several buses at once is now gone and more intensive capital asset planning is now a focus of the new FTA programs. The new Asset Management Provisions (5326) in MAP-21 dictates that the capital planning for the area's transit operations be incorporated into the area's Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP). That has already been underway through the MPO staff consultation with the area's transit staffs, but now that coordination is part of the law.

### **Funding Level Changes**

#### Road and Bridge

In past years each FHWA highway program had its own formula for distribution, and the total amount of FHWA funding for each state was calculated by simply adding up the total state allocations for each FHWA program. MAP-21 has a new way of calculating total funding for each state. The state total of FHWA aid is now set using a distribution formula based on the proportion of core program funds that each State received under SAFETEA-LU and then dividing that lump sum amount up among the various FHWA programs. Once each State's total Federal-aid apportionment is calculated, amounts are set aside for Metropolitan Planning and CMAQ via a calculation based on the relative size of the State's FY 2009 apportionment of those programs. The remainder is then divided among the rest of the formula programs as follows: NHPP (63.7%), STP (29.3%), and HSIP (7%). To enhance flexibility, a State may transfer up to 50% of any apportionment to another formula program, except no transfers are permitted of Metropolitan Planning funds or funds sub-allocated to areas based on population (STP and TA).

It is too early to tell how this new FHWA calculation change will impact the Kansas total or our region's funding in the long-term, but for 2013 there may be only small changes. However, many details at the state and federal DOT levels still need to be worked out and that prospect for next year could change significantly within the next few months. Likewise, for 2014 and beyond we do not know how MAP-21 will affect our funding levels, and it is likely that we will not know that for quite some time. The following table shows a comparison between 2012 and 2013 funding for FHWA programs used in our region.

That table shows that overall at the statewide level the funding is nearly identical, but how that funding will flow to individual cities and counties is still very uncertain.

**Comparison of FFY 2012 and FFY 2013 Road, Bridge and Transportation Alternative Funding Levels for Programs Used in Douglas County**

<u>SAFETEA-LU Program Name</u>		<u>MAP-21 Program Name</u>	Kansas Totals		<u>Change</u>
			<u>FFY 2012</u>	<u>FFY 2013</u>	
Interstate Maintenance - IM	consolidated into NHPP		\$ 68,754,960	\$ -	
National Highway System - NHS	consolidated into NHPP		\$ 95,979,613	\$ -	
Bridge Replacement and Rehabilitation - BR	consolidated into NHPP and STP		\$ 47,197,240	\$ -	
	new in MAP-21	National Highway Performance Program - NHPP	\$ -	\$ 219,648,357	
Surface Transportation Program - STP	revised and retained in MAP-21	Surface Transportation Program - STP	\$ 107,623,650	\$ 101,031,348	-6.13%
Congestion Mitigation and Air Quality - CMAQ	continued in MAP-21	Congestion Mitigation and Air Quality - CMAQ	\$ 9,579,664	\$ 9,087,456	-5.14%
Recreational Trails	consolidated into TA		\$ 1,292,271	\$ -	
Safe Routes To School - SRTS	consolidated into TA		\$ 1,537,220	\$ -	
Transportation Enhancements - TE	consolidated into TA		\$ 10,613,033	\$ -	
	new in MAP-21	Transportation Alternatives - TA	\$ -	\$ 10,298,554	
Rail-Highway Crossings	consolidated into HSIP		\$ 5,749,354	\$ -	
Highway Safety Improvement Program - HSIP	revised and retained in MAP-21	Highway Safety Improvement Program - HSIP	\$ 20,557,823	\$ 24,137,182	17.41%
Metropolitan Planning	continued in MAP-21	Metropolitan Planning	\$ 1,702,315	\$ 1,841,325	8.17%
<b>Totals</b>			<b>\$ 370,587,143</b>	<b>\$ 366,044,222</b>	<b>-1.23%</b>

Several important decisions still have to be made between the FHWA and KDOT before funding for the local governments can be set. These changes to FHWA programs will impact KDOT, and although KDOT has been able to share federal funds at a greater level with local governments in past years there is no guarantee that this ability will continue at desired levels under MAP-21. At this time it is assumed that the local governments will get about the same level of federal aid in 2013 that they got in 2012.

Transit

For the FTA transit programs, the major programs providing assistance to our area will still be based on formulas using population and other variables similar to past practices. The table below compares the FTA totals for selected programs for 2012 and 2013, and this table shows that overall national funding levels are similar for last year and this year. The total of this package of funding sources is down about

4% nationally, but the change in Kansas totals is still being studied. The changes for transit operators in Douglas County are also uncertain at this time, but funding levels will likely be similar to last year. However, funding levels to individual transit operators often vary slightly from year to year so the FTA and local transit staffs are now working on setting those grant levels for 2013.

Comparison of FFY 2012 and FFY 2013 Transit Funding Levels for Programs Used in Douglas County

<u>SAFETEA-LU Program Name</u>		<u>MAP-21 Program Name</u>	National Totals		<u>Change</u>
			<u>FFY 2012</u>	<u>FFY 2013</u>	
Section 5316 - Job Access and Reverse Commute Program	consolidated into 5307 and 5311		164,500,000	0	
Section 5307 - Urbanized Area Formula Program	revised and retained in MAP-21	Section 5307 - Urbanized Area Formula Program	4,160,365,000	4,397,950,000	5.71%
Section 5311 - Nonurbanized Area Formula Program	renamed and continued in MAP-21	Section 5311 - Formula Grants for Rural Areas	440,700,000	599,500,000	36.03%
Section 5309 - Discretionary Bus and Bus Facilities Program	Former 5309 project eligibilities were consolidated into the new 5339 Program	Section 5309 designation is reused in MAP-21 for a new general fund Capital Investment Grants Program	984,000,000	0	
	new in MAP-21	Section 5339 Bus and Bus Facilities Formula Program	0	422,000,000	
Section 5310 - Special Needs of Elderly Individuals and Individuals with Disabilities Program	renamed and continued in MAP-21	Section 5310 - Mobility of Seniors and Individuals with Disabilities Program.	133,500,000	254,800,000	90.86%
<b>Totals</b>			<b>5,883,065,000</b>	<b>5,674,250,000</b>	<b>-3.55%</b>

## Operating and Management Process Changes

### Performance and Asset Management

MAP-21 creates a streamlined, performance-based, and multimodal program to address the challenges facing the transportation system, and specifically focuses on the following national goals:

- **Safety**—to achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- **Infrastructure condition**-to maintain the highway infrastructure asset system in a state of good repair.
- **Congestion reduction**-to achieve a significant reduction in congestion on the National Highway System.
- **System reliability**-to improve the efficiency of the surface transportation system.
- **Freight movement and economic vitality**-To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.
- **Environmental sustainability**-to enhance the performance of the transportation system while protecting and enhancing the natural environment.
- **Reduced project delivery delays**-to reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion.

A major change put forth in MAP-21 that is designed to meet these goals is the establishment of performance targets and performance measures for the operation of the multimodal transportation system. For the highway system that includes pavement condition, bridge condition, congestion, mobile source air emissions, and accidents (injury and fatality) performance levels. Setting performance measures for these highway goals will not happen immediately. The process for setting national, state and MPO targets for performance will take about two years. The FHWA will first set performance measures for each of the goals. Following that the State of Kansas (KDOT) will set performance targets, and then the MPO will set targets based upon state targets. Once all of that is done the KDOT and the MPO will need to incorporate those items into their plans and describe how their project selection process helps to achieve those targets.

If KDOT or the local governments in the MPO area do not make progress toward reaching the performance targets then MAP-21 dictates that more federal money has to be directed at correcting that shortfall until a minimum standard of performance is achieved. The details about how this will be done vary by program. This part of MAP-21 could impact our region if certain locations experience poor pavement conditions, high accident rates, or serious congestion. This could also reduce the flexibility that KDOT and local governments have in where they can spend federal money.

For transit systems there are similar goals dealing with the condition of the system and the performance of the services. For transit operators who have collected detailed ridership and operating cost data for many years the new MAP-21 changes will not be as much of a change as the highway data collection, but transit operators will still be challenged to keep efficiency as high as feasible and to document the ongoing performance levels of their systems. Transit operators will now be required to create agency level safety plans. The FTA will exercise its new Section 5329 authority under MAP-21 to set safety performance targets and make sure all forms of public transit are safe. The FTA will also coordinate its safety improvement efforts with NHTSA (National Highway Transportation Safety Administration) programs addressing behavioral issues like impaired driving and seatbelt use.

Another major change for transit operators will be the creation of transit asset performance plans. Under Section 5326 of MAP-21 the FTA must define the term “state of good repair” and create objective standards for measuring the condition of capital assets, including equipment, rolling stock, infrastructure, and facilities. Based on that definition, the FTA then has to develop performance measures which will be used by transit operators to develop asset management targets and plans. Documenting how they meet safety targets and how they have developed the asset management plans will be the most significant changes for transit operators.

The new federal act addresses freight movements directly and includes a number of provisions designed to enhance freight movement in support of national goals. MAP-21 firmly establishes national leadership in improving the condition and performance of a National Freight Network by identifying the components of the network, and it includes incentives to prioritize projects that advance freight performance targets. In response to MAP-21 the USDOT will develop a national freight strategic plan. States are encouraged to develop individual freight plans and establish freight advisory committees. That change could help the MPO gain a better insight into the freight issues facing Douglas County and may prompt some area shippers and carriers to become involved in regional transportation planning.

With its enhanced focus on performance tracking and asset management this new federal transportation act will likely increase the demands on KDOT, local governments and MPO staffs to comply with new MAP-21 based regulations. It may be a year or more before regulations are written and approved to implement all of the MAP-21 changes, but when those regulations are approved it will almost certainly make the recipients of MAP-21 funds change the way they are doing business. The MPO staff and other local and state officials should anticipate significant process changes to occur over the next two years as we all adjust to MAP-21.

#### Project Review Changes

MAP-21 provides several provisions designed to increase innovation and improve efficiency, effectiveness, and accountability in the planning, design, engineering, construction and financing of transportation projects. These things are designed to save time and money and deliver transportation facilities and services to the public faster while creating jobs and protecting the environment. These provisions include broadening the ability for States to acquire or preserve right-of-way for a transportation facility prior to completion of the NEPA (National Environmental Protection Act) review process, and the expanded authority for use of categorical exclusions which allow certain projects to proceed without the development of an environmental assessment or environmental impact statement.

#### **For More Detailed Information about MAP-21 visit:**

<http://www.fhwa.dot.gov/map21>

<http://www.fta.dot.gov/map21>