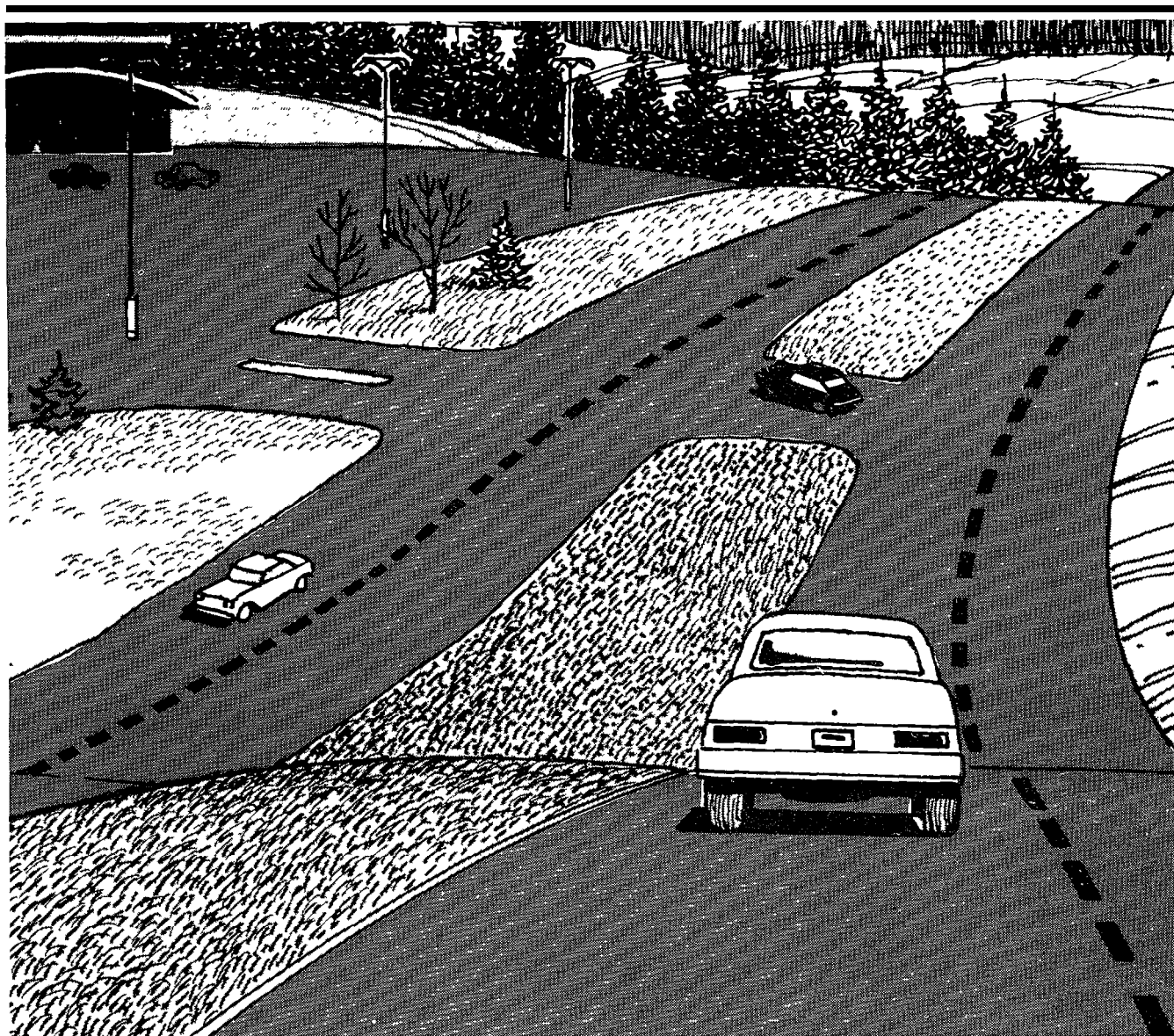




U.S. Department
of Transportation
Federal Highway
Administration

A Guide to Federal-Aid Programs, Projects, and Other Uses of Highway Funds



Federal Highway Administration
Office of Engineering
Federal-Aid **and** Design Division
Federal-Aid Program Branch, HNG-12



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**A GUIDE TO FEDERAL-AID PROGRAMS,
PROJECTS, AND OTHER USES OF HIGHWAY FUNDS**

**Federal Highway Administration
Office of Engineering
Federal-Aid and Design Division
Federal-Aid Program Branch, HNG-12**

September 1992

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INTRODUCTION

For the past 20 years, Federal-aid highway programs have been directed primarily toward the construction, reconstruction, and improvement of highways on the Federal-aid Interstate, Primary, Secondary, and Urban Systems. Now, as the result of legislation contained in the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240, December 18, 1991) instead of the four Federal-aid highway systems, there are:

- Two systems--the National Highway System (NHS) and the Interstate System, which is a component of the NHS.
- A major new program--the Surface Transportation Program (STP), which may generally be used by the States and localities for any roads, including NHS roads, that are not functionally classified as local or rural minor collectors.

PURPOSE OF GUIDE

The purpose of this "Guide to Federal-aid Programs, Projects, and Other Uses of Highway Funds" is to provide basic information about:

- New programs, projects, and uses of highway funds authorized by the 1991 ISTEA.
- Continuing programs, projects, and uses of highway funds authorized by previous legislation and continued by the 1991 ISTEA.
- Discontinued programs, projects, and uses of highway funds authorized by previous legislation and continuing only until remaining available funds are obligated, transferred, or lapsed.
- Inactive programs, projects, and uses of highway funds that have existed in recent time. Although no longer active, some of these were the basis for current programs, projects, or uses of highway funds. Hence, being of possible historic interest they are included in this guide.

Definitions used in this guide are as follows:

- The term "program" is used in several ways. It sometimes means the Federal-Aid Highway Program, which is an umbrella term generally referring to all activities funded through

the FHWA and administered by the States' highway or transportation agencies or, in some cases, by local transportation agencies. As most commonly used in this guide, it means one of the many components or categories that make up the overall Federal-Aid Highway Program, or activities with limited applicability. Programs are separately funded by Congress. They may be system related (e.g., National Highway System Program, Interstate Program), or they may exist for special purposes (e.g., Congestion Mitigation and Air Quality Improvement Program, Highway Bridge Replacement and Rehabilitation Program)

- The term "project" means an undertaking to construct, reconstruct, or improve a particular portion of a highway, As used in this guide, projects are generally specifically designated by Congress (e.g., High Cost Bridge Projects, Congestion Relief Projects).
- The term "uses of highway funds" refers to activities that may be funded as part of a project or program. Funds are not specifically earmarked to carry out these activities; rather, program or project funds may be used for these purposes (e.g., Control of Outdoor Advertising, Hazard Elimination, Utilities).

Much of the information included in this guide was originally developed by the FHWA Region 6 Office in Fort Worth, Texas, and was included in the FHWA's 1989 publication entitled "Federal-Aid Program Guide (An Overview of Federal-Aid Highway Programs, Past and Present)". Using that information as a starting point, modifications and updates have been made in this guide basically to meet the needs of the Federal-Aid Program Branch (HNG-12). In order that other offices may format the guide to meet their needs, the complete guide is available on 3 1/2-inch computer disks in a WordPerfect 5.1 format and will be provided by HNG-12 to interested parties upon request.

Information is provided for almost all Federal-aid highway activities that have current appropriation codes listed in FHWA Order H2700.2, Volume IV, Chapter 4, Accounting Policies and Procedures Handbook. To correlate appropriation codes to Federal-aid highway activities, a listing has been provided in the table of contents.

This guide should be of interest to FHWA, State highway agency, local government, and private sector personnel interested in a basic understanding of Federal-aid programs, projects, or uses of highway funds. In addition to basic information, sources of additional information are provided.

TABLE OF CONTENTS

(By Program, Project, or Use)

PART I

"NEW ISTEa" AND "MAJOR CONTINUING" PROGRAMS, PROJECTS, AND USES OF HIGHWAY FUNDS

<u>PROGRAM, PROJECT, OR USE OF HIGHWAY FUNDS</u>	<u>PAGE</u>
NATIONAL HIGHWAY SYSTEM: National Highway System (NHS)	4
INTERSTATE:	
Interstate Construction	8
Interstate Maintenance	14
Interstate Substitution	18
Interstate Discretionary	21
Interstate 4R Discretionary	24
SURFACE TRANSPORTATION PROGRAM:	
Surface Transportation Program	28
STP Safety Improvements	32
STP Transportation Enhancement	34
STP Urbanized Areas With Over 200,000 Population and Other Areas (STP Se%-Aside)	36
CONGESTION MITIGATION & AIR QUALITY IMPROVEMENT:	
Congestion Mitigation & Air Quality Improvement Program (CMAQ)	40
BRIDGE:	
Highway Bridge Replacement and Rehabilitation Program (HBRRP)	44
Bridge Discretionary Program	47
Bridges on Indian Reservation Roads	49
Timber Bridge Research and Demonstration	51
FEDERAL LANDS:	
Indian Reservation Roads	54
Public Lands Highways	57
Parkways and Park Highways	61

<u>PROGRAM, PROJECT, OR USE OF HIGHWAY FUNDS</u>	<u>PAGE</u>
PLANNING:	
Metropolitan Planning	64
Statewide Planning	67
Management Systems	69
RESEARCH, DEVELOPMENT, AND TECHNOLOGY:	
Intelligent Vehicle Highway Systems (IVHS)	72
State Planning and Research (SPR)	75
Research and Technology Program	78
Applied Research & Technology Program	81
Seismic Research Program	83
Strategic Highway Research Program (SHRP)	84
International Highway Transportation Outreach Program	86
HIGHWAY AND RAILROAD SAFETY:	
FHWA Highway Safety Program (402 Program)	90
FHWA Highway Safety Research & Development (403 Program)	92
Safety Belts and Motorcycle Helmets	94
Railroad-Highway Crossings Demonstration Program (19 Cities)	96
Railway-Highway Crossing Hazard Elimination in High Speed Rail Corridors (STP Set-Aside)	99
Operation Lifesaver	101
EQUITY ADJUSTMENT CATEGORIES:	
Minimum Allocation -- 90 Percent	104
Donor State Bonus	106
Reimbursement for Segments of the Interstate System Constructed Without Federal Assistance	108
Hold Harmless	110
90 Percent of Payment Adjustments	112
Additional Allocation--Wisconsin	114
SPECIAL PROGRAMS:	
Emergency Relief Program	116
Scenic Byways Program	119
National Recreational Trails Funding Program	120
National High-Speed Ground Transportation Technology Demonstration Program	122
National Magnetic Levitation (MAGLEV) Prototype Development Program	124
Congestion Pricing Pilot Program	127
Infrastructure Awareness Program	129
Private Sector Involvement Program	130
SPECIAL USES OF HIGHWAY FUNDS:	
Arkansas Traffic Control Devices	134
Credit for Non-Federal Share	136
Ferry Boat and Ferry Terminal Facilities	138

<u>PROGRAM, PROJECT, OR USE OF HIGHWAY FUNDS</u>	<u>PAGE</u>
Highway Use Tax Evasion Projects	140
Public Transportation	142
Temporary Matching Fund Waiver (FY's 1992-1993) *	146
SPECIAL PROJECTS:	
High Cost Bridge Projects	150
Congestion Relief Projects	153
High Priority Corridors on National Highway System	157
Rural Access Projects	161
Urban Access and Urban Mobility Projects	167
Innovative Projects	172
Priority Intermodal Projects	181
Miscellaneous Highway Projects (1991 ISTEA)	185
Demonstration, Priority, and Special Interest Projects (1970-1992)	187

PART II

“OTHER CONTINUING” AND “INACTIVE” PROGRAMS, PROJECTS, AND USES OF HIGHWAY FUNDS

<u>PROGRAM, PROJECT, OR USE OF HIGHWAY FUNDS</u>	<u>PAGE</u>
Access Highways to Public Recreation Areas on Certain Lakes	198
Advance Construction	201
Alaska Highway, Shakwak	205
Alaskan Assistance	207
Appalachian Development Highway Program	208
Baltimore-Washington Parkway	211
Bicycle Transportation and Pedestrian Walkways	213
Bicycle Grants	216
Bikeway Demonstration	217
Bond Issue Projects	218
Bridge Replacement (Special)	220
Bridges on Federal Dams	221
Carpool and Vanpool Projects	223
Combined Road Plan	226
Commercial Driver's License	228
Consolidated Primary	230
Control of Outdoor Advertising	233
Defense Access Roads	236
Disadvantaged Business Enterprises	238
Economic Growth Center	240

<u>PROGRAM, PROJECT, OR USE OF HIGHWAY FUNDS</u>	<u>PAGE</u>
Elimination of Roadside Obstacles	242
Energy Impacted Roads	244
Florida Commuter Rail Project	246
Forest Highways	248
"G" Funds	251
Great River Road	253
Hazard Elimination	256
High Hazard Locations	258
High Hazard Locations/Elimination of Roadside Obstacles	259
Highways Crossing Federal Projects	260
Innovative Technologies	262
Interstate 4R	264
Interstate Gap Closing	267
Interstate One-Half Percent Minimum Apportionment	268
Junkyard Control	270
Landscaping and Scenic Enhancement	272
Local Public Works Grants	274
Long-Term Pavement Monitoring	275
Motor Carrier Safety Assistance Program	277
National Highway Institute	280
National Maximum Speed Limit Compliance Program	282
National Ridesharing Demonstration Program	283
National Ridesharing Discretionary Program	285
New Community Assistance Grants	287
Non-Urbanized Public Transportation	288
Off-System Roads	290
Pavement Marking Demonstration Program	291
Planning and Research (PR)	293
Priority Primary	295
Priority Primary Discretionary	297
Primary System 3R/4R	299
Rail Crossings Demonstration (Northeast Corridor)	301
Rail-Highway Crossings	304
Rail-Highway Crossings--Off-System	307
Regional Development	308
Research and Development Administrative Funds	309
Right-of-Way Revolving Fund (Advance Acquisition of Rights-of-Way)	311
Rural Primary	313
Rural Secondary	314
Rural Technical Assistance Program (RTAP)	316
Rural Highway Public Transportation Demonstration	319
Safer Off-System Roads	320
Safer Roads Demonstration	322
Secondary	323
Secondary 3R/4R	324
Sliding Scale Rates	326
Special Urban High Density	328
Supportive Services	330

<u>PROGRAM, PROJECT, OR USE OF HIGHWAY FUNDS</u>	<u>PAGE</u>
Temporary Matching Fund Waiver (FY's 1983-1984)	332
Territorial Highways	334
Toll Pilot Program	337
Toll Roads, Bridges, and Tunnels	339
Traffic Control Signalization Demonstration	342
Traffic Operations Program to Increase Capacity and Safety (TOPICS)	344
Transition Quarter	346
Transportation Systems Management Demonstration	347
Urban System	348
Urban Extensions	351
Urban 3R/4R	352
Utilities	353

TABLE OF CONTENTS (By Appropriation Code)

<u>APPN. CODE</u>	<u>PROGRAM, PROJECT, OR USE</u>	<u>PAGE</u>
007	Adv. Const, Interstate 4R, ACI Projects	202
008	Adv. Const, Interstate, ACI Projects	202
009	AC, Interstate Grade Xings, ACI E Projects	202
010	Consolidated Primary	230
022	Secondary	323
032	Urban Extensions	351
042	Interstate	8
043	Interstate, 100%	8
044	Interstate 4R	264
045	Interstate Gap Closing	267
050	Interstate, 1/2 % Minimum	8, 268
054	Interstate Discretionary	21
055	Urgent Supplemental Non-Interstate	8
056	I-4R Discretionary Prior to 1991 ISTE	24
059	Interstate, 1/2 % Minimum, 100 %	8
071	Priority Primary Discretionary	297
072	Bridges on Federal Dams	221
073	Rural Primary	313
075	Rural Secondary	313, 324
077	TOPICS	344
079	Secondary 3R/4R, FY 1979-1982	324
080	Highway P&R, FY-91 & Prior Years	75
081	State P&R, 2% I FY-92 & Subsequent Years	75
082	Metropolitan Planning, FY-91 & Prior Years	64
083	Emer. Relief, CA Earthquake, Fed-Aid Hwys	116
084	Emergency Relief, CA E'quake, Fed. Owned Rds . .	116
085	Metropolitan Planning, 1%, FY-92 & Subsequent.	64
086	State P&R, Mandatory 25% for R, D, & TT	75
088	Emergency Relief, Non-Cap Funds	116
089	Emergency Relief, Non-Cap Funds	116
098	Emergency Relief, Fed-aid Highways	116
099	Emergency Relief, Federally Owned Roads	116
102	ROW Revolving Fund	311
106	Economic Growth Center, Categorical	240
107	Special Urban High Density, 81 & 87 Acts	328
109	AC, Interstate Grade Xings, ACI Projects	202
110	Primary 3R/4R, FY 79-82	299
113	Bridge Replacement Demo Project	190
114	HBRRP-Apport., Optional 20% On/Off F-A Hwy	44
115	Bridge Replacement (Special)	220
116	Acceleration of Bridge Projects	190
117	HBRRP-Apportioned, Mandatory 15% Off F-A Hwys.	44

<u>APPN. CODE</u>	<u>PROGRAM, PROJECT, OR USE</u>	<u>PAGE</u>
118	HBRRP-Appportioned, Mandatory 65% On F-A Hwys . .	44
119	Discretionary, On F-A Highways	47
123	Skill & DBE Tng, FY 87 & Before	330
124	Transition Quarter, Non-Interstate	346
125	Transition Quarter, Interstate	346
126	Franconia Notch Demo Project	190
127	Territories (71-82), GF	334
128	Woodrow Wilson Bridge	190
129	Union Station	190
133	Alaskan Assistance	207
134	Special Urban High Density, 73, 76, & 78 Acts.	328
135	Great River Road, Categorical, FY-82 & After . .	253
136	Everett Bypass Demo Project	190
137	Traffic Control Signalization Demo	342
138	Rail/Hwy Xings, Elim. Hazards, FY 91 & Before.	304
139	Rail/Hwy Xings, Devices, FY 91 & Before	304
140	Pavement Marking Demonstration Program	291
141	Hazard Elimination, FY 1991 and Prior Years...	256
142	High Hazard Locations	258
143	Bloomington Ferry Bridge Demo Project	190
144	Elimination of Roadside Obstacles	242
145	HES/ROS, High Hazard Locations	259
146	HES/ROS, Elim. of Roadside Obstacles	259
148	Safer Roads Demo	322
150	Intermodal Urban Demo Project	190
151	Forest Highways, FY's 1972-1983 (1st Qtr.) ...	57,248
153	Public Lands, Pre-FY 1983	57
156	Access Control Demo Projects	190
157	Redwood Bypass Demo Project	190
158	Integrated Motorist Info System	190
159	Overseas Highway	190
160	Minimum Allocation, 85%, FY-91 and Prior Yrs . .	104
161	Baltimore-Washington Parkway	190,211
163	Indian Reservation Rds, FY-83 and Subsequent . .	54
169	Acosta Bridge	190
171	Nat. Ridesharing Discretionary, Tech. Assist . .	285
172	Nat. Ridesharing Discretionary, Grants/Loans . .	285
174	Nat. Ridesharing Discretionary, Grants/Loans . .	285
175	Nat. Ridesharing Discretionary, Tech. Assist . .	285
176	Intermodal Urban Demo Project	190
177	I'state Sub., FY-84 and After, Apport. Funds . .	18
178	I'state Sub., FY-84 and After, Discret. Funds.	18
179	Parkways	61
180	Park Roads	61
181	Forest Highways, FY 1983 Allocated	57,248
182	Strategic Highway Research Prog., FY's 87-91..	84
183	Public Lands, FY's 1983-1991	57
184	Alaska Highway, Consolidated Primary	205,230
187	Alaska Highway, Funds Transferred to Canada...	205

<u>APPN. CODE</u>	<u>PROGRAM, PROJECT, OR USE</u>	<u>PAGE</u>
189	Alaska Highway, Funds Transferred to Canada...	205
186	Talmadge Bridge	190
187	Interstate, Shakwak Project	8
188	Interstate, I-287 Bypass	8
190	Motor Carrier Safety Grants, FY 1984-1987	277
191	Forest Highways, FY's 1984-1991 Allocated	57, 248
194	Intermodal Urban Demo Project	190
196	Consolidated Primary, I-4R	230
198	Motor Carrier Safety Grants, FY 1985-1988	277
210	Motor Carrier Safety Grants, FY 1986-1989	277
211	Motor Carrier Safety Grants, FY 1987-1989	277
212	Motor Carrier Safety Grants Contract Auth	277
220	Los Angeles Freight to Water Demo Project	190
221	Shoreline Erosion Prevention Demo Project ...	190
222	Traffic Congestion Demonstration Project	190
223	Acceleration of Construction Demo Project	190
224	Certification of State Procedures Demo Proj ...	190
225	Devil's Lake Road Erosion Demo Project	190
226	Intercostal Waterway Bridge Demo Project	190
227	Railroad & Truck Safety Demo Project	190
228	State-of-the-Art Technology Demo Gap Closing . .	190
229	Usable Segments Demonstration Project	190
244	Nat. Ridesharing Demo, UMTA Section 6 Funds ...	283
248	R&D Admin. Funds	309
300	Highway Safety & Economic Dev. Demo Project ...	190
301	Airport Access Demo Project, Ontario	190
302	Highway Safety Improvement Demo Project	191
303	Highway-Railroad Grade Sep. Demo	191
304	Nuclear Waste Transportation Safety Demo	191
305	Roosevelt Bridge Capacity Improvements	190
306	Airport Access Highway Demo	190
307	Section 149 (1987 STURAA) Demo Projects	191
308	UT Pedestrian Safety Demo, Sec 149C funds	193
309	Section 149 (1987 STURAA) Demo Projects	191
311	Vehicular & Pedestrian Safety Demo Project	193
312	Corridor Safety Improvement	193
313	Bridge Capacity Improvements	193
315	National Highway System (NHS)	4
320	Congestion Mitigation & Air Quality (CMAQ)	40
323	IVHS, Corridors Prog., Prior. Urban Corridor . .	72
324	IVHS, Corridors Prog., Other Corrs. & Areas ...	72
325	IVHS, Other Activities, Innovative, High Risk.	72
326	IVHS, Other Activities	72
327	Ferry Boat & Ferry Terminal Facilities	138
332	Scenic Byways Program	119
333	Interim Scenic Byways Program	119
334	Highway Use Tax Evasion Projects	140
335	Seat Belts & Motorcycle Helmets	94
360	High Cost Bridge Projects	150

<u>APPN. CODE</u>	<u>PROGRAM, PROJECT, OR USE</u>	<u>PAGE</u>
361	Congestion Relief Projects.....	153
362	High Priority Corridors on the NHS.....	157
363	High Prior. Corr. on the NHS, Feas. Studies.,.	157
364	High Prior. Corr. on the NHS, Revolving Fund..	157
365	Rural Access Projects.....	161
366	Urban Access & Urban Mobility Projects.....	167
367	Innovative Projects.....	172
368	Priority Intermodal Projects.....	181
369	Congestion Pricing Pilot Program.....	127
372	Strategic Hwy Research Program, FY's 92-97....	84
373	Applied Research & Technology Program.....	81
374	Seismic Research Program	83
377	Infrastructure Awareness Program	129
500	Intersection Safety Demonstration Project.....	193
501	Highway Capacity Improvement Demo Project.....	193
502	Climbing Lane Safety Demonstration Project....	193
503	Indiana Industrial Corridor Safety Demo Proj..	193
504	Oklahoma Highway Widening Demo Project.....	193
505	Alabama Highway Bypass Demonstration Project..	193
506	Kentucky Bridge Demonstration Project.....	193
507	Virginia HOV Safety Demonstration Project.....	193
508	Urban Highway Corridor Demonstration Project..	193
509	Urban Airport Access Safety Demo Project.....	193
510	Corridor H Improvement Project (WV).....*	193
511	Road Extension Demonstration.....	193
512	Bridge Restoration (Chattanooga, TN).....	193
513	Reservation Road.....	193
514	International Zaragosa Bridge (El Paso, TX)...	193
515	Ebensburg Bypass Demonstration Project (PA)...	193
516	Expressway Safety Improvement Demo Project.....	193
518	Highway Widening Demonstration Project.....	193
519	Projects in 1991 DOT Appropriations Act.....	193
520	Des-Moines Inner Loop Demo-Project (IA)*.....	193
521	Corridor G Improvement Project (US-119) (NV)..	193
522	Corning Bypass (SR-17) Sfty Demo Project (NY).	193
523	Spring Mountain Demonstration Project (NV)....	193
524	Manhattan Bridge Replace. Demo Project (KS)...	193
525	Junction City Hwy Improvment Demo Proj (KS)...	193
526	Reconstruction(Haws Pike, Windber Bypass).....	194
527	PA Toll Road Demo-Monongahela Valley Express..	194
528	Projects in 1991 & 1992 DOT Approp. Acts	193
530	Bypass Construction Project - Wierton (WV)....	194
531	Turquoise Trail Project-Hopi & Navajo Res.....	193
532	Trade Enhancement Demo SR-189, Nogales (AZ)...	193
533	Ottumwa Road Extension Project (IA).....	194
534	Iowa Connector Project - Council Bluffs.....	194
535	US-20 Realignment Early to Ft Dodge (IA),....	194
536	Ramp Relocation & Reconstr. (I-94, Milwaukee).	194
537	US-54 Interchange at Dugan St. - Wichita (KS).	194

<u>APPN. CODE</u>	<u>PROGRAM, PROJECT, OR USE</u>	<u>PAGE</u>
538	Bridge Improvement Demonstration Project	193
540	Projects in 1992 DOT Appropriations Act	194
541	Projects in 1992 DOT Appropriations Act	194
580	I'state Substitution, Before FY-84, from G.F . .	18
581	Mianus Bridge Emergency Assistance	190
582	Hwys Crossing Fed. Projects (Reapprop. Funds).	260
583	Auto/Pedestrian Separation Demo Project	190
584	Highway Safety Separation Demo Project	190
585	AHL, FY 1984 categorical funds	198
586	AHL, FY 1985 categorical funds	198
587	Bridge Improvement Demonstration Project	193
588	Highway Bridge Relocation Demo Project	193
589	Highway Bypass Demonstration Project	193
590	Accelerated Highway Widening Demo Project	190
591	Waste Isolation Pilot Plant (WIPP) Roads	190
592	Highway Widening Demonstration Project	193
593	Traffic Improvement Demonstration Project	193
600	AHL, "No-Year" categorical funds	198
615	Great River Road, Categorical, FY-81 & Prior . .	253
616	Rural Highway Public Transportation Demo	319
617	Alaska Highway (GF)	205
622	Territories (71-82), GF	334
623	Territories (71-82), GF	334
624	Territories (71-82), GF	334
625	Territories (71-82), GF	334
626	Territories (71-82), GF	334
627	Off-System Roads	290
628	AHL, FY's 1976-1978 categorical funds	198
633	Bikeway Demonstration	217
637	AHL, FY's 1978-1980 categorical funds	198
638	ARC Funds for Appalachian Development Hwys	208
639	ARC Funds for Local Access Roads	208
641	ARC Funds for Appalachian Development	208
642	ARC Funds for Local Access Roads	208
643	Highways Crossing Federal Projects	260
644	Territories (71-82), GF	334
645	Territories (71-82), GF	334
646	Control of Outdoor Advertising, FY 1966	233
647	Control of Outdoor Advertising, FY 1967	233
649	Control of Outdoor Advertising, FY 70-73, 75 . .	233
655	AHL, FY's 1979-1981 categorical funds	198
656	Junkyard Control, FY 1966 funds	270
657	Junkyard Control, FY 1967 funds	270
659	Junkyard Control, FY's 1970-1973 and 1975	270
660	Territories (71-82), GF	334
665	AHL, FY's 1983-1984 categorical funds	198
666	Landscaping & Scenic Enhancement, FY 1966	272
667	Landscaping & Scenic Enhancement, FY 1967	272
669	Landscaping & Scenic, FY's 70-73, 75	272

<u>APPN. CODE</u>	<u>PROGRAM, PROJECT, OR USE</u>	<u>PAGE</u>
670	Rail Line Consolidation Demo Project.....	190
671	Airport-Highway Demonstration.....	190
672	Expressway Gap Closing Demo Project.....	190
679	Safer Off-System Roads, Bridge Inventory	320
680	Safer Off-System Roads, Construction.....	320
685	Rail/Hwy Xings, Off-System, Elim. Hazards.....	307
686	Rail/Hwy Xings, Off-System, Devices.....	307
688	Control of Outdoor Advertising, FY 77-82.....	233
689	Junkyard Control, FY 1977 and After.....	270
693	RR Relocation Demo Program (NE Corridor).....	96,190,301
694	Bicycle Grants.....	216
697	RR Relocation Demo Program (19 Cities).....	96,190
699	Control of Outdoor Advertising, Bonus claims . .	233
708	Commercial Drivers Lic., Supp. Grant (87-88) . .	228
709	CDL, Information System Grant (87-89).....	228
724	Defense Access Roads.....	236
725	Defense Access Roads.....	236
726	Defense Access Roads.....	236
727	Defense Access Roads.....	236
728	Defense Access Roads.....	236
729	Defense Access Roads.....	236
733	Defense Access Roads.....	236
734	Defense Access Roads.....	236
735	Defense Access Roads.....	236
736	Defense Access Roads.....	236
737	Defense Access Roads.....	236
738	Defense Access Roads.....	236
739	Defense Access Roads.....	236
748	Defense Access Roads.....	236
749	Defense Access Roads.....	236
751	Defense Access Roads.....	236
752	Defense Access Roads.....	236
753	Defense Access Roads.....	236
754	Defense Access Roads.....	236
755	Defense Access Roads.....	236
766	Defense Access Roads.....	236
770	Non-Urban Public Trans., 81 & After, Expenses.	288
771	Non-Urban Public Trans., 81 & After, Admin....	288
772	I'state Substitution, Before FY-84, from G.F . .	18
780	Transportation Systems Management Demo.....	347
781	Defense Access Roads.....	236
785	Defense Access Roads.....	236
786	Non-Urban Pub. Trans., 83, Non-op Expenses....	288
787	Non-Urban Pub. Trans., 83, Admin.....	288
788	Defense Access Roads.....	236
789	Defense Access Roads.....	236
790	Defense Access Roads.....	236
795	ARC Funds for Appalachian Development Hwys....	208
796	ARC Funds for Local Access Roads.....	208

<u>APPN. CODE</u>	<u>PROGRAM, PROJECT, OR USE</u>	<u>PAGE</u>
797	Defense Access Roads	236
808	Regional Development	308
819	New Community Assistance Grants	287
823	I'state Substitution, Before FY-84, from G.F . . .	8
824	NE Corridor (Private Crossings)	301
825	Indian Reservation Roads, Prior to FY-83	54
834	Defense Access Roads	236
836	Defense Access Roads	236
842	Highland Scenic Highway	190
851	Defense Access Roads	236
852	Defense Access Roads	236
853	NE Corridor (Public Crossings)	301
855	Local Public Works Grants	274
881	Non-Urban Pub. Trans., 80 & Prior, Expenses ...	288
882	Non-Urban Pub. Trans., 80 & Prior, Admin	288
942	R&D Admin. Funds	309
943	Long Term Pavement Monitoring, Categorical	275
944	Nat. Ridesharing Demo, FHWA GOE Funds	283
945	RTAP	316
946	RTAP	316
953	R&D Admin. Funds	309
01B	Consolidated Primary, Priority, Sect. 149(k)..	230
01E	Consolidated Primary, TMFW	147, 230
01L	TMFW (83-84), Increased Share for Con. Prim...	332
01U	TMFW (83-84), Increased Share for E.G. Ctr....	332
04C	Interstate, 1956	8
04L	Interstate Maintenance, 100% for Safety	14
04M	Interstate Maintenance	14
04N	TMFW (83-84), Increased Share for I'state	332
04P	Interstate, TMFW	8, 147
04Q	Interstate Maintenance, TMFW	14, 147
04R	TMFW (83-84), Increased Share for I'state	332
04T	Interstate 4R, TMFW	147
04V	Interstate Substitution, Apportioned, TMFW	18
05C	Interstate, 1/2 % Minimum, TMFW	8, 147
05R	TMFW (83-84), Increased Share for I'state	332
07A	Rural Secondary, TMFW	147
07M	TMFW (83-84), Incr. Share Discret. Pr. Prim...	332
07T	TMFW (83-84), Increased Share for Rural Sec...	332
07Y	TMFW (83-84), Increased Share for Rural Sec...	332
08A	State P&R, 2%, TMFW	147
08C	Metropolitan Planning, 1%, TMFW	64, 147
08E	State P&R, Mandatory 25% for R, D, & TT, TMFW.	75, 147
08F	1-1/2% SPR, TMFW	147
08G	1/2% Allocated Planning Funds, TMFW	147
09A	Emergency Relief, Hurr. Hugo, Fed-Aid Hwys....	116
09B	Emergency Relief, Hurr. Hugo, Fed. Owned Rds..	116

<u>APPN. CODE</u>	<u>PROGRAM, PROJECT, OR USE</u>	<u>PAGE</u>
11D	HBRRP-Apport., Opt. 20% On/Off F-A Hwys, TMFW.	44,147
11E	HBRRP-Apport., Mand. 15% Off F-A Hwys, TMFW...	44,147
11G	HBRRP-Apport., Mand. 65% On F-A Hwys, TMFW....	44,147
11L	TMFW (83-84), Increased Share for Con. Prim...	332
11M	Discretionary, On F-A Highways, TMFW.....	44,147
11N	Timber Bridge Research Grants.....	51
11P	Timber Bridge Construction Grants.....	51
11Q	Timber Bridge Tech. & Info. Transfer.....	51
11R	TMFW (83-84), Increased Share for HBRRP.....	332
11T	Bridges on Indian Reservation Roads.....	49
11V	TMFW (83-84), Increased Share for HBRRP.....	332
11W	TMFW (83-84), Increased Share for HBRRP.....	332
11Y	TMFW (83-84), Increased Share for HBRRP.....	332
12B	Skill training after FY 1987.....	330
12C	DBE training after FY 1987.....	330
13M	Rail-Hwy Xings, Elimination of Hazards, TMFW . .	147
13N	Rail-Hwy Xings, Protective Devices, TMFW.....	147
13T	TMFW (83-84), Increased Share for GRR.....	332
13W	TMFW (83-84), Increased Share for Rail/Hwy....	332
13Y	TMFW (83-84), Increased Share for Rail/Hwy....	332
14K	Hazard Elimination, TMFW.....	147
14M	TMFW (83-84), Increased Share for Haz. Elim...	332
16L	TMFW (83-84), Increased Share for Min. Alloc . .	332
17A	Interstate Transfer, New York, 1986.....	8
17G	Inter-modal Urban Demo Project.....	190
17H	Interstate Transfers, Discretionary, TMFW.....	147
17V	TMFW (83-84), Increased Share for I'state.....	332
17W	TMFW (83-84), Increased Share for I'state.....	332
18A	Alaska Highway, Funds Transferred to Canada...	205
18B	Alaska Highway, Funds Transferred to Canada...	205
18E	Public Lands, FY 1992 and Subsequent Years....	57
19A	Forest Highways, FY 1992 and Subsequent Years.	57,248
19T	TMFW (83-84), Increased Share for Con. Prim...	332
21A	Commercial Drivers Lic., Basic Grant (87-91) . .	228
21B	Commercial Drivers Lic., Supp. Grant (89-91) . .	228
21C	CDL, Clearinghouse Grant (89-91).....	228
31A	NHS-100% Federal Participation for Safety.....	4,32
31B	NHS-Discretionary.....	4,24
31C	NHS, Temporary Matching Fund Waiver.....	4,147
31D	NHS-Discretionary, 100% for Safety.....	4,24
31E	NHS-Territories.....	4,32,334
31F	State P&R, NHS-Territories.....	75,334
32A	CMAQ, 100%, Rail-Highway Grade Crossings.....	40
32B	CMAQ, TMFW.....	40,147
33A	STP-Optional Safety.....	28,32
33B	STP-Transportation Enhancement.....	28,34
33C	STP-Urbanized Areas With Populations >200,000.	28,36
33D	STP-State Flexible.....	28,36,314,348
33E	STP-Mandatory Amount for Non-Urban Areas.....	28,36

<u>APPN. CODE</u>	<u>PROGRAM, PROJECT. OR USE</u>	<u>PAGE</u>
OAE	High Cost Bridge Projects, Advance Const.....	150,201
OAF	Congestion Relief Projects, Advance Const.....	150,201
0AH	High Priority Corr. on the NHS, Adv. Const....	157,201
OAK	Rural Access Projects, Advance Construction...	161,201
OAL	Urban Access & Mobility Projects, Adv. Const . .	167,201
OAM	Innovative Projects, Advance Construction.....	172,201
OAN	Priority Intermodal Projects, Adv. Const.....	181,201
OAP	State P&R, Mand. 25% R, D, for TT, Adv. Const ...	75
00A	Adv. Const, Fed-aid Demo Projects (308)	202
00B	Adv. Const, Federal-aid Minimum Allocation ...	202
00C	Adv. Const, Fed-aid Demo Projects (309)	202
00D	Adv. Const, HBRRP (114)	202
00E	Adv. Const, HBRRP (117)	202
00F	Adv. Const, HBRRP (118)	202
00G	Adv. Const, Research and Planning, E Projects.	202
00H	Adv. Const, Research and Planning	202
00J	Adv. Const, Urban Trans. Planning, E Projects.	202
00K	Adv. Const, Urban Transportation Planning	202
00L	Adv. Const, Hazard Elimination, E Projects....	202
00M1	Adv. Const, Hazard Elimination Program.....	202
00N	AC, Rail-Hwy Xings, Elim. of Hazards, E Proj . .	202
00P	AC, Rail-Hwy Xings, Elimination of Hazards....	202
00R	AC, Rail-Hwy Xings, Prot. Devices, E Projects.	202
00T	AC, Rail-Hwy Xings, Protective Devices	202
3AA	STP-Other Than 200,000 Population	28,36
3AB	STP-<200,000 Population, TMFW	28,36,147
3AC	STP-<200,000 Population, 100%	28,36
3AD	STP-1/4 % Skill Training	28
3AE	STP-TMFW Rail-Hwy Xings/Protective Devices....	28,32,147
3AF	STP-TMFW Rail-Hwy Xings/Hazard Elimination....	28,32,147
3AG	STP-TMFW-1/16 % NHI Skill Training	28,147
3AH	STP-TMFW Hazard Elimination Program.....	28,32,147
3AJ	STP-TMFW 1/4 % Skill Training	28,147
3AK	STP-FTA Urbanized Areas >200,000 Population . .	28,36,142
3AL	STP-FTA Optional Safety	28,32,142
3AM	STP-FTA Transportation Enhancement	28,34,142
3AN	STP-FTA State Flexible	28,36,142
3AP	STP-FTA Mandatory Amount for Non-Urban Areas . .	28,36,142
3AR	STP-FTA Rail-Hwy Xings, Protective Devices....	28,32,142
3AT	STP-FTA Rail-Hwy Xings, Elim. of Hazards	28,32,142
3AW	STP-FTA Hazard Elimination Program	28,32,142
3AY	STP-FTA Other Than 200,000 Population	28,36,142
3AZ	CMAQ-FTA	40,142
3TZ	CMAQ-FTA, TMFW	40,147

<u>APPN. CODE</u>	<u>PROGRAM, PROJECT. OR USE</u>	<u>PAGE</u>
A01	Priority Primary, PR.....	293
A04	Consolidated Primary, PR.....	230, 293
A06	Consolidated Primary, Economic Growth Center . .	230
A07	Primary , PR.....	293
A08	Primary, Exclusive of Urban Ext., PR.....	293
A09	Consolidated Primary, Econ. Growth Ctr., TMFW.	147, 230
Al2	Priority Primary.....	295
Al4	Consolidated Primary, 100%.....	230
A35	Consolidated Primary, Great River Road.....	253
A3T	TMFW (83-84), Increased Share for Con. Prim...	332
A45	Consolidated Primary, Great River Road.....	230
A51	Interstate, 1/2 % Minimum.....	8
A52	I'state, 1/2 % Min., Econ. Growth Ctr., TMFW . .	147
A61	Consolidated Primary, Bicycle & Pedestrian	213, 230
A65	AHL, Primary apportioned funds.....	198
A75	Consolidated Primary, Access to Lakes.....	198, 230
A85	Consolidated Primary,, Energy Impacted Roads...	230, 244
A86	Consolidated Primary, 20% Mand. Energy Rds....	230, 244
A87	Consol Primary, Energy Impacted Rds, TMFW....	147, 230
B07	Secondary , PR.....	293
B08	Secondary, Exclusive of Urban Ext.....	293
B11	Rural Secondary, Economic Growth Center, TMFW.	147
B35	Rural Secondary, Great River Road.....	253
B45	Rural Secondary, Great River Road.....	253
B61	Rural Secondary, Bicycle & Pedestrian.....	213
B65	AHL, Secondary apportioned funds.....	198
B75	AHL, Rural Secondary apportioned funds.....	198
B85	Rural Secondary, Energy Impacted Roads.....	244
B86	Rural Secondary, Energy Impacted Roads.....	244
co7	Urban , PR.....	293
C08	Urban Traffic Operation Projects.....	293
CR1	CRP-Secondary, Urban, Non-Primary Bridge	226
CR2	Combined Road Plan, TMFW.....	147
CG1	CRP-Pooled Fund, 100%.....	226
EC1	CRP-Minimum Allocation	226
EC2	CRP-Excess Interstate 1/2 % Minimum	8, 226
EC3	CRP-Interstate Substitution, Apportioned.....	226
EC4	CRP-Interstate Substitution, Discretionary....	226
EG1	CRP-Minimum Allocation, 100%, 23U.S.C.120(d) . .	226
EG2	CRP-Excess Interstate 1/2 % Minimum, 100%.....	8, 226
K63	Federal Lands, Bicycle and Pedestrian.....	213
K79	Federal Lands, Bicycle and Pedestrian.....	213
K81	Federal Lands, Bicycle and Pedestrian.....	213
K83	Federal Lands, Bicycle and Pedestrian.....	213
K91	Federal Lands, Bicycle and Pedestrian.....	213
N85	Minimum Allocation, Energy Impacted Roads.....	244
P12	Adv. Const., Consolidated Primary, E Proj	202
P13	AC, Consol. Primary Grade Xings, E Proj	202
P14	AC, Consol. Primary, 1/2% HPR, E Proj	202

<u>APPN. CODE</u>	<u>PROGRAM, PROJECT, OR USE</u>	<u>PAGE</u>
P22	Adv. Const, Secondary, E Projects.....	202
P23	Adv. Const, Secondary Grade Crossing, E Proj..	202
P24	Adv. Const, Rural Secondary, 1/2% HPR, E Proj.	202
P34	Adv. Const, Urban System - Attrib., E Proj....	202
P36	Adv. Const, Urban System-Not Attrib., E Proj..	202
P73	Adv. Const, Interstate Transfers, E Projects..	202
P74	Adv. Const, HBRRP, E Projects.....	202
P75	Adv. Const, Rural Secondary, E Projects.....	202
P76	Adv. Const, Rural Secondary Xings, E Projects.	202
R85	HBRRP, Energy Impacted Roads.....	244
R86	HBRRP, Energy Impacted Roads.....	244
S12	Adv. Const, Consolidated Primary.....	202
S13	Adv. Const, Consolidated Primary Grade Xing . .	202
S14	Adv. Const, Consolidated Primary, 1/2% HPR....	202
S15	Adv. Const, Primary Funds Used for I-4R	202
S22	Adv. Const, Secondary	202
S23	Adv. Const, Secondary Grade Crossing.....	202
S24	Adv. Const, Rural Secondary, 1/2% HPR	202
S34	Adv. Const, Urban System - Attributable	202
S36	Adv. Const, Urban System - Not Attributable...	202
S73	Adv. Const, Rural Primary	202
S74	Adv. Const, Rural Primary Grade Crossing.....	202
S75	Adv. Const, Rural Secondary	202
S76	Adv. Const, Rural Secondary Grade Crossing....	202
S77	Adv. Const, Interstate Transfers, 1 1/2% HPR..	202
S78	Adv. Const, Interstate Transfers - Apport.....	202
W07	Urban System, PR.....	293
W08	Urban System, PR.....	293
W09	Urban, Not Attrib., Econ. Growth Ctr., TMFW...	147
W32	FAUS, Non-Attributable.....	348
W36	FAUS, Attributable	348
W35	Urban, Great River Road.....	253
W38	Urban, Great River Road.....	253
W3A	Urban System, TMFW.....	147
W3B	Allocated Urban System, TMFW.....	147
W3N	TMFW (83-84), Increased Share for Urban.....	332
W3U	TMFW (83-84), Increased Share for Urban.....	332
W61	Urban, Bicycle & Pedestrian.....	213
W62	Urban, Bicycle & Pedestrian.....	213
W65	AHL, Urban System apportioned funds.....	198
W85	Urban, Energy Impacted Roads.....	244
W86	Urban, Energy Impacted Roads.....	244
X12	Primary Highways, 1/2 % NHI.....	280
X13	Priority Primary Routes, 1/2 % NHI.....	280
X14	Consolidated Primary, NHI.....	230, 280
X15	Consolidated Primary, 1/4 % NHI.....	230, 280
X22	Secondary Highways, 1/2 % NHI	280
X30	Urban System Highways, 1/2 % NHI.....	280
X32	Urban Highways, 1/2 % NHI	280

<u>APPN. CODE</u>	<u>PROGRAM. PROJECT, OR USE</u>	<u>PAGE</u>
X42	Interstate, 1/4 % National Highway Institute..	8
x44	Interstate 4R, 1/4 % NHI.....	280
x73	Primary Hwys Exclusive of Urban Ext.1/2 % NHI.	280
x75	Secondary Hwys Excl. of Urban Ext.. 1/2 % NHI.	280
x77	Traffic Op. Pro-j. in Urban Areas, 1/2 % NHI . .	280

**A GUIDE TO FEDERAL-AID PROGRAMS,
PROJECTS, AND OTHER USES OF HIGHWAY FUNDS**

PART I

**"NEW ISTEА" AND "MAJOR CONTINUING" PROGRAMS, PROJECTS,
AND OTHER USES OF HIGHWAY FUNDS**

NATIONAL HIGHWAY SYSTEM

NATIONAL HIGHWAY SYSTEM (NHS)

STATUS: NEW ISTE A PROGRAM.

APPROPRIATION CODES:

315 -- NHS-National Highway System
31A -- NHS-100% Federal Participation for Safety
31B -- NHS-Discretionary
31c -- NHS, Temporary Matching Fund Waiver
31D -- NHS-Discretionary, 100% Federal Participation for Safety
31E -- NHS-Territories
OAC -- NHS-Advance Construction

FEDERAL PARTICIPATION: The normal pro-rata share is 80%. When NHS funds are used to cover overruns on previously authorized Federal-aid projects the Federal share should be that originally authorized for the project. 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. The Federal share may be increased up to 95% in States with large areas of public lands, and up to 100% for safety, traffic control, and carpool/vanpool projects as set forth in 23 U.S.C. 120(c). Conversely, the non-Federal share may be increased if the State desires, so as to reduce the normal Federal pro-rata share.

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - Statutory formula set forth in 23 U.S.C. 104(b)(3). The formula is based on each State's FY 1987-1991 share of total national funding with appropriate adjustments for Interstate Maintenance and Bridge apportionments.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes.

STATUTORY REFERENCE: 23 U.S.C. 103; Sections 1006 & 1003 of the 1991 ISTE A (Public Law 102-240).

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 the Federal Transit Act 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 highway and improve regional travel, and (c) the construction or improvements are more cost-effective than work 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 & 135.
- Highway research and planning in accordance with 23 U.S.C. 307.
- Highway related technology transfer activities.
- Startup costs for traffic management and control for the time period necessary to achieve operable status but not to exceed 2 years.
- Fringe and corridor parking facilities.
- Carpool and vanpool projects.
- Bicycle transportation and pedestrian walkways in accordance with 23 U.S.C. 217.
- Development and establishment of management systems under 23 U.S.C. 303.
- Wetlands mitigation efforts related to Title 23 projects.

BACKGROUND INFORMATION AND ISTEA PROVISIONS:

The National Highway System (NHS) was authorized, subject to Congressional approval, by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991. Section 1006 of the 1991 ISTEA amends 23 U.S.C. 103 to include the NHS. Section 1003 of the 1991 ISTEA authorizes specific funds for the NHS.

The purpose of the NHS is to provide an interconnected system of principal arterial routes which will serve major population centers, international border crossings, ports, airports, public

transportation facilities, and other intermodal transportation facilities and other major travel destinations: meet national defense requirements; and serve interstate and interregional travel.

The NHS will contain 155,000 miles of highways (plus or minus 15 percent). Included will be all Interstate routes, a large percentage of urban and rural principal arterials, the defense strategic highway network, and major strategic highway connectors. The system, which will be proposed by the Secretary of Transportation, after consultation with the States, must be submitted to Congress for approval by September 30, 1995. In the interim, NHS funds may be expended on highways functionally classified as principal arterials.

The funding level for the NHS is \$21 billion over a 6-year period. Section 1003 of the 1991 ISTEA authorizes \$3.0 billion to be appropriated out of the Highway Trust Fund for FY 1992 and about \$3.6 billion for each of FY's 1993-1997.

The formula for distribution of funds is based on each State's FY 1987-1991 share of total national funding with appropriate adjustments for Interstate Maintenance and Bridge apportionments. This is the same as the distribution formula for the Surface Transportation Program (STP). A State may choose to transfer 50 percent of the NHS funds to the new STP program, and, if the Secretary approves (following provisions for public comments and a public interest determination), 100 percent may be transferred.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-12) and/or the Office of Engineering (HNG-12).

INTERSTATE

Interstate Construction

Interstate Maintenance

Interstate Substitution

Interstate Discretionary

Interstate 4R Discretionary

INTERSTATE CONSTRUCTION

STATUS: CONTINUING PROGRAM.

APPROPRIATION CODES:

042 -- Interstate
043 -- Interstate, 100%
04C -- Interstate, 1956
04P -- Interstate, Temporary Matching Fund Waiver
050 -- Interstate, 1/2 % Minimum
05C -- Interstate, 1/2 % Minimum, Temporary Matching Fund Waiver
055 -- Urgent Supplemental Non-Interstate
059 -- Interstate, 1/2 % Minimum, 100 % Federal Participation
17A -- Interstate Transfer, New York, 1986
187 -- Interstate, Shaktak Project
188 -- Interstate, I-287 Bypass
A51 -- Interstate, 1/2 % Minimum
EC2 -- Interstate, 1/2 % Minimum, Combined Road Plan Demo.
EG2 -- Interstate, 1/2 % Minimum, Combined Road Plan Demo.,
100 %.
X42 -- Interstate 1/4 % National Highway Institute

FEDERAL PARTICIPATION: The normal pro-rata Federal share is 90% for projects on the Interstate System regardless of the funding source. However, the Federal share is reduced to 80 percent by provisions in the 1991 ISTEA, which Congress apparently did not intend and may amend, if any of the projects add new capacity, unless the new capacity is provided through high occupancy vehicle or auxiliary lanes. The Federal share may be increased up to 95% in States with large areas of public lands, and up to 100% for safety, traffic control, and carpool/vanpool projects as set forth in 23 U.S.C. 120(c). Conversely, the non-Federal share may be increased if the State desires, so as to reduce the normal Federal pro-rata share.

PERIOD AVAILABLE: Interstate Construction (IC) funds, which are made available one year in advance, will be available until the last day of the fiscal year in which funds are apportioned. For example, FY 1993 funds were apportioned on December 18, 1991, and will lapse on September 30, 1992, and FY 1994 funds will be apportioned on October 1, 1992, and will lapse on September 30, 1993. This applies to all apportionments except the final apportionment, the FY 1996 funds, which will be apportioned on October 1, 1994, and will be available until expended. All lapsed funds will be included with the funds set aside for the Interstate Discretionary Program. All unobligated balances of previously apportioned Interstate funds, including funds previously received as a result of the 1/2 percent minimum apportionment, will remain available until expended.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment, for FY 1993 funds, using factors contained in the revised Table 5 of Committee Print 102-24, and for FY 1994-1996, reflecting all credits, apportionments, lapses, withdrawals, discretionary allocations, and transfers of funds. A separate apportionment is made to Massachusetts and funds are to be set aside for projects on National defense highways located outside the United States. Apportionments to Wisconsin are to be made as specified in Section 1045 of the 1991 ISTEA.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes.

STATUTORY REFERENCE: 23 U.S.C. 101(b), 103(e), 104(b)(5), 118(b), 119(d), and 120(c). Sections 108(b)&(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 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 inter-regional 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 FY's 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 FY's 1956-1957 and increased the Federal pro rata share from 50 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 shoulders, full control of access, and up to 70 mph design speeds. The 1975 traffic volume requirement was 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 in the mid-1990's, 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 (Appropriation Code 045), and provided the first funding for resurfacing, restoring, and rehabilitating the Interstate System, in what later became the Interstate 4R Program (Appropriation Code 044) 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 of 1 percent of the total Interstate apportionments for each of FY's 1980-1983 (Appropriation Code 050). 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 of 1 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 of 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 next ICE was to be 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 System of Interstate and Defense Highways".

ISTEA PROVISIONS:

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:

- Authorizes \$1.8 billion per year for each of FY's 1993-1996 to be appropriated out of the Highway Trust Fund for completion of the Interstate System. These funds may be supplemented with other funds, such as National Highway System (NHS) funds. Low priority work may be dropped from the Interstate Program. (Section 1001(f) of the 1991 ISTEA).
- Approves the 1991 Interstate Cost Estimate (ICE), but does 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).

- Discontinues the 1/2 percent minimum apportionment to States for Interstate construction. (Section 1001(h) of the 1991 ISTEA).
- Retains 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 Fiscal Services.
- Makes available up to \$20 million for each of FY's 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 are intended by Congress to be used on the Alaska Highway.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-13).

INTERSTATE MAINTENANCE

STATUS: NEW ISTE A PROGRAM. The Interstate Maintenance (IM) Program replaces the 3R portions of the superseded I-4R Program (the NHS Program replaces the reconstruction portion of the I-4R Program).

APPROPRIATION CODES:

04M -- Interstate Maintenance
04L -- Interstate Maintenance, 100% for Safety
0AB -- Interstate Maintenance, Advance Construction
04Q -- Interstate Maintenance, Temporary Matching Fund Waiver

FEDERAL PARTICIPATION: The normal pro-rata Federal share is 90%, but may be increased up to 95% in States with large areas of public lands, and up to 100% for safety, traffic control, and carpool/vanpool projects as set forth in 23 U.S.C. 120(c). Conversely, the non-Federal share may be increased if the State desires, so as to reduce the normal Federal pro-rata share.

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula set forth in 23 U.S.C. 104(b)(5)(B).

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes.

STATUTORY REFERENCE: 23 U.S.C. 119; Sections 1009 & 1003 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Types of work eligible for Interstate Maintenance (IM) funding include:

- Projects for resurfacing, restoration, and rehabilitation.
- Projects for the reconstruction of bridges, interchanges, and over crossings along existing Interstate routes, including the acquisition of right-of-way where necessary, but not the construction of new travel lanes other than high occupancy vehicle (HOV) lanes or auxiliary lanes.
- Projects for preventive maintenance.

BACKGROUND:

The Interstate Maintenance Program replaces the 3R portions (resurfacing, restoration, rehabilitation) of the Interstate 4R Program. The National Highway System (NHS) Program replaces the reconstruction (fourth "R") portion of the Interstate 4R Program.

An 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 FY's 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 3R Interstate 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 toll roads, but could be used on Interstate toll roads in use for more than 5 years if an agreement was reached with the State 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 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 of 1 percent of the total

Interstate apportionment for FY 1983, where necessary in order to fully utilize Interstate System funds apportioned through FY 1982. All I-4R projects authorized using this provision were identified using Appropriation Code 055.

Federal participation for this program was changed by various legislative actions. The Federal share was 90% prior to 11/6/78; 75% from 11/6/78 to 12/28/81; and 90% from 12/29/81 to the present.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) authorized \$1.95 billion for the I-4R 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 the I-4R Program for each of FY's 1988-1992. Section 114 of the 1987 STURAA reduced the availability period for I-4R funds from 4 years to 3 years (i.e., the FY for which funds were 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 I-4R or primary apportionments, (b) permitted a State to transfer up to 20% 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 at a 75% matching share, and (c) codified toll agreement language into 23 U.S.C. 119.

ISTEA PROVISIONS:

The Interstate Maintenance Program was authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991. It replaces the 3R portions of the I-4R Program (the NHS program replaces the reconstruction portion of the I-4R Program).

Section 1003 of the 1991 ISTEA provides the first annual funding for the IM Program, about \$17 billion over a 6-year period. Section 1003 authorizes \$2.4 billion to be appropriated out of the Highway Trust Fund for FY 1992 and slightly more than \$2.9 billion for each of FY's 1993-1997.

Eligible work funded with IM funds, as set forth above in the "Eligibility" section, may be performed on the following Interstate routes within the indicated constraints:

- Routes on the Interstate System designated under 23 U.S.C. 103 & 139(c).
- Routes on the Interstate System designated before March 9, 1984, under 23 U.S.C. 139(a), and existing facilities on

future designations approved prior to March 9, 1984, under 23 U.S.C. 139(b) .

- Interstate toll roads provided an agreement has been executed in accordance with the provisions of 23 U.S.C. 129(a)(3) or, prior to December 18, 1991, the provisions of 23 U.S.C. 119 (e).

Section 1009 of the 1991 ISTEA, in addition to the above:

- Modifies 23 U.S.C. 104(b)(5)(B), which previously established the apportionment formula for the I-4R Program. The new IM apportionment formula utilizes the same lane-mile (55%) and vehicular miles of travel (45%) factors, but includes 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. All States are guaranteed at least 1/2 percent of the total IM funds apportioned annually.
- Amends 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 existing routes designated prior to March 9, 1984, under 23 U.S.C. 139(a) & (b).
- Amends 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 will cost-effectively extend the Interstate pavement life. Eligible activities might include sealing joints and cracks, painting and repairing bridges, patching concrete pavement, shoulder repair, and restoration of drainage systems.
- Modifies 23 U.S.C. 119(f) to allow a State to unconditionally transfer up to 20% of its IM apportionment to its National Highway System or Surface Transportation Program. Amounts in excess of 20% may also be transferred if a State (a) certifies that the sums to be transferred are in excess of its needs for Interstate 3R work, and (b) certifies that it is adequately maintaining the Interstate System.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-13).

INTERSTATE SUBSTITUTION

STATUS: CONTINUING PROGRAM.

APPROPRIATION CODES:

580, 772, and 823 - IX-Prior to FY 1984, from the General Fund.

177 -- IX--FY 1984 and Subsequent Years, Apportioned Funds from the Highway Trust Fund.

178 -- IX--FY 1984 and Subsequent Years, Discretionary Funds from the Highway Trust Fund.

04V -- IX, Apportioned, Temporary Matching Fund Waiver

FEDERAL PARTICIPATION: 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)]

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)]

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - In accordance with adjusted cost estimates. The Secretary must (a) adjust such estimates annually, (b) use 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) use 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)]

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes.

STATUTORY REFERENCE: 23 U.S.C. 103(e)(4); Section 1011 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: 23 CFR 476

ELIGIBILITY: Projects eligible for Interstate Substitution (IX) funding include:

- 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 580, 772, and 823). 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 178 and 177, 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.

ISTEA PROVISIONS:

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 authorizes \$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 authorizes \$160 million for FY 1992 and \$164,843,000 for FY 1993 to be appropriated out of the General Fund for substitute transit projects.

The 1991 ISTEA also:

- Provides that substitute highway funds may be obligated for substitute transit projects.
- Eliminates the distribution of discretionary funds consisting of 25 percent for highway funds and 50 percent for transit funds. All funds authorized will now be apportioned in accordance with estimates of the cost to complete and will be adjusted annually.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-13).

INTERSTATE DISCRETIONARY

STATUS: CONTINUING PROGRAM. Interstate Construction Set-Aside.

APPROPRIATION CODE: 054

FEDERAL PARTICIPATION: Same as for Interstate Construction. The normal pro-rata Federal share for projects on the Interstate System is 90%. However, the Federal share is reduced to 80 percent by provisions in the 1991 ISTEA, which Congress apparently did not intend and may amend, if any of the projects add new capacity, unless the new capacity is provided through high occupancy vehicle or auxiliary lanes. The Federal share may be increased up to 95% in States with large areas of public lands, and up to 100% for safety, traffic control, and carpool/vanpool projects as set forth in 23 U.S.C. 120(c). Conversely, the non-Federal share may be increased if the State desires, so as to reduce the normal Federal pro-rata share.

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. 118(b),(c), & (d). Section 1020 of the 1991 ISTEA.

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 Interstate Discretionary (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.

ISTEA PROVISIONS:

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 are:

- 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: Additional information may be obtained from the Office of Engineering (HNG-13).

INTERSTATE 4R DISCRETIONARY

STATUS: CONTINUING PROGRAM. NHS Set-Aside.

APPROPRIATION CODES:

056 -- Prior to the 1991 ISTEA

31B -- Subsequent to the 1991 ISTEA

31D -- Subsequent to the 1991 ISTEA, 100% for Safety

FEDERAL PARTICIPATION: The normal pro-rata Federal share is 90%, but may be increased up to 95% in States with large areas of public lands, and up to 100% for safety, traffic control, and carpool/vanpool projects as set forth in 23 U.S.C. 120(c). Conversely, the non-Federal share may be increased if the State desires, so as to reduce the normal Federal pro-rata share.

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. 118(b) & (c). Section 1020(b)(3) of the 1991 ISTEA.

CFR REFERENCE: None

ELIGIBILITY: Interstate 4R (I-4R) Discretionary funds may be used for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System, including providing additional Interstate capacity.

BACKGROUND:

The I-4R Discretionary Program was established by Section 115(a) of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424). Funds for the program were derived from lapsed I-4R apportionments and were available to States that (a) had obligated all their 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 one year of the date they are 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 FY's 1988-1992 from the I-4R authorization for continuation of the I-4R discretionary fund and provided criteria/factors to be used in distributing the discretionary funds.

ISTEA PROVISIONS:

The I-4R Discretionary Program is separate and distinct from the Interstate Maintenance (IM) Program. There are no provisions in the 1991 ISTEA for IM funds to be used, or for lapsed IM funds to be reallocated, for the I-4R Discretionary Program. I-4R Discretionary funds may be used for IM purposes (resurfacing, restoring, and rehabilitating), or for additional Interstate capacity.

Section 1020 of the 1991 ISTEA provides funds for the continuation of the I-4R Discretionary Program. The source of these funds is a set-aside from National Highway System funds. Section 1020(b)(3) of the 1991 ISTEA amends 23 U.S.C. 118(c)(2) and sets aside \$54 million for FY 1992, \$64 million for each of FY's 1993-1996, and \$65 million for FY 1997.

Of the amounts set aside, \$16,000,000 for FY 1992 and \$17,000,000 for each of FY's 1993 and 1994 must be used for improvements on the Kennedy Expressway in Chicago, Illinois. The remainder of the funds may be used by any State that has:

- Obligated or demonstrated that it will obligate in the fiscal year all its National Highway System (NHS) 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 has been submitted for approval.
- Indicated it is willing and able to obligate the funds within one year of the date they are made available, apply them to a ready to commence project, and, for construction work, begin work within 90 days of obligation.

Conditions accompanying allocations of Interstate 4R Discretionary funds, in addition to those above, are:

- When funds are allocated to a project, any unobligated balance cannot be used on another project without written Headquarter's approval. In addition, project underruns should be returned promptly for redistribution.
- Allocated funds cannot be substituted for funds already obligated.

- In allocating funds, priority will be given to projects costing more than \$10,000,000 on high volume urban routes or high truck-volume rural routes.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-13).

SURFACE TRANSPORTATION PROGRAM

Surface Transportation Program (STP)

STP Safety Improvements

STP Transportation Enhancement

STP Urbanized Areas With Over 200,000 Population and Other Areas

SURFACE TRANSPORTATION PROGRAM (STP)

STATUS: NEW ISTE A PROGRAM.

APPROPRIATION CODES:

3AA -- STP-Other Than 200,000 Population
3AB -- STP-<200,000 Population, Temporary Matching Fund Waiver
3AC -- STP-Areas Under 200,000 Population, 100% Federal Participation
3AD -- STP-1/4 % Skill Training
3AE -- STP-TMFW Rail-Highway Crossings/Protective Devices
3AF -- STP-TMFW Rail-Highway Crossings/Hazard Elimination
3AG -- STP-TMFW-1/16 % NHI Skill Training
3AH -- STP-TMFW Hazard Elimination Program
3AJ -- STP-TMFW 1/4 % Skill Training
3AK -- STP-FTA Urbanized Areas >200,000 Population
3AL -- STP-FTA Optional Safety
3AM -- STP-FTA Transportation Enhancement
3AN -- STP-FTA State Flexible
3AP -- STP-FTA Mandatory Amount for Non-Urban Areas
3AR -- STP-FTA Rail-Highway Crossings, Protective Devices
33T -- STP-FTA Rail-Highway Crossings, Elimination of Hazards
3AW -- STP-FTA Hazard Elimination Program
3AY -- STP-FTA Other Than 200,000 Population
33A -- STP-Optional Safety
33B -- STP-Transportation Enhancement
33c -- STP-Urbanized Areas With Populations >200,000
33D -- STP-State Flexible
33E -- STP-Mandatory Amount for Non-Urban Areas
33F -- STP-1/16 % Skill Training (23 U.S.C. 321(b), NHI)
33G -- STP-Optional Safety, Temporary Matching Fund Waiver
33H -- STP-Transportation Enhancement, Temporary Matching Fund Waiver
33J -- STP-Urbanized Areas With Populations >200,000, Temporary Matching Fund Waiver
33K -- STP-State Flexible, Temporary Matching Fund Waiver
33L -- STP-Mandatory Amount for Non-Urban Areas, Temporary Matching Fund Waiver
33M -- STP-Rail-Highway Crossings, Protective Devices
33N -- STP-Rail-Highway Crossings, Elimination of Hazards
33P -- STP-Hazard Elimination Program
334 -- STP-Optional Safety, 100 %
33R -- STP-Transportation Enhancement, 100 % for Safety
33s -- STP-Urbanized Areas With Populations >200,000, 100 % for Safety
33T -- STP-State Flexible, 100 % for Safety
33w -- STP-Mandatory Amount for Non-Urban Areas, 100 % for Safety
33x -- STP-Rail-Highway Crossings, Protective Devices, 100 % for Safety

33Y -- STP-Rail-Highway Crossings, Elimination of Hazards, 100 %
for Safety
332 -- STP-Hazard Elimination Program, 100 % for Safety

FEDERAL PARTICIPATION: The normal pro-rata Federal share is 80%. When STP funds are used to cover overruns on previously authorized Federal-aid projects the Federal share should be that originally authorized for the project. When STP 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. The Federal share may be increased up to 95% in States with large areas of public lands, and up to 100% for safety, traffic control, and carpool/vanpool projects as set forth in 23 U.S.C. 120(c). Conversely, the non-Federal share may be increased if the State desires, so as to reduce the normal Federal pro-rata share.

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula set forth in 23 U.S.C. 104(b)(3). This formula is based on each State's FY 1987-1991 share of total national funding with appropriate adjustments for Interstate Maintenance and Bridge apportionments.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes.

STATUTORY REFERENCE: 23 U.S.C. 133; Sections 1007 & 1003 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Funds apportioned to a State for the STP may be obligated for:

- Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements on (a) Federal-aid highways (i.e., on any highways, including NHS and Interstate highways that are not functionally classified as local or rural minor collectors and on (b) bridges (including bridges on public roads of all functional classifications), including any such construction or reconstruction necessary to accommodate other transportation modes, and including the seismic retrofit and painting of and application of calcium magnesium acetate on bridges and approaches and other elevated structures, mitigation of damage to wildlife, habitat, and ecosystems caused by a transportation project funded under Title 23.

- Capital costs for transit projects eligible for assistance under the Federal Transit Act and publicly owned intracity or intercity bus terminals and facilities.
- Carpool projects, fringe and corridor parking facilities and programs, and bicycle transportation and pedestrian walkways on any public roads in accordance with 23 U.S.C. 217.
- Highway and transit safety improvements and programs, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings. Safety improvements are eligible on public roads of all functional classifications.
- Highway and transit research and development and technology transfer programs.
- Capital and operating costs for traffic monitoring, management, and control facilities and programs.
- Surface transportation planning programs.
- Transportation enhancement activities.
- Transportation control measures listed in section 108 (f)(1)(A) (other than clauses xii & xvi) of the Clean Air Act.
- Development and establishment of management systems under 23 U.S.C. 303.
- Wetlands mitigation efforts related to Title 23 projects.

BACKGROUND AND ISTEA PROVISIONS:

The Surface Transportation Program (STP) was established by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991. Section 1007 of the 1991 ISTEA codifies the STP in 23 U.S.C. 133.

The STP is a new program that may generally be used by the States and localities for any roads, including NHS roads, that are not functionally classified as local or rural minor collectors. These roads are now collectively referred to as Federal-aid highways.

Section 1003 of the 1991 ISTEA authorizes \$23.9 billion to be appropriated out of the Highway Trust Fund for the STP over 6-years (i.e., about \$3.4 billion for FY 1992 and \$4.1 billion for each of FY's 1993-1997). These amounts may be augmented by the transfer of funds from other programs and by the equity funds (Donor State Bonus, Reimbursement, Hold Harmless, and 90 Percent

of Payments). Also Minimum Allocation funds may be used for STP projects.

The formula for distribution of funds is based on each State's FY 1987-1991 share of total national funding with appropriate adjustments for Interstate Maintenance and Bridge apportionments.

STP funds must be used by the States in the following manner:

- Ten percent must be earmarked for safety construction activities (i.e., hazard elimination and rail-highway crossings).
- Another ten percent must be earmarked for transportation enhancements, which encompass a broad range of environmental related activities.
- Fifty percent (62.5 percent of the remaining 80 percent) of the funds must be divided between urbanized areas over 200,000 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). The remaining 30 percent (37.5 percent of the remaining 80 percent) can be used in any area of the State. Areas of 5,000 population or less are guaranteed an amount based on previous Secondary funding.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-50) and/or the Office of Engineering (HNG-12).

STP SAFETY IMPROVEMENTS

STATUS: NEW USE OF HIGHWAY FUNDS. Earmarked STP Funds.

APPROPRIATION CODES:

3AE -- STP-TMFW Rail-Highway Crossings/Protective Devices
3AF -- STP-TMFW Rail-Highway Crossings/Hazard Elimination
3AH -- STP-TMFW Hazard Elimination Program
3AL -- STP-FTA Optional Safety
3AR -- STP-FTA Rail-Highway Crossings, Protective Devices
3AT -- STP-FTA Rail-Highway Crossings, Elimination of Hazards
3AW -- STP-FTA Hazard Elimination Program
33A -- STP-Optional Safety
33G -- STP-Optional Safety, Temporary Matching Fund Waiver
33M -- STP-Rail-Highway Crossings, Protective Devices
33N -- STP-Rail-Highway Crossings, Elimination of Hazards
33P -- STP-Hazard Elimination Program
33Q -- STP-Optional Safety, 100%
33x -- STP-Rail-Highway Crossings, Protective Devices, 100%
for Safety
33Y -- STP-Rail-Highway Crossings, Elimination of Hazards, 100%
for Safety
332 -- STP-Hazard Elimination Program, 100% for Safety

FEDERAL PARTICIPATION: Ten percent of the STP apportionments must be earmarked to carry out 23 U.S.C. 130 & 152 (dealing with rail-highway crossings and hazard elimination). The Federal share for projects using these earmarked funds may not exceed 90%, unless qualified for the increased 100% Federal share for safety work set forth in 23 U.S.C. 120(c). These funds are not subject to the sliding scale rates for public land States. The Federal share for other section 130 & 152 projects (i.e., other than the 10% STP set-aside projects) is the same as the source funds.

PERIOD AVAILABLE: Same as STP, FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Earmarked 10% of STP Apportionments.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes.

STATUTORY REFERENCE: 23 U.S.C. 133(d)(1). Section 1007 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: STP Safety Improvement funds may be used on any public roads (except possibly on the Interstate System) for any of the activities set forth in 23 U.S.C. 130 & 152 (rail-highway crossings and hazard elimination activities, respectively). Funds previously eligible for Section 130 & 152 purposes could not be used on the Interstate System, and it has not yet been determined whether or not the earmarked STP Safety Improvement funds should be eligible.

BACKGROUND AND ISTEA PROVISIONS:

The Surface Transportation Program (STP) was established by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991. It is codified 23 U.S.C. 133. The STP is a new block grant program that may generally be used by the States and localities for any roads, including National Highway System (NHS) roads, that are not functionally classified as local or rural minor collectors. These roads are now collectively referred to as Federal-aid highways.

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 must be used for carrying out the provisions of 23 U.S.C. 130 & 152 (rail-highway crossings and hazard elimination activities, respectively).

Of the 10% of STP funds earmarked 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 these purposes in FY 1991. Any additional funds remaining in a State after these 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 will be reduced proportionately.

Safety improvements paid for with the earmarked STP 10% funds are not restricted to Federal-aid highways. Thus, these funds may be used on any public road, except possibly on the Interstate System. This determination has not yet been made.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-50), the Office of Highway Safety (HHS-20), and/or the Office of Engineering (HNG-12).

STP TRANSPORTATION ENHANCEMENT

STATUS: NEW USE OF HIGHWAY FUNDS. Earmarked STP Funds.

APPROPRIATION CODES:

3AM -- STP-FTA Transportation Enhancement
33B -- STP-Transportation Enhancement
33H -- STP-Transportation Enhancement, Temporary Matching Fund
Waiver
33R -- STP-Transportation Enhancement, 100% for Safety

FEDERAL PARTICIPATION: Same as STP. The normal pro-rata Federal share is 80%, but may be increased up to 95% in States with large areas of public lands, and up to 100% for safety, traffic control, and carpool/vanpool projects as set forth in 23 U.S.C. 120(c). Conversely, 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 STP, FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Earmarked 10% of STP Apportionments.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes.

STATUTORY REFERENCE: 23 U.S.C. 133(d)(2). Section 1007(a)(1) & 1007(c) of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: STP Transportation Enhancement funds may be used for any of the following activities:

- Provision of facilities for pedestrians and bicycles.
- Acquisition of scenic easements and scenic or historic sites.
- Scenic or historic highway programs.
- Landscaping and other scenic beautification.
- Historic preservation.
- Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals).
- Preservation of abandoned railroad corridors (including the conversion and use for pedestrian or bicycle trails).
- Control and removal of outdoor advertising.
- Archaeological planning and research.
- Mitigation of water pollution due to highway runoff.

BACKGROUND AND ISTEA PROVISIONS:

The Surface Transportation Program (STP) was established by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991. It is codified 23 U.S.C. 133. The STP is a new block grant program that may generally be used by the States and localities for any roads, including National Highway System (NHS) roads, that are not functionally classified as local or rural minor collectors. These roads are now collectively referred to as Federal-aid highways.

It is required in 23 U.S.C. 133(d)(2) that 10 percent of the STP funds apportioned to a State each fiscal year must be used for transportation enhancement activities.

Section 1007(c) amended 23 U.S.C. 101(a) to define "transportation enhancement activities." Transportation enhancement activities, with respect to any Federal-aid project or the area to be served by the project, are those activities described above in the "Eligibility" section.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-30) and/or the Office of Engineering (HNG-12).

STP URBANIZED AREAS WITH OVER 200,000 POPULATION AND OTHER AREAS

STATUS: NEW USE OF HIGHWAY FUNDS. Earmarked STP Funds.

APPROPRIATION CODES:

3AA -- STP-Other Than 200,000 Population
3AB -- STP-<200,000 Population, Temporary Matching Fund Waiver
3AC -- STP-Areas Under 200,000 Population, 100% Federal
Participation
3AK -- STP-FTA Urbanized Areas >200,000 Population
3AN -- STP-FTA State Flexible
3AP -- STP-FTA Mandatory Amount for Non-Urban Areas
3AY -- STP-FTA Other Than 200,000 Population
33c -- STP-Urbanized Areas With Populations >200,000
33D -- STP-State Flexible
33E -- STP-Mandatory Amount for Non-Urban Areas
33J -- STP-Urbanized Areas With Populations >200,000, Temporary
Matching Fund Waiver
33K -- STP-State Flexible, Temporary Matching Fund Waiver
33L -- STP-Mandatory Amount for Non-Urban Areas, Temporary
Matching Fund Waiver
33s -- STP-Urbanized Areas With Populations >200,000, 100%
for Safety
33T -- STP-State Flexible, 100% for Safety
33w -- STP-Mandatory Amount for Non-Urban Areas, 100%
for Safety

FEDERAL PARTICIPATION: Same as STP. The normal pro-rata Federal share is 80%, but may be increased up to 95% in States with large areas of public lands, and up to as much as 100% for eligible safety activities under the provisions of 23 U.S.C. 120(c). Conversely, 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 STP, FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: 50% of the STP funds (62.5% of the remaining 80% after deductions for the safety improvement and transportation enhancement programs) must be divided between urbanized areas over 200,000 and the remaining areas of the State. The remaining 30% (37.5% of the remaining 80%) can be used in any area of the State. Areas of 5,000 population or less are guaranteed an amount based on the FY 1991 Secondary apportionment. (More detailed information is provided below).

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes.

STATUTORY REFERENCE: 23 U.S.C. 133(d)(3). Section 1007(a)(1) of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: STP funds earmarked for urbanized areas with over 200,000 population and other areas may be used for any of the eligible STP purposes set forth in 23 U.S.C. 133(b).

BACKGROUND AND ISTEA PROVISIONS:

The Surface Transportation Program (STP) was established by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991. It is codified 23 U.S.C. 133. The STP is a new block grant program that may generally be used by the States and localities for any roads, including National Highway System (NHS) roads, that are not functionally classified as local or rural minor collectors. These roads are now collectively referred to as Federal-aid highways.

It is required in 23 U.S.C. 133(d)(3) that:

- 50 percent of the STP funds (62.5 percent of the remaining 80 percent after deductions for the safety improvement and transportation enhancement programs) must be divided between each area over 200,000 and the remaining 'areas of the State. The funds that go to urbanized areas over 200,000 population must be distributed to individual urbanized areas on the basis of population, unless the State and relevant metropolitan planning organizations jointly request the use of other factors and the Secretary of Transportation grants the request. These funds may be used anywhere in the metropolitan area.
- The remaining 30 percent (37.5 percent of the remaining 80 percent) can be used in any area of the State.
- Areas of 5,000 population or less are guaranteed an amount which is not less than 110 percent of the amount of funds apportioned to a State in FY 1991 for the Federal-Aid Secondary System.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-50) and/or the Office of Engineering (HNG-12).

CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT

CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM (CMAQ)

STATUS: NEW ISTE A PROGRAM.

APPROPRIATION CODES:

320 -- CMAQ
32A -- CMAQ, 100% for Safety, Rail-Highway Grade Crossings
32B -- CMAQ, Temporary Matching Fund Waiver
3AZ -- CMAQ-FTA
3TZ -- CMAQ-FTA, Temporary Matching Fund Waiver
OAD -- CMAQ, Advance Construction

FEDERAL PARTICIPATION: The normal pro-rata Federal share is 80% (90% if used on the Interstate System). The Federal share may be increased up to 95% in States with large areas of public lands. Certain activities identified in 23 U.S.C. 120(c), including traffic control signalization, and commuter carpooling and vanpooling, may be funded at 100% Federal share. Conversely, the non-Federal share may be increased if the State desires, so as to reduce the normal Federal pro-rata share.

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula set forth in 23 U.S.C. 104(b)(2). A 1/2 percent minimum apportionment is guaranteed to each State.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes.

STATUTORY REFERENCE: 23 U.S.C. 149; Sections 1008 & 1003 of the 1991 ISTE A (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Transportation programs and projects are eligible for CMAQ funds only if they meet certain criteria spelled out in the ISTE A (see ISTE A references above). In determining project eligibility under these criteria, priority should be given to implementing programs and projects that have documented emissions reductions associated with them, and are included in an approved State Implementation Plan (SIP) as a transportation control measure (TCM). The Environmental Protection Agency (EPA) and the DOT have agreed that the following meet the criteria and may be funded without project-level air quality analysis and further consultation with the EPA:

- Transportation activities in an approved SIP.
- The TCMs included in section 108(b)(1)(A) of the Clean Air Act of 1990 (Public Law 101-549) except for the programs to reduce motor vehicle emissions caused by extreme cold start conditions and the program to encourage voluntary removal from use and the marketplace of pre-1980 light duty vehicles and trucks, both of which are specifically excluded by the ISTEA.
- Developing and establishing management systems for traffic congestion, public transportation facilities and equipment, and intermodal transportation facilities and systems, where it can be demonstrated they are likely to contribute to the attainment of a national ambient air quality standard.
- Capital and operating costs for traffic monitoring, management, and control facilities and programs, where it can be demonstrated they are likely to contribute to the attainment of a national ambient air quality standard. However, CMAQ funds may not replace existing local and State funds used for operating costs.
- Construction of bicycle and pedestrian facilities, nonconstruction projects related to safe bicycle use, and State bicycle/pedestrian coordinator positions, as established in the ISTEA, for promoting and facilitating the increased use of nonmotorized modes of transportation. This includes public education, promotional, and safety programs for using such facilities.

BACKGROUND AND ISTEA PROVISIONS:

The Congestion Mitigation and Air Quality Improvement Program (CMAQ) was established by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). Section 1008 of the 1991 ISTEA essentially adds a new section to Title 23, 23 U.S.C. 149. Section 1003 of the 1991 ISTEA authorizes funds to be appropriated for the program.

The CMAQ program directs funds toward transportation projects and programs in Clean Air Act nonattainment areas for ozone and carbon monoxide. These projects and programs must contribute to attaining a national ambient air quality standard. If a State has none of these nonattainment areas, the funds may be used as if they were STP funds.

Total funding for the CMAQ Program is \$6 billion. Section 1003 of the 1991 ISTEA authorizes \$858 million to be appropriated out of the Highway Trust Fund for FY 1992 and slightly more than \$1 billion to be appropriated for each of FY's 1993-1997.

These funds are to be distributed based on each State's share of the population of air quality ozone nonattainment areas weighted by the severity of the air quality problem. An additional weighting factor is applied if the area is also a nonattainment area for carbon monoxide. A 1/2 percent minimum apportionment is guaranteed to each State.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-41).

BRIDGE

Highway Bridge Replacement and Rehabilitation Program (HBRRP)

Bridge Discretionary Program

Bridges on Indian Reservation Roads

Timber Bridge Research and Demonstration

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM (HBRRP)

STATUS: CONTINUING PROGRAM.

APPROPRIATION CODES:

114 -- HBRRP-Appportioned, Optional 20% On/Off F-A Highways
117 -- HBRRP-Appportioned, Mandatory 15% Off F-A Highways
118 -- HBRRP-Appportioned, Mandatory 65% On F-A Highways
11D -- HBRRP-Appportioned, Optional 20% On/Off F-A Highways,
Temporary Matching Fund Waiver
11E -- HBRRP-Appportioned, Mandatory 15% Off F-A Highways,
Temporary Matching Fund Waiver
11G -- HBRRP-Appportioned, Mandatory 65% On F-A Highways,
Temporary Matching Fund Waiver

FEDERAL PARTICIPATION: 80% normal pro-rata share. The sliding scale provisions of 23 U.S.C. 120 do not apply to Bridge Program funds. However, the non-Federal share may be increased if the State desires so as to reduce the normal Federal pro-rata share.

PERIOD AVAILABLE: FY + 3 years.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment formula contained in 23 U.S.C. 144(e).

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 144. Section 1028 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: 23 CFR 650D

ELIGIBILITY: HBRRP funds may be used for:

- The total replacement of a 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 a bridge on any public road, as well as the rehabilitation work necessary to correct major safety (functional) defects.

- 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.
- Bridge painting, seismic retrofitting, calcium magnesium acetate applications.

Deficient highway bridges eligible for replacement or rehabilitation may be over waterways, other topographical barriers, other highways, or railroads. They must, however, as determined by the State and the Secretary of Transportation, be significantly important and unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

BACKGROUND:

Section 204 of the 1970 Federal-aid Highway Act (Public Law 91-605) established a "Special Bridge Replacement Program" which was codified 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% of the State's apportionments for FY's 1979-1982, nor more than 35% were to be spent off-system. The optional 20% of these funds, the portion between 15-35%, could be spent either for on-system or off-system bridge replacement or rehabilitation.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) continued the HBRRP with the same 15-20-65% 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) provided authorizations of \$1,630,000,000 per fiscal year for each of FY's 1987-1991, (b) continued the 15-20-65% spending requirements, (c) allowed States, beginning with the FY 1987 apportionments, to use bridge funds to replace ferryboat operations in existence on 1/1/84, to replace bridges destroyed before 1965, for low-water crossings, and for bridges made obsolete by Corps of Engineers (COE) flood control or channelization projects and not rebuilt with COE funds, (d) permitted States to carry out bridge improvement projects on noncontroversial off-system bridges eligible for HBRRP funding and to apply 80 percent of the cost of such projects expended after 4/2/87 as a credit for the non-Federal share

of other HBRRP projects carried out by the State, and (e) made the availability period for apportioned bridge funds the same as for primary funds with lapsed funds to be reapportioned to the other States.

ISTEA PROVISIONS:

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

Section 1003 of the 1991 ISTEA authorizes \$16.1 billion to be appropriated out of the Highway Trust Fund over a 6-year period for the Bridge Program (\$2.3 billion for FY 1992 and almost \$2.8 billion for each of FY's 1993-1997).

The 1991 ISTEA also contains the following provisions:

- Not less than 15% of a State's apportionment, nor more than 35%, is to be spent on bridges off of Federal-aid highways (i.e., bridges on local roads and rural minor collectors). The remaining 65%, up to a maximum of 85%, of the apportionment is to be spent for bridges on Federal-aid highways.
- Title 23 is revised to allow Federal participation in bridge painting, seismic retrofitting, calcium magnesium acetate applications. [Section 1028(b)]
- The bridge discretionary program is continued at a substantially lower funding level, and with a new timber bridge component. [Sections 1028(d) & 1039]
- Up to 40% of a State's HBRRP apportionment (i.e., mandatory 65% and optional 20% funds) may be transferred to the National Highway System (NHS) or the Surface Transportation Program (STP). Transferred amounts are not subject to the STP set-asides and sub-State distribution requirements. [Section 1028(g)]
- New requirements are established concerning Indian reservation bridges. Each fiscal year, not less than 1% of the amount apportioned to each State which has an Indian reservation within its boundaries must be transferred to the Secretary of the Interior. These funds are to be expended to replace, rehabilitate, paint, or apply calcium magnesium acetate to deficient highway bridges located on Indian reservation roads. [Section 1028(f)]

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-33).

BRIDGE DISCRETIONARY PROGRAM

STATUS: CONTINUING PROGRAM. Set-Aside from HBRRP Apportionments.

APPROPRIATION CODES:

119 -- Discretionary, On F-A Highways
11M -- Discretionary, On F-A Highways, Temporary Matching Fund Waiver

FEDERAL PARTICIPATION: 80% normal pro-rata share. The sliding scale provisions of 23 U.S.C. 120 do not apply to Bridge Program funds. However, the non-Federal share may be increased if the State desires so as to reduce the normal Federal pro-rata share.

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. Section 1028 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: 23 CFR 650G

ELIGIBILITY: 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, it has been decreed that discretionary bridge projects must be on a Federal-aid system. Also, under the ISTEA provisions, a portion of the discretionary funds must be used for the construction of highway timber bridges on rural Federal-aid highways (see discussion below).

BACKGROUND:

Section 124 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) provided 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 also required that \$200 million be withheld from the above apportionment for each of FY's 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. These discretionary funds were made available for obligation in the same manner and to the same extent as the apportioned funds, except their use was discretionary with the Secretary.

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, it was also decreed that discretionary bridge projects must be on a Federal-aid system.

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

ISTEA PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continues the Bridge Discretionary Program with a new timber bridge component.

Section 1028(d) of the 1991 ISTEA amends 23 U.S.C. 144(g)(1) and authorizes \$400 million to be set aside over a 6-year period from the HBRRP apportionments for the Discretionary Bridge Program (\$57 million for FY 1992, \$68 million for each of FY's 1993-1994, and \$69 million for each of FY's 1995-1997).

Of the above discretionary amounts, Section 1039 of the 1991 ISTEA requires that \$8 million in FY 1992 and \$8.5 million in each of FY's 1993-1997 be made available for the construction of highway timber bridges on rural Federal-aid highways. Of these amounts, \$1 million in each of FY's 1992-1997 is available for research grants, and for technology and information transfer, and \$7 million is available in FY 1992 and \$7.5 million is available in each of FY's 1993-1997 for construction grants related to timber bridges.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-33).

BRIDGES ON INDIAN RESERVATION ROADS

STATUS: NEW USE OF HIGHWAY FUNDS. Set-Aside from HBRRP Apportionments.

APPROPRIATION CODE: 11T

FEDERAL PARTICIPATION: 80% normal pro-rata share. Indian Reservation Road funds can be used to increase the Federal share to 100%. The sliding scale provisions of 23 U.S.C. 120 do not apply to Bridge Program funds. However, the non-Federal share may be increased if the State desires so as to reduce the normal Federal pro-rata share.

PERIOD AVAILABLE: FY + 3 years.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Set-aside from HBRRP funds. Prior to making apportionments for the HBRRP, not less than 1% of the amount of HBRRP funds to be apportioned to each State which has an Indian reservation within its boundaries will be 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). Section 1028(f) of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: 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 AND ISTEA PROVISIONS:

Section 1028(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), contains new requirements concerning Indian reservation bridges. Prior to making apportionments for the Highway Bridge Replacement and Rehabilitation Program (HBRRP), not less than 1% 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 to be 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 will be 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% to 100%.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-33).

TIMBER BRIDGE RESEARCH AND DEMONSTRATION

STATUS: NEW USE OF HIGHWAY FUNDS. Bridge Discretionary Set-Aside.

APPROPRIATION CODES:

11N -- Timber Bridge Research Grants

11P -- Timber Bridge Construction Grants

11Q -- Timber Bridge Technology and Information Transfer

FEDERAL PARTICIPATION: 80%

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 AND ISTEA PROVISIONS:

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 of the 1991 ISTEA requires that:

- \$8,000,000 in FY 1992 and \$8,500,000 in each of FY's 1993-1997 must be set aside from the Bridge Discretionary Program and made available for the construction of highway timber bridges on rural Federal-aid highways.
- Of these amounts, \$1,000,000 in each of FY's 1992-1997 is available for research grants, and for technology and

information transfer, and \$7,000,000 and \$7,500,000 are available in FY 1992 and each of FY's 1993-1997, respectively, for construction grants related to timber bridges.

Applications for the bridge construction grants are to be submitted to the FHWA, Office of Engineering (HNG-30), and are 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 will be made as one-time allocations at a Federal share of 80 percent. Funds must be obligated within the fiscal year allocated.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-33).

FEDERAL LANDS

Indian Reservation Roads

Public Lands Highways

Parkways and Park Highways

INDIAN RESERVATION ROADS

STATUS: CONTINUING PROGRAM.

APPROPRIATION CODES:

163 - FY 1983 and Subsequent years.

825 - Prior to FY 1983.

FEDERAL PARTICIPATION: 100% for all types of projects.

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation by administrative formula

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Authorized amounts are subject to the obligation limitation, but are excluded from the State-by-State distribution of the obligation limitation.

STATUTORY REFERENCE: 23 U.S.C. 101, 202-204; Sections 1003, 1030, 1032, & 6004 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Indian Reservation Roads funds may be used on eligible IRR roads as discussed below and defined in 23 U.S.C. 101 for the following purposes:

- Planning, Research, Engineering, and Construction,
- Road sealing (using up to 15% of HTF funds apportioned for IRR)
- Indian technical RTAP centers,
- Transportation planning for programs to enhance tourism and recreational development,
- Adjacent vehicular parking areas,
- Interpretative signage,
- Acquisition of necessary scenic easements and scenic or historic sites,
- Provisions for pedestrians and bicycles,
- Construction and reconstruction of roadside rest areas, including sanitary and water facilities, and
- Other appropriate facilities such as visitor centers.

BACKGROUND:

Section 126 of 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. 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 incorporating forest highways into public lands highways.

The FHWA's Federal Lands Highway Office co-administers the Indian Reservation Roads Program with the Bureau of Indian Affairs (BIA). The FHWA and the BIA are assigned specific responsibilities in the construction of Indian reservation roads and bridges in 23 U.S.C. 204 and 25 U.S.C. 318-A. The BIA road system, about 22,000 miles in length, consists of public Indian reservation roads and bridges for which Federal-aid highway construction funds authorized by 23 U.S.C. 104 are generally not available. These roads and bridges are jointly designated by the BIA and the FHWA (Division Offices), with the BIA having primary responsibility for maintenance and improvement. In addition to the BIA road system, there are about 25,000 miles of State and local roads that provide access both to and within the reservations. Indian Reservation Roads funds can be used on these State and local roads as a supplement to (but not in lieu of) regular Federal-aid construction funds.

The 1982 STAA, in addition to making Indian Reservation Roads a part of the FLHP, changed the funding source from the General Fund to the Highway Trust Fund. With this change, contract authority was established. The 1982 STAA also authorized \$75,000,000 for FY 1983 and \$100,000,000 for each of FY's 1984-1986 (Appropriation Code 163). The 1987 STURAA authorized \$80,000,000 for each of FY's 1987-1991.

ISTEA PROVISIONS:

Section 1003 of the 1991 ISTEA authorizes about \$1.1 billion to be appropriated out of the Highway Trust Fund over a 6-year period for Indian Reservation Roads (\$159 million for FY 1992 and \$191 million for each of FY's 1993-1997).

Up to 2 percent of the funds made available each fiscal year for Indian Reservation roads must be allocated to Indian tribal governments applying for transportation planning pursuant to the provisions of the Indian Self-Determination and Education Assistance Act. The Indian tribal government, in cooperation with the BIA, and, as may be appropriate, with a State, local government, or metropolitan planning organization, must develop a transportation improvement program that includes all Indian reservation road projects proposed for funding. Projects must be selected by the Indian tribal government from the transportation improvement program and are subject to the approval of the BIA and FHWA.

In addition to the IRR funds, not less than 1% of the amount of HBRRP funds to be apportioned to 'each State which has an Indian reservation within its boundaries will be transferred to the Secretary of the Interior to carry out this program.

Funds allocated for Indian reservation roads may be used for the purpose of funding road projects on roads of tribally controlled postsecondary vocational institutions.

ADDITIONAL INFORMATION: Additional information may be obtained from the Federal Lands Highway Office (HFL-10).

PUBLIC LANDS HIGHWAYS

STATUS: CONTINUING PROGRAM. Combines the Public Lands and Forest Highways Categories.

APPROPRIATION CODES:

153 -- Pre-FY 1983 PL Funds
183 -- FY's 1983-1991 PL Funds
18E -- FY 1992 and Subsequent Years, PL Funds

151 -- FY's 1972-1983 (1st Qtr.) Apportioned FH Funds
181 -- F Y 1 983 Allocated FH Funds.
191 -- FY's 1984-1991 Allocated FH Funds.
19A -- FY 1992 and Subsequent Years, PFH Funds

FEDERAL PARTICIPATION: 100%

PERIOD AVAILABLE: FY + 3 years.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Authorized amounts are subject to the obligation limitation, but are excluded from the State-by-State distribution of the obligation limitation.

STATUTORY REFERENCE: 23 U.S.C. 202, 203, 204. Sections 1032 & 1003 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: 23 CFR 660A, 23 CFR 667

ELIGIBILITY: Public Lands Highways funds may be used on eligible Public Lands and Forest Highways roads as discussed below and defined in 23 U.S.C. 101 for the following purposes:

- Planning, Research, Engineering, and Construction,
- Transportation planning for programs to enhance tourism and recreational development,
- Adjacent vehicular parking areas,
- Interpretative signage,
- Acquisition of necessary scenic easements and scenic or historic sites,
- Provisions for pedestrians and bicycles,
- Construction and reconstruction of roadside rest areas, including sanitary and water facilities, and
- Other appropriate facilities such as visitor centers.

BACKGROUND:Federal Lands Hiahwavs Proaram

Section 126 of 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. 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 incorporating forest highways into public lands highways.

Public Lands

The FHWA's Federal Lands Highway Office administers the Public Lands Highways program in cooperation with the U.S. Forest Service.

A "public lands highway" as defined in 23 U.S.C. 101 pursuant to the 1991 ISTEA is (a) a forest road or (b) any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations that are under the jurisdiction of and maintained by a public authority and open to public travel.

The Public Lands 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.

Public Lands funds are discretionary in nature and are allocated to the Regions on the basis of need for specific projects which are proposed by the States and which must compete with other projects on a nationwide basis for funding.

The funding level for public lands highways was \$16 million for each of FY's 1972-1982. The 1982 STAA increased the annual authorization level to \$50 million for FY's 1983-1986, but the 1987 STURAA (Public Law 100-17) reduced this amount to \$40 million for each of FY's 1987-1991. The funding level set forth in the 1991 ISTEA for FY's 1992-1997 is shown below in the ISTEA section.

A solicitation for candidate projects is generally made each year. States must submit proposals to the FHWA for selection. Typically, many more projects are submitted for consideration than can be selected within budgetary constraints. Project

selections are generally announced each year in October.

The receipt of Public Lands funds will reduce the recipient States' "Hold Harmless" allocation for the next fiscal year.

Forest Highways

Congress created National Forests in 1891. The 1916 Federal-Aid Road Act provided funds for roads and trails in these National Forests. The Federal-Aid Highway Act of 1921 initiated the Forest Highways program. Forest highways are public roads that are owned by State or local agencies and serve a 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 highway and local agencies and with the Forest Service.

Section 105(a)(5) of the Federal-aid Highway Act of 1970 (Public Law 91-605) changed the original program funding from the General Fund to the Highway Trust Fund. The last General Fund authorization was for FY 1971. The first Trust Fund authorization was for FY 1972 (Appropriation Code 151).

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 Forest Highway 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 funds instead of apportioning funds to the States. The final apportionment was for the first quarter of FY 1983. The 1982 STAA authorized \$50 million for FY 1983 (Appropriation Code 181), reduced by the amount authorized by the Federal-Aid Highway Act of 1982), and \$50 million for each of FY's 1984-1986 (Appropriation Code 191). The 1987 STURAA (Public Law 100-17) authorized \$55 million for forest highways for each of FY's 1987-1991. The funding level set forth in the 1991 ISTEA for FY's 1992-1997 is shown below.

ISTEA PROVISIONS:

Relative to Public Lands Highways, Section 1032(a) of the 1991 ISTEA stipulates in amended 23 U.S.C. 202 that:

- 66 percent of the allocated Public Lands Highways funds should be used for Forest Highway routes in accordance with the allocation formula established in Section 134 of the 1987 STURAA with equal consideration given for funding roads

providing access to and within the National Forest systems determined by renewable resource and land use planning and the impact of such planning on transportation facilities, and

- 34 percent of the allocated Public Lands Highways funds should be used for Public Lands routes, with preference being 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).

Section 1003 of the 1991 ISTEA authorizes \$1 billion to be appropriated out of the Highway Trust Fund over a 6-year period for Public Lands Highways, broken down as follows:

	<u>Total</u>	FH	PL
FY 1992	\$143,000,000	\$ 94,380,000	\$ 48,620,000
FY 1993	\$171,000,000	112,860,000	58,140,000
FY 1994	\$171,000,000	112,860,000	58,140,000
FY 1995	\$171,000,000	112,860,000	58,140,000
FY 1996	\$172,000,000	113,520,000	58,480,000
FY 1997	\$172,000,000	113,520,000	58,480,000

Although the 1991 ISTEA combines Forest Highways and Public Lands into one category, it provides for the combined Public Lands Highways category to be administered under coordinated, but different procedures. The first procedure is to follow the present Public Lands discretionary process. The second procedure is to follow the present Forest Highways allocation and program selection process. In both procedures, the State highway agency is to concur in the planning and selection of projects.

ADDITIONAL INFORMATION: Additional information may be obtained from the Federal Lands Highway Office (HFL-10) and/or the Office of Engineering (HNG-12).

PARKWAYS AND PARK HIGHWAYS

STATUS: CONTINUING PROGRAM.

APPROPRIATION CODES:

179 -- Parkways
180 -- Park Roads

FEDERAL PARTICIPATION: 100% for all types of projects.

PERIOD AVAILABLE: FY + 3 years.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation based on a prioritized list of projects developed by the National Park Service.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Authorized amounts are subject to the obligation limitation, but are excluded from the State-by-State distribution of the obligation limitation.

STATUTORY REFERENCE: 23 U.S.C. 101, 202, 203, and 204.
Sections 1032 & 1003 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Parkways and Park Highways funds may be used on eligible roads as discussed below and defined in 23 U.S.C. 101 for the following purposes:

- Planning, Research, Engineering, and Construction,
- Transportation planning for programs to enhance tourism and recreational development,
- Adjacent vehicular parking areas,
- Interpretative signage,
- Acquisition of necessary scenic easements and scenic or historic sites,
- Provisions for pedestrians and bicycles,
- Construction and reconstruction of roadside rest areas, including sanitary and water facilities, and
- Other appropriate facilities such as visitor centers.

BACKGROUND:

Section 126 of 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. 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 incorporating forest highways into public lands highways.

Park roads are owned by the National Park Service, Parkways are authorized by Congress. The FHWA's Federal Lands Highway Office administers the Parkways and Park Highways Program in cooperation with the National Park Service (NPS).

Prior to the 1982 STAA, funds for park roads and parkway projects were made available through appropriations from the Department of the Interior (DOI), and to some extent the Department of Transportation (DOT). The 1982 STAA authorized \$75,000,000 for FY 1983 and \$100,000,000 for each of FY's 1984-1986 for parkways and park highways. The 1987 STURAA authorized \$60,000,000 for each of FY's 1987-1991 for parkways and park highways.

ISTEA PROVISIONS:

Section 1003 of the 1991 ISTEA authorizes \$486 million to be appropriated out of the Highway Trust Fund over a 6-year period for parkways and park highways (\$69 million for FY 1992, \$83 million for each of FY's 1993-1995, and \$84 million for each of FY's 1996-1997). Additional funding for specific parkways and park highways projects is sometimes provided in DOT and DOI appropriations acts. Also several specific projects received funding under Sections 1104, 1105, and 1107 of the 1991 ISTEA.

ADDITIONAL INFORMATION: Additional information may be obtained from the Federal Lands Highway Office (HFL-10).

PLANNING

Metropolitan Planning

Statewide Planning

Management Systems

METROPOLITAN PLANNING

STATUS: CONTINUING USE OF HIGHWAY FUNDS. 1% set-aside from certain funds authorized for Title 23 projects. In addition, 1/2 % of the funds apportioned to a State for Minimum Allocation (MA) projects, as well as regular National Highway System (NHS) and Surface Transportation Program (STP) funds may be used for Metropolitan Planning (PL) activities if desired.

APPROPRIATION CODES:

082 -- PL-FY 1991 & Prior Years
085 -- PL-(1%), FY 1992 & Subsequent Years
08C -- PL-(1%) Participation, Temporary Matching Fund Waiver
34E -- PL-Minimum Allocation Funds for Metropolitan Planning

FEDERAL PARTICIPATION: 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.

PERIOD AVAILABLE: FY + 3 years.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - Based on a ratio of urbanized population in individual States to the total nationwide urbanized area population. The minimum apportionment per State is 1/2% of the total nationwide apportionment. [See 23 U.S.C. 104(f) (2)]

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 103(i)(5), 104(f), 133(b)(7), 134, and 157(c). Section 1024 of the 1991 ISTEA.

CFR REFERENCE: 23 CFR 420 and 450

ELIGIBILITY: PL funds may be used to support activities undertaken by the metropolitan planning organizations (MPO) to develop long-range transportation plans and transportation improvement programs for metropolitan areas as set forth in Section 1024 of the 1991 ISTEA (codified 23 U.S.C. 134). These activities might 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 converting this information into the need to improve existing or build new routes to meet future traffic demands.

BACKGROUND:

Section 9 of the Federal-aid Highway Act of 1962 (Public Law 87-866) added requirements for PL as a part of the planning program. This was codified as 23 U.S.C. 134. One-half percent (1/2%) of funds authorized for the Interstate, Primary, Secondary, and Urban systems were set aside for PL activities by section 112 of the Federal-aid Highway Act of 1973 (Public Law 93-87) and codified as 23 U.S.C. 104(f)(1). The optional use of 1/2% of MA 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).

Authorized funds were to be apportioned to the States in accordance with the statutory formula described in 23 U.S.C. 104(f)(2). Each State was then required to allocate these funds to MPOs in accordance with a formula developed by the State and approved by the FHWA.

The Federal-aid Highway Act of 1976 (Public Law 94-280) allowed the 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 areas.

The Federal share for the PL funds was administratively linked to the ratio for the Highway Planning & Research Program (HPR). When the HPR ratio was increased to 85% 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%. Prior to FY 1983, the PL ratio was generally 80%. 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.

ISTEA PROVISIONS:

Section 1024 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continues the funding for metropolitan planning and enhances the role of local governments. The following provisions are also included in the 1991 ISTEA:

- The MPO is 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. The TIP must be prioritized, fiscally constrained, 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 monies.

- The planning process must now include additional considerations such as land use, intermodal connectivity, methods to enhance transit service, and needs identified through the management systems.
- Projects in areas over 200,000 population, which must be designated as Transportation Management Areas (TMA), are to be selected by the MPO in consultation with the State, except that projects on the NHS, or pursuant to the Bridge and Interstate Maintenance programs are to be selected by the State in cooperation with the MPO. In other areas, projects are selected by the State in cooperation with the MPO.
- Metropolitan planning is funded by 1 percent of the funds authorized for certain programs under Title 23. In addition to this set-aside, 1/2 % of the funds apportioned to a State for MA projects and regular NHS and STP funds may be used for metropolitan planning.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-20).

STATEWIDE PLANNING

STATUS: NEW USE OF HIGHWAY FUNDS. There is no separate authorization for Statewide Planning; however, National Highway System (NHS), Surface Transportation Program (STP), and State Planning and Research (SPR) funds may be used for Statewide Planning purposes if desired.

APPROPRIATION CODE: None designated

FEDERAL PARTICIPATION: Same as source funds .

PERIOD AVAILABLE: Same as source funds

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: Yes

CFR REFERENCE: None

STATUTORY REFERENCE: 23 U.S.C. 103(i)(5), 133(b)(7), 135, and 307(c)(1). Section 1025 of the 1991 ISTEA.

ELIGIBILITY: NHS, STP, and SPR funds may be used to support activities undertaken by the States to develop transportation plans and programs for all areas of the State as set forth in Section 1025 of the 1991 ISTEA (codified as 23 U.S.C. 135). These activities might 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 converting this information into the need to improve existing or build new routes to meet future traffic demands.

BACKGROUND AND ISTEA PROVISIONS:

Section 1025 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) which is codified as 23 U.S.C. 135, requires:

- A Statewide planning process.
- A Statewide transportation plan.
- A Statewide transportation program.

The Statewide Transportation Improvement Program (TIP) must include all projects in the State proposed for funding with Title 23 or Federal Transit Act funds, and must be consistent with the long-range plan. The States' funds that are earmarked for State planning and research under 23 U.S.C. 307(c)(1), which amount to 2 percent of the major program funds, are available to carry out the Statewide planning requirements, with some conditions. Statewide planning is also an eligible activity under the NHS and STP programs.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-10).

MANAGEMENT SYSTEMS

STATUS: NEW USE OF HIGHWAY FUNDS. NHS, STP, CMAQ, HBRRP, and SPR funds may be used for the development, establishment, and implementation of management systems for pavements, bridges, highway safety, traffic congestion, public transportation facilities and equipment, and intermodal transportation facilities and systems.

APPROPRIATION CODE: Same as source funds.

FEDERAL PARTICIPATION: Same as source funds.

PERIOD AVAILABLE: N/A

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: Sections 1024 and 1034 and 6001(c)(1)(c) of the 1991 ISTEA.

CFR REFERENCE: None

ELIGIBILITY: National Highway System (NHS), Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement (CMAQ), apportioned Bridge (HBRRP), and Statewide Planning and Research (SPR) funds may be used for the development, establishment, and implementation of management systems for pavements, bridges, highway safety, traffic congestion, public transportation facilities and equipment, and intermodal transportation facilities and systems.

BACKGROUND AND ISTEA PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) requires the States to develop, establish, and implement six management systems for:

- Highway pavement of Federal-aid highways.
- Bridges on and off Federal-aid highways.
- Highway safety.
- Traffic congestion.
- Public transportation facilities and equipment.
- Inter-modal transportation facilities and systems.

These management systems can be financed with funds apportioned under 23 U.S.C. 104(b)(1), (b)(2), (b)(3) and/or with 2% SPR funds. In addition, bridge management systems can be financed

with funds apportioned under 23 U.S.C. 144.

In metropolitan areas, the management systems must be developed and implemented in cooperation with MPOs, and in TMAs the traffic congestion management system must be developed through the transportation planning process. In TMAs that include non-attainment areas for ozone and carbon monoxide, highway projects which significantly increase capacity for single-occupant vehicles must be part of an approved congestion management system.

States must be implementing the management systems in FY 1995 or 10% of the funds apportioned under Title 23 and under the Federal Transit Act may be withheld beginning in FY 1996.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-20).

RESEARCH, DEVELOPMENT, AND TECHNOLOGY

Intelligent Vehicle Highway Systems (IVHS)

State Planning and Research (SPR)

Research and Technology Program

Applied Research and Technology Program

Seismic Research Program

Strategic Highway Research Program (SHRP)

International Highway Transportation Outreach Program

INTELLIGENT VEHICLE-HIGHWAY SYSTEMS (IVHS)

STATUS: NEW ISTE A PROGRAM.

APPROPRIATION CODES:

323 -- IVHS, Corridors Program, Priority Urban Corridors
324 -- IVHS, Corridors Program, Other Corridors and Areas
325 -- IVHS, Other Activities, Innovative, High Risk
326 -- IVHS, Other Activities

FEDERAL PARTICIPATION: 80%

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocations for Contracts and Cooperative Agreements.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Sections 6051-6059 of the 1991 ISTE A (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY:

Appropriated IVHS funds may be used for:

- The IVHS Corridors Program. This involves the application of IVHS systems in designated transportation corridors (at least 50% of the funds must be spent in 3 to 10 priority urban corridors).
- Other IVHS Activities. This involves activities other than the IVHS Corridors Program. At least 5% of these funds must be spent for innovative, high risk operational or analytical tests.

IVHS funds may be used for (a) the promotion of compatible standards and protocols to promote widespread use of IVHS technologies, (b) the establishment of evaluation guidelines for IVHS operational tests, (c) the establishment of an information clearinghouse, (d) the development of a completely automated highway and vehicle system which will serve as the prototype for future fully automated IVHS systems, (e) the establishment of an IVHS Corridors Program to provide for operational tests under "real-world" conditions, (f) the authority to use advisory

committees for carrying out the IVHS program, and (g) the availability of grants to State and local governments for studying the feasibility for development and implementation of IVHS.

More specifically, eligible IVHS activities include the development or application of electronics, communications, or information processing (including advanced traffic management systems, commercial vehicle operations, advanced traveler information systems, commercial and advanced vehicle control systems, advanced public transportation systems, satellite vehicle tracking systems, and advanced vehicle communications systems) used singly or in combination to improve the efficiency and safety of surface transportation systems.

BACKGROUND AND ISTEA PROVISIONS:

Section 6051 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) cites Title VI, Part B, the "Intelligent Vehicle-Highway Systems Act of 1991." This Act establishes the IVHS Program. About \$660 million have been authorized for the IVHS Program for FY's 1992-1997. In addition, annual DOT appropriations acts have provided funds for specific aspects of the IVHS Program.

The purpose of the IVHS Program is to research, develop, and operationally test intelligent vehicle-highway systems and promote implementation of such systems as a component of the Nation's surface transportation systems.

Section 6058(a) of the 1991 ISTEA authorizes \$71 million for FY 1992 and \$86 million for each of FY's 1993-1997 to be appropriated out of the Highway Trust Fund for the IVHS Corridors Program. At least 50% of these funds must be spent for the application of IVHS systems in 3 to 10 priority urban corridors. The remaining balance may be spent for the application of IVHS systems in other corridors and areas. Any of these amounts that are not allocated for the IVHS Corridors Program in FY's 1992-1993 can be used for carrying out other IVHS activities included in the IVHS Act.

Section 6058(b) of the 1991 ISTEA also authorizes \$23 million in FY 1992 and \$27 million in each of FY's 1993-1997 to be appropriated out of the Highway Trust Fund for other IVHS activities in the IVHS Act (i.e., activities other than the IVHS Corridors Program). At least 5% of these funds must be spent for innovative, high risk operational or analytical tests.

The above funds are available for obligation in the same manner as if they were apportioned under Chapter 1 of Title 23.

A strategic plan setting forth the goals, milestones, and objectives of the IVHS program, and a report on non-technical constraints must both be submitted to Congress no later than December 17, 1992.

ADDITIONAL INFORMATION: Additional information about the IVHS Program may be obtained from the Office of Traffic Operations and Intelligent Vehicle-Highway Systems (HTV-1).

STATE PLANNING AND RESEARCH (SPR)

STATUS: CONTINUING USE OF HIGHWAY FUNDS. The State Planning and Research Program (SPR) replaces the Highway Planning and Research (HPR) Program. Funds for SPR projects are derived from a 2% share of funds apportioned for National Highway System (NHS), Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement (CMAQ), Interstate Construction (IC), Interstate Maintenance (IM), Interstate Substitution (IX), and Highway Bridge Replacement and Rehabilitation (HBRRP) projects. In addition, 1 1/2 % of the funds apportioned to a State for Minimum Allocation (MA) projects, as well as regular NHS and STP funds, may be used for SPR activities.

APPROPRIATION CODES:

080 -- HPR, FY 1991 & Prior Years
081 -- SPR, 2% , FY 1992 & Subsequent Years
086 -- SPR, Mandatory 25% for Research, Development, and
Technology Transfer Activities
31F -- SPR, Territories NHS
34F -- SPR, Minimum Allocation Funds
08A -- SPR, 2%, TMFW
08E -- SPR, Mandatory 25% for Research, Development, and
Technology Transfer, TMFW
OAP -- SPR, Mandatory 25% for Research, Development, and
Technology Transfer, Advance Construction

FEDERAL PARTICIPATION: 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.

PERIOD AVAILABLE: Same as NHS funds, FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A - Earmarked from certain funds apportioned to each State.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 103(i)(6), 133(b)(7), 157(c) and 307(c). Section 6001 of the 1991 ISTEA.

CFR REFERENCE: 23 CFR 420

ELIGIBILITY:

SPR funds may be used for:

- Engineering and economic surveys and investigations.
- The planning of future highway programs and local public transportation systems, including statewide planning.
- Development and implementation of management systems.
- Studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof.
- Research, development, and technology transfer activities necessary in connection with the planning, design, construction, and maintenance of highway, public transportation, and intermodal transportation systems.
- Study, research, and training on engineering standards and construction materials for the above systems, including evaluation and accreditation of inspection and testing and the regulation and taxation of their use.

BACKGROUND:

The Hayden-Cartwright Act of 1934 marked the beginning of the use of 1 1/2% of apportioned Federal-aid funds for surveys, planning, and engineering investigations for future highway improvements. This subsequently was broadened to a wider planning and research program. Prior to passage of the 1991 ISTEA, HPR funds were derived from a 1 1/2% share of the sums apportioned for I, IS, Primary, Secondary, Interstate 4R, Urban, and HBRRP projects. These funds were reserved for planning and research and were administered as a single fund; therefore, they lost their identity with the source funds. An optional 1 1/2% was also available from the MA apportionments.

The Federal-aid Highway Act of 1962 (Public Law 87-866) changed the use of the 1 1/2% amount from optional to exclusive. In addition to this change, an additional 1/2% was added to the program (PR funds) to be used on an optional basis at the request of a State. The Federal-aid Highway Act of 1973 (Public Law 93-87) added funding of an additional 1/2% for Metropolitan Planning (PL).

Prior to FY 1983 the maximum percentage for Federal participation was computed by FHWA Headquarters in accordance with clauses (A) and (B) of 23 U.S.C. 120(a) and was based on the relative amounts of Interstate and non-Interstate apportioned funds for the year. Beginning in FY 1983, a standard Federal share of 85% was estab-

lished 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, as codified 23 U.S.C. 120(j), that the sliding scale rates for States with large areas of public lands were applicable to HPR.

Section 124 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) added to the funding sources by amending 23 U.S.C. 157(c) and permitting the States to use 1 1/2% of their MA funds for HPR activities. Also, State highway agencies (SHAs) were allowed to contribute up to 5 1/2% (4 1/2% prior to FY 1989) of their annual HPR apportionment for research under the National Cooperative Highway Research Program (NCHRP).

ISTEA PROVISIONS:

Section 6001 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amends 23 U.S.C. 307(c) and continues the Highway Planning and Research (HPR) Program, but renames it the State Planning & Research (SPR) Program.

Beginning in FY 1992, SPR funds will be derived from a 2% share of the sums apportioned to the States for the IC, IS, IM, HBRRP, NHS, STP, and CMAQ programs. In addition, 1 1/2 % of the funds apportioned to a State for MA projects may still be used for SPR activities. Also, regular NHS and STP funds may be used for SPR activities.

At least 25% 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% of the amount of such funds and the FHWA concurs.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-10) and/or the Office of Research and Development Operations and Support (HRD-10).

RESEARCH AND TECHNOLOGY PROGRAM

STATUS: NEW ISTEA PROGRAM. Funds to carry out this program are to be taken out of administrative funds deducted pursuant to 23 U.S.C. 104(a) and from such funds as may be deposited by any cooperating organization or person in a special Treasury account established for such purposes.

APPROPRIATION CODES: Unknown.

FEDERAL PARTICIPATION: 50%, except that if there is a substantial public interest or benefit, the Secretary may approve a higher Federal share.

PERIOD AVAILABLE: Until Expended.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 104(a), 307(a-b). Section 6001 of the 1991 ISTEA.

CFR REFERENCE: None

ELIGIBILITY:

Research and Technology Application funds may be used for:

- Studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with regard to such standards, and also studies to identify and measure factors related to economic, social, environmental, and other impacts of highway projects.
- A program to implement results of the strategic highway research program (SHRP) carried out under the provisions of 23 U.S.C. 307(d) and to continue the long-term pavement performance tests being carried out under the SHRP program.
- A coordinated long-term program of research for the development, use, and dissemination of performance indicators to measure the performance of the surface transportation system in the United States.

- Necessary systems research in order to develop a concept for a lightweight, pneumatic tire multiple-unit, battery-powered system, in conjunction with recharging stations at strategic locations.
- A program to strengthen and expand surface transportation infrastructure research and development.

More details may be found in 23 U.S.C. 307(b).

BACKGROUND AND ISTEA PROVISIONS:

Section 6001 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amends 23 U.S.C. 307(a) & (b) and establishes a Highway Research and Technology Program.

For the purposes of encouraging innovative solutions to highway problems and stimulating the marketing of new technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations.

Funds to carry out the Research and Technology Program are to be taken out of administrative funds deducted pursuant to 23 U.S.C. 104(a) and from such funds as may be deposited by any cooperating organization or person in a special Treasury account established for such purposes. Not less than 15% of the funds must be expended on long-term research projects which are unlikely to be completed within 10 years. At least \$12 million in FY 1992, \$16 million in FY 1993, and \$20 million in each of FY's 1994-1997 of the amounts deducted under 23 U.S.C. 104(a) for the Research and Technology Program, must be used for the SHRP purposes set forth in 23 U.S.C. 307(b)(2).

The Federal share for activities carried out under a cooperative research and development agreement cannot exceed 50% of the total cost, unless there is a substantial public interest or benefit, in which case the Secretary may approve a higher Federal share. All costs directly incurred by non-Federal partners, including personnel, travel, and hardware development costs, are to be treated as part of the non-Federal share of the cost.

As part of the Research and Technology Program, a program is to be established to implement results of the strategic highway research program (SHRP) carried out under the provisions of 23 U.S.C. 307(d) and to continue the long-term pavement performance tests being carried out under the SHRP program.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Research and Development Operations and Support (HRD-10).

APPLIED RESEARCH AND TECHNOLOGY PROGRAM

STATUS: NEW ISTEA PROGRAM. Funds to carry out this program are to be taken from administrative and research funds deducted under 23 U.S.C. 104(a) and from funds made available under Section 26(a)(1) of the Federal Transit Act.

APPROPRIATION CODE: 373

FEDERAL PARTICIPATION: 80%

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Grants

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

CFR REFERENCE: None

STATUTORY REFERENCE: 23 U.S.C. 307(e). Section 6005 of the 1991 ISTEA.

ELIGIBILITY:

Technologies which may be tested under the Applied Research and Technology Program include, but are not limited to:

- Accelerated construction materials and procedures.
- Environmentally beneficial materials and procedures.
- Materials and techniques which provide enhanced serviceability and longevity under adverse climatic, environmental, and load effects.
- Technologies which increase the efficiency and productivity of vehicular travel.
- Technologies and techniques which enhance the safety and accessibility of vehicular transportation systems.
- Other activities for accelerating the testing, evaluation, and implementation of technologies which are designed to improve the durability, efficiency, environmental impact, productivity, and safety of highway, transit, and intermodal transportation systems.

BACKGROUND AND ISTEA PROVISIONS:

Section 6005 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) establishes the Applied Research and Technology Program by redesignating existing subsection (e) of 23 U.S.C. 307 as subsection (g), and by then adding a new subsection (e).

The Secretary must expend from administrative and research funds deducted under 23 U.S.C. 104(a), and from funds made available under Section 26(a)(1) of the Federal Transit Act, \$240 million over a 6-year period, broken down as follows:

\$35 million for FY 1992

\$41 million for each of FY's 1993-1997

Of these amounts, each fiscal year, at least \$4 million must be spent for projects related to heated bridge technologies: at least \$2.5 million must be spent for projects related to thin bonded overlay and surface lamination of pavements; and at least \$2 million must be spent for projects related to all weather pavement markings.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Research and Development Operations and Support (HRD-10).

SEISMIC RESEARCH PROGRAM

STATUS: NEW ISTE A PROGRAM. Funds to carry out this program are to be taken from administrative and research funds deducted under 23 U.S.C. 104(a).

APPROPRIATION CODE: 374

FEDERAL PARTICIPATION: 80%

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Grants

TYPE OF AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

CFR REFERENCE: None

STATUTORY REFERENCE: 23 U.S.C. 307(f). Section 6005 of the 1991 ISTE A.

ELIGIBILITY: Funds to carry out the Seismic Research Program are to be taken from administrative and research funds deducted under 23 U.S.C. 104(a) and may be used to study the vulnerability of highways, tunnels, and bridges to earthquakes and to develop and implement cost-effective methods of retrofitting to prevent such vulnerability.

BACKGROUND AND ISTE A PROVISIONS:

Section 6005 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTE A, Public Law 102-240) establishes the Seismic Research Program by redesignating existing subsection (f) of 23 U.S.C. 307 as subsection (h), and by then adding a new subsection (f).

The Secretary must expend no more for this program than \$2 million for each of FY's 1992-1997. Funds are to be taken from research funds deducted under 23 U.S.C. 104(a).

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Research and Development Operations and Support (HRD-10).

STRATEGIC HIGHWAY RESEARCH PROGRAM (SHRP)

STATUS: CONTINUING PROGRAM. Funds to carry out the Strategic Highway Research Program (SHRP) are to be taken from administrative funds deducted pursuant to 23 U.S.C. 104(a).

APPROPRIATION CODE:

182 -- SHRP Activities, FY's 1987-1991.
372 -- SHRP Implementation, FY's 1992-1997.

FEDERAL PARTICIPATION: 100% for FY's 1987-1991; 50% for FY's 1992-1997, except that if there is a substantial public interest or benefit, the Secretary may approve a higher Federal share.

PERIOD AVAILABLE: FY + 3 years prior to the 1991 ISTEA. Until Expended for FY 1992-1997.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: See comments

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes, authorized amounts are subject to the ceiling but are excluded from the State-by-State distribution of the obligation limitation.

STATUTORY REFERENCE: 23 U.S.C. 307(d).

CFR REFERENCE: None

ELIGIBILITY: SHRP funds provided under 23 U.S.C. 307(b)(2) may be used to implement results of the strategic highway research program carried out under the provisions of 23 U.S.C. 307(d), including results relating to automatic intrusion alarms for street and highway construction work zones, and to continue the long-term pavement performance tests being carried out under the SHRP program.

BACKGROUND:

SHRP was created by Section 128 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) and codified as 23 U.S.C. 307(d). It provided for the FHWA, in consultation with the American Association of State Highway and Transportation Officials (AASHTO), to carry out research, development, and technology transfer activities determined to be strategically important to the national highway transportation system. Grants were to be made to, and cooperative agreements entered into with, AASHTO and the National Academy of Sciences to carry out the program.

Funding was provided in FY's 1987-1991 by setting aside 1/4 of 1 percent of the funds authorized for the Federal-aid systems, for highway assistance programs under 23 U.S.C. 103(e)(4), for bridge replacement and rehabilitation under 23 U.S.C. 144, for elimination of hazards under 23 U.S.C. 152, and for the elimination of hazards at railroad-highway crossings under 23 U.S.C. 130.

The FHWA was required to transmit an annual report, beginning January 1, 1988, to the Committee on Environment and Public Works of the Senate and the Committee of Public Works and Transportation of the House of Representatives.

ISTEA PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continues the Strategic Highway Research Program in the following manner:

- No additional funds are provided for SHRP under 23 U.S.C. 307(d), but the other Title 23 provisions related to SHRP remain intact.
- Section 6001 of the 1991 ISTEA amends 23 U.S.C. 307 and establishes a new Research and Technology Program, which in 23 U.S.C. 307(b)(2) requires a program to:
 - o Implement results of the strategic highway research program (SHRP) carried out under the provisions of 23 U.S.C. 307(d), and
 - o Continue the long-term pavement performance tests being carried out under the SHRP program.

At least \$12 million in FY 1992, \$16 million in FY 1993, and \$20 million in each of FY's 1994-1997 of the amounts deducted under 23 U.S.C. 104(a) for the Research and Technology Program, must be used for the SHRP purposes set forth in 23 U.S.C. 307(b)(2).

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Research and Development Operations and Support (HRD-10).

INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM

STATUS: CONTINUING PROGRAM.

APPROPRIATION CODE: N/A

FEDERAL PARTICIPATION: N/A

PERIOD AVAILABLE: N/A

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Section 6003 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND AND ISTEA PROVISIONS:

Broadly stated, the 1991 ISTEA give the FHWA the authority to:

- Import Technology. The FHWA will provide the U.S. highway community with information on foreign innovations that could significantly improve highway transportation in the United States. This will be accomplished through activities designed to assess, evaluate, and market foreign innovations.
- Export Technology. The FHWA will undertake activities to promote U.S. highway goods and services overseas by informing other countries of U.S. technical quality. This may be accomplished through traditional technical assistance programs, foreign demonstration projects, interaction between FI-IWA technical professionals and their foreign counterparts, and through training courses offered to highway professionals from overseas.
- Cooperate with the Private Sector. The FHWA will offer those technical services which cannot be readily obtained from the U.S. private sector to be incorporated into the proposals of U.S. firms undertaking foreign highway transportation projects. Such projects will be undertaken

only when the costs for participation are recovered under the terms of the agreement. The FHWA will also perform studies to assess the need for or feasibility of highway transportation improvements in countries that are not members of the Organization for Cooperation and Development.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of International Programs (HPI-10).

HIGHWAY AND RAILROAD SAFETY

FHWA Highway Safety Program (402 Program)

FHWA Highway Safety Research and Development (403 Program)

Safety Belts and Motorcycle Helmets

Railroad-Highway Crossings Demonstration Program (19 Cities)

Railway-Highway Crossing Hazard Elimination in
High Speed Rail Corridors (STP Set-Aside)

Operation Lifesaver

FHWA HIGHWAY SAFETY PROGRAM (402 PROGRAM)

STATUS: CONTINUING PROGRAM.

APPROPRIATION CODE: None

FEDERAL PARTICIPATION: 80%. The Federal share may be increased up to 95% in States with large areas of public lands.

PERIOD AVAILABLE: FY + 3 years.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Statutory formula in 23 U.S.C. 402(c).

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes, but a separate obligation limitation.

STATUTORY REFERENCE: 23 U.S.C. 402; Sections 2002 & 1003 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: 23 CFR 1204 & 1205.

ELIGIBILITY: 402 Safety Program funds may be used by the FHWA for nonconstruction activities which serve as the "building blocks" to support the identification of problems and the selection and implementation of safety construction and traffic operational improvements. Typical activities include, but are not limited to, the following:

- Collecting and analyzing data.
- Conducting engineering studies and analyses.
- Developing technical guides and materials for State and local highway agencies.
- Purchasing equipment for inventorying, monitoring, and testing.
- Providing technical highway safety training.
- Developing highway safety construction programs.

BACKGROUND:

The Highway Safety Program, which is usually referred to as the "402 Safety Program," was created by Section 101 of the Highway Safety Act of 1966 (Title II of Public Law 89-564) and was codified as 23 U.S.C. 402. It is jointly administered by the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA). The FHWA is responsible for guidelines and programs relating to the highway. The NHTSA is responsible for guidelines and programs relating to the driver and the vehicle.

Initially there were 18 safety program standards. The FHWA was responsible for 3 1/2 of these standards, which included identification and surveillance of accident locations; highway design, construction and maintenance; traffic engineering services; and pedestrian safety (shared with NHTSA). These standards are now considered to be guidelines, but have been retained in 23 CFR 1204 and may be used by States to develop comprehensive highway safety programs. In 1982, National Priority Program Areas were determined by public rulemaking in an effort to set forth the most effective uses for the 402 funds. These National Priority Program Areas are contained in 23 CFR 1205. The FHWA Priority Program Area is "Roadway Safety."

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) authorized \$10 million for each of FY's 1987-1991 for the FHWA to carry out the provisions of 23 U.S.C. 402.

ISTEA PROVISIONS:

Section 2002 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued the 402 Safety Program.

Section 1003 of the 1991 ISTEA authorizes \$117 million to be appropriated out of the Highway Trust Fund over a 6-year period for carrying out Section 402 by the FHWA (\$17 million for FY 1992 and \$20 million for each of FY's 1993-1997).

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Highway Safety (HHS-20).

FHWA HIGHWAY SAFETY RESEARCH AND **DMLOPMENT** (403 PROGRAM)

STATUS: CONTINUING PROGRAM. Even though authorized, funds have not been appropriated by Congress in recent years for the 403 Program. Needs have been incorporated into FHWA's research and development budget.

APPROPRIATION CODE: None

FEDERAL PARTICIPATION: 100%

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Funds are used by the FHWA or in cooperation with other Federal departments or agencies, institutions, and individuals through grants and contracts.

TYPE OF AUTHORITY: Budget

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 403; Sections 2003 & 1003 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: 23 U.S.C. 403, as amended, authorizes the Secretary to use funds appropriated for the program to carry out safety research authorized by 23 U.S.C. 307(a). This may be done independently or in cooperation with other Federal departments or agencies, institutions, and individuals through grants and contracts with public and private agencies, institutions, and individuals.

BACKGROUND:

The Highway Safety Research and Development program was created by Section 101 of the Highway Safety Act of 1966 (Title II of Public Law 89-564) and was codified as 23 U.S.C. 403. It is jointly administered by FHWA and NHTSA.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) authorized \$10 million per fiscal year for each of FY's 1987-1991 for carrying out 23 U.S.C. 307(a) and 403 by the FHWA.

Even though authorized, funds have not been appropriated by Congress in recent years for the 403 Program. Needs have,

however, been incorporated into FHWA's research and development budget.

ISTEA PROVISIONS:

Section 2003 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued the FHWA Highway Safety Research and Development programs with no essential changes.

Section 1003 of the 1991 ISTEA authorizes \$60 million to be appropriated out of the Highway Trust Fund over a 6-year period for carrying out Section 403 by the FHWA (\$10 million for each of FY's 1992-1997).

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Safety and Traffic Operations Research and Development (HSR-1) and/or the Office of Highway Safety (HHS-10).

SAFETY BELTS AND MOTORCYCLE HELMETS

STATUS: NEW USE OF HIGHWAY FUNDS.

APPROPRIATION CODE: 335

FEDERAL PARTICIPATION:

75% -- First Year
50% -- Second Year
25% -- 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. Section 1031 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Grants may be 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 AND ISTEA PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) permits the Secretary to provide grants to States that enact motorcycle helmet and safety belt use laws.

A grant made to a State must 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 may not receive a grant for more than 3 fiscal years. The Federal share payable cannot exceed 75% in the first fiscal year, 50% in the second fiscal year, and 25% in the third fiscal year, of the cost of implementing this program. The aggregate amount of grants made to a State cannot exceed 90% of the amount apportioned to such State for FY 1990 under 23 U.S.C. 402.

States that do not enact motorcycle helmet and safety belt laws by FY 1994 will have 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 codifies the above information as 23 U.S.C. 153. To carry out the program, Section 153(j) of Title 23, U.S.C.:

- o Authorizes \$17,000,000 to be appropriated out of the Highway Trust Fund to carry out the provisions of 23 U.S.C. 153 in FY 1992, and
- o Makes available 402 Safety Program funds in the amount of \$17,000,000 in FY 1992, \$24,000,000 in FY 1993, and \$24,000,000 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 is due not later than 40 months after funds are made available by the Secretary. The study is to be funded using \$5,000,000 of funds apportioned to carry out 23 U.S.C. 153 in FY's 1992 and/or 1993. These funds remain available until expended.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Highway Safety (HHS-20).

RAILROAD-HIGHWAY CROSSINGS **DEMONSTRATION** PROGRAM (19 CITIES)

STATUS: CONTINUING PROGRAM.

APPROPRIATION CODE: 697

FEDERAL PARTICIPATION: 75% normal pro rata share. 95% if PS&E preparation was either on-going or completed prior to December 22, 1987.

PERIOD AVAILABLE: Until Expended

FUND: 2/3 Trust, 1/3 General.

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Budget

SUBJECT TO OBLIGATIONAL LIMITATION: No

STATUTORY REFERENCES: Section 163 of the Federal-aid Highway Act of 1973 (Public Law 93-87); Section 1037 of the 1991 ISTEA (Public Law 102-240).

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 the General Fund. Federal share payable was to be as specified in 23 U.S.C. 120. The FHWA determined that this meant a 95% 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% on the new projects.

The list of specified projects included the following 19 cities:

Elko, NV	Lincoln, NE	Wheeling, WV
Blue Island, IL	Carbondale, IL	Dolton, IL
E. St. Louis, IL	Springfield, IL	West Albany, IN
Anoka, MN	Brownsville, TX	Greenville, TX
Lafayette, IN	Hammond, IN	Metairie, LA
Augusta, GA	Pine Bluff, AK	Sherman, TX
Terre Haute, IN		

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 FY's 1979-1982 and established the Federal share at 95%.

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 will be 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 FY's 1987-1991 and reduced the Federal share payable from 95% to 75% 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% Federal share except for segments for which the preparation of the PS&E was 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%.

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.

During FY 1981, for the first time, funding requests submitted from the cities far exceeded the program's balance of unallocated funds. Also, the estimated high program costs (over \$1 billion)

and the categorical nature of the demonstration program made its future much less certain during the on-going period of Federal fiscal constraints. As a result, FHWA began distributing funds based on allocation plans which recognized past congressional earmarking of funds, yet channeled funds mainly to lower-cost usable segments of projects. Since 1984, all funds appropriated have been earmarked to specific projects by congressional advice. HNG-12 allocations follow 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 18 cities projects (code 697).

ISTEA PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued the Railroad Relocation Demonstration Program through FY 1994.

Section 1037 of the 1991 ISTEA authorizes the following amounts to be appropriated, 2/3 from the Highway Trust Fund (HTF) and 1/3 from the General Fund (GF):

	<u>TOTAL</u>	<u>HTF</u>	<u>GF</u>
FY 1992	\$15,000,000	(\$10,000,000 /	\$5,000,000
FY 1993	\$15,000,000	(\$10,000,000 /	\$5,000,000)
FY 1994	\$15,000,000	(\$10,000,000 /	\$5,000,000)

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS

STATUS: NEW USE OF HIGHWAY FUNDS. Funds to carry out this program will be set aside from funds provided for the Surface Transportation Program (STP) before any STP apportionments are made for a fiscal year.

APPROPRIATION CODES: Unknown

FEDERAL PARTICIPATION: Unknown

PERIOD AVAILABLE: Unknown

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 104(d). Section 1010 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: These funds may be used for the elimination of hazards of railway-highway crossings at up to 5 railway corridors which will be selected by the Secretary.

BACKGROUND AND ISTEA PROVISIONS:

Section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) revised 23 U.S.C. 104(d) to require the Secretary of Transportation to set aside Surface Transportation Program (STP) funds for railway-highway crossing hazard elimination in high speed rail corridors.

Before making an apportionment of STP funds for a fiscal year, the Secretary must set aside \$5 million for the elimination of hazards of railway-highway crossings at up to 5 railway corridors which will be selected by the Secretary. Corridors selected must include rail lines where railroad speeds of 90 mph are occurring or can reasonably be expected to occur in the future. Other considerations include 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.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

OPERATION LIFESAVER

STATUS: NEW USE OF HIGHWAY FUNDS. Funds to carry out Operation Lifesaver are to be taken from administrative funds deducted pursuant to 23 U.S.C. 104(a).

APPROPRIATION CODES: N/A

FEDERAL PARTICIPATION: N/A

PERIOD AVAILABLE: N/A

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 104(d). Section 1010 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Operation Lifesaver funds may be used to carry out public information and education programs intended to help reduce motor vehicle accidents, injuries, and fatalities, and to improve driver performance at railway-highway crossings.

BACKGROUND AND ISTEA PROVISIONS:

Section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) revises 23 U.S.C. 104(d) so as to require the Secretary of Transportation to provide funds for the Operation Lifesaver Program.

Administrative funds deducted under the provisions of 23 U.S.C. 104(a) are to be used each fiscal year in the amount of \$300,000.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

EQUITY ADJUSTMENT CATEGORIES

Minimum Allocation – 90 Percent

Donor State Bonus

Reimbursement for Segments of the Interstate System
Constructed Without Federal Assistance

Hold Harmless

90 Percent of Payment Adjustments

Additional Allocation – Wisconsin

Equity adjustment categories are funds that were legislated to achieve equity in funding levels among the States. They cannot be considered programs because they are not directed toward a particular group of roads or activities. However, they do represent amounts of funds that will be distributed to the States.

MINIMUM ALLOCATION - 90 PERCENT

STATUS: CONTINUING USE OF HIGHWAY FUNDS. The 90% Minimum Allocation (MA) equity adjustment category replaces the 85% MA category which existed prior to the 1991 ISTEA.

APPROPRIATION CODES:

160 -- MA-85%, FY 1991 and Prior Years
34A -- MA-90%, Any Areas
34B -- MA-90%, Urbanized Areas with >200,000 Population
34C -- MA-90%, Areas <200,000 Population
34D -- MA-90%, Mandatory for Non-Urban Areas
34E -- MA-90%, Metropolitan Planning
34F -- MA-90%, State P&R

FEDERAL PARTICIPATION: Actual rate depends upon funds being supplemented or replaced. MA funds cannot be used as the State matching share.

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: In FY's 1992-1997, each State is 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), Bridge Program (HBRRP), Scenic Byways, and Safety Belt and Motorcycle Helmet grants and allocations from any of these programs received in the prior year must not be less than 90% of the percentage of estimated contributions to the Highway Trust Fund. The contributions are based upon the latest year for which data is available.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: 23 U.S.C. 157(a)&(b); Sections 1013(a)&(b) of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: 90% MA funds may be used for IC, IM, IS, NHS, STP, HBRRP, and CMAQ projects, and also for metropolitan planning (PL) activities (not to exceed 1/2 % of the funds apportioned to a State for MA projects) and for State Planning & Research (SPR) activities (not to exceed 1 1/2 % of the funds apportioned to a State for MA projects). 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 FY's 1983-1986 to ensure that all States would receive apportionments in each fiscal year for Interstate, Interstate 4R, Interstate Substitute, Primary, Secondary, Urban, HBRRP, HE, and RR programs that were at least 85% 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.

ISTEA PROVISIONS:

Section 1013 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amends 23 U.S.C. 157(a)&(b) and guarantees each State a 90% minimum allocation.

Section 1013(a) of the 1991 ISTEA amends 23 U.S.C. 157(a) and authorizes allocations each year out of the Highway Trust Fund to ensure a 90% minimum allocation. This amount is \$1.16 billion for FY 1992. Amounts will be calculated at the time of apportionment in future years, but are estimated to probably be a little more than \$803 million for each of FY's 1993-1997.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Fiscal Services (HFS-30).

DONOR STATE BONUS

STATUS: NEW USE OF HIGHWAY FUNDS. These equity adjustment funds will be transferred to the Surface Transportation Program (STP) account.

APPROPRIATION CODES:

35A -- DSB-50% 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 PARTICIPATION: The normal pro-rata Federal share is 80%. The Federal share may be increased up to 95% for Interstate projects (including projects to add high occupancy vehicle or auxiliary lanes, but not any other lanes), up to 95% in States with large areas of public lands, and up to 100% for safety, traffic control, and carpool/vanpool projects as set forth in 23 U.S.C. 120(c).

PERIOD AVAILABLE: Until Expended.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: In FY's 1992-1997, donor States are identified by comparing each State's projected contributions to the Highway Trust Fund in the fiscal year to the apportionments that will be received by the State in that fiscal year. Section 1013(c) of the 1991 ISTEA authorizes 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 is brought up to the level of return for States with the next highest level of return. This is repeated successively for each State until the funds authorized for that fiscal year are exhausted.

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 Surface Transportation Program (STP) funds, except that the amounts are available until expended and one-half of the amount is subject to the sub-State STP distribution rules contained in 23 U.S.C. 133(d)(3). The other half may be used in any areas for STP activities.

BACKGROUND AND ISTEA PROVISIONS:

The Donor State Bonus program is contained in Section 1013(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240).

Donor States (those that contribute more to the Highway Trust Fund than they receive back in Federal-aid highway programs) receive a predetermined amount based on a comparison of a projection of all payments into the Highway Trust Fund and the amount received in Federal-aid apportionments. Starting with the State with the lowest return, States are brought up to the level of return for States with the next higher level of return until available funds are depleted.

Section 1013(c) of the 1991 ISTEA authorizes \$429 million in FY 1992 and \$514 million in each of FY's 1993-1997 to be appropriated out of the Highway Trust Fund for the payment of Donor State Bonus amounts.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Fiscal Services (HFS-30).

REIMBURSEMENT FOR SEGMENTS OF THE INTERSTATE SYSTEM CONSTRUCTED WITHOUT FEDERAL ASSISTANCE

STATUS: NEW USE OF HIGHWAY FUNDS. Beginning in FY 1996, these equity adjustment funds will be transferred to the Surface Transportation Program (STP) account.

APPROPRIATION CODE: None

FEDERAL PARTICIPATION: 80%, same as STP.

PERIOD AVAILABLE: FY + 3 Years, same as STP.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: In FY's 1996 and 1997, each State (including the District of Columbia) will receive an amount of money to reimburse them for their cost of constructing segments of the Interstate System without Federal assistance in the early days of the Interstate construction program. The amount each State will receive is a percentage of the amount authorized for each of those years as specified in Section 1014 of the 1991 ISTEA.

AUTHORITY: Contract, same as STP.

SUBJECT TO OBLIGATION LIMITATION: Yes, same as STP.

STATUTORY REFERENCE: 23 U.S.C. 160; Section 1014 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Interstate Reimbursement funds are to be used as STP funds, except that one-half of the amount received by a State will not be subject to the two set-asides or the sub-State distribution requirements of the STP.

BACKGROUND AND ISTEA PROVISIONS:

Section 1014(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) added a new section (Section 160) to Title 23, U.S. Code entitled "Reimbursement for Segments of the Interstate System Constructed Without Federal Assistance",

Paragraph (f) of this new section, 23 U.S.C. 160(f), authorizes \$2 billion to be appropriated out of the Highway Trust Fund for each of FY's 1996 and 1997 for reimbursement for segments of the Interstate System constructed without Federal assistance. These funds reflect each State's share of the cost of routes that were

incorporated into the Interstate System in 1956. Each State is guaranteed a 1/2 percent minimum apportionment.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Fiscal Services (HFS-30).

HOLD HARMLESS

STATUS: NEW USE OF HIGHWAY FUNDS. These funds will be transferred to the Surface Transportation Program (STP) account.

APPROPRIATION CODE: Unknown

FEDERAL PARTICIPATION: The normal pro-rata Federal share is 80%. The Federal share may be increased up to 95% for Interstate projects (including projects to add high occupancy vehicle or auxiliary lanes, but not any other lanes), up to 95% in States with large areas of public lands, and up to 100% for safety, traffic control, and carpool/vanpool projects as set forth in 23 U.S.C. 120(c).

PERIOD AVAILABLE: FY + 3 Years, same as STP.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Section 1015(a) of the 1991 ISTEA establishes a legislative percentage that each State must receive each fiscal year. The percentage applies to the total funding to be distributed for Interstate Construction (IC), Interstate Maintenance (IM), Interstate Substitution (IX), National Highway System (NHS), Surface Transportation Program (STP), Congestion Mitigation & Air Quality Improvement (CMAQ), Bridge Program (HBRP), Federal Lands, Minimum Allocation (MA), Interstate Reimbursement (when it becomes available in FY 1996), and Donor State Bonus (DSB). Each State is to receive an addition to its regular apportionments so that its total will equal the established percentage.

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 are to be used as STP funds, except that one-half of the amount received by a State will not be subject to the two set-asides or the sub-State distribution requirements of the STP.

BACKGROUND AND ISTEA PROVISIONS:

The Hold Harmless category was authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991.

Section 1015(a) of the 1991 ISTEA establishes a legislative percentage each State must receive of the Nation's funding for each of FY's 1992-1997. The funding programs included in the adjustment process, which includes apportionments and prior year allocations, are IC, IM, IS, NHS, STP, CMAQ, HBRRP, MA, Federal Lands, DSB, and Interstate Reimbursement. Additions are to be made to the STP apportionment so each State's total will reach the legislative percentage set forth in Section 1015(a)(2) of the 1991 ISTEA. Funds are to be used as if they were STP funds; however, one-half of the amount is not subject to the set-asides and sub-State distribution requirements of the STP. Also, the 90% guarantee and priority projects are not included in the Hold Harmless adjustment.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Fiscal Services (HFS-30).

90 PERCENT OF PAYMENT ADJUSTMENTS

STATUS: NEW USE OF HIGHWAY FUNDS. These equity adjustment funds will be transferred to the Surface Transportation Program (STP) account.

APPROPRIATION CODE: None

FEDERAL PARTICIPATION: The normal pro-rata Federal share is 80%. The Federal share may be increased up to 95% for Interstate projects (including projects to add high occupancy vehicle or auxiliary lanes, but not any other lanes), up to 95% in States with large areas of public lands, and up to 100% for safety, traffic control, and carpool/vanpool projects as set forth in 23 U.S.C. 120(c).

PERIOD AVAILABLE: FY + 3 Years, same as the STP.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: In each of FY's 1992-1997, each State that qualifies will receive an allocation in an amount that ensures its apportionments for the fiscal year and allocations for the previous fiscal year will be at least 90% of its contributions to the Highway Account of the Highway Trust Fund. This is different from the Minimum Allocation where the guarantee is 90% of a State's relative share of contributions. Like Minimum Allocation, the contribution is determined based on the latest year for which data are available. The apportionments included in the calculation are those for Interstate Construction (IC), Interstate Maintenance (TM), National Highway System (NHS), Surface Transportation Program (STP), Congestion Mitigation & Air Quality Improvement (CMAQ), Interstate Reimbursement (when it becomes available in FY 1996), Donor State Bonus (DSB), and Hold Harmless.

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 are to be used as STP funds, except that one-half of the amount received by a State will not be subject to the two set-asides or the sub-State distribution requirements of the STP.

BACKGROUND AND ISTEA PROVISIONS:

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.

This category guarantees all States 90 cents in return for every dollar they are estimated to have contributed to the Highway Trust Fund for each of FY's 1992-1997, based upon data for the latest available fiscal year.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Fiscal Services (HFS-30).

ADDITIONAL ALLOCATION-WISCONSIN

STATUS: NEW USE OF HIGHWAY FUNDS. These equity adjustment funds will be transferred to the Surface Transportation Program (STP) account.

APPROPRIATION CODE: None

FEDERAL PARTICIPATION: The normal pro-rata Federal share is 80%. The Federal share may be increased up to 95% for Interstate projects (including projects to add high occupancy vehicle or auxiliary lanes, but not any other lanes), up to 95% in States with large areas of public lands, and up to 100% for safety, traffic control, and carpool/vanpool projects as set forth in 23 U.S.C. 120(c).

PERIOD AVAILABLE: FY + 3 Years, same as the STP.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Funds will be 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 are to be used in the State of Wisconsin as if they were STP funds. However, one-half of the amount is not subject to the set-asides and sub-State distribution requirements of the STP.

BACKGROUND AND ISTEA PROVISIONS:

The Additional Allocation for Wisconsin was authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991.

Section 1015(c) authorizes \$40.0 million in FY 1992 and \$47.8 million in each of FY's 1993-1997 to be allocated to the State of Wisconsin and to be transferred to the STP apportionment.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Fiscal Services (HFS-30).

SPECIAL PROGRAMS

Emergency Relief Program

Scenic Byways Program

National Recreation Trails Funding Program

National High-Speed Ground Transportation Technology
Demonstration Program

National Magnetic Levitation (MAGLEV)
Prototype Development Program

Congestion Pricing Pilot Program

Infrastructure Awareness Program

Private Sector Involvement Program

EMERGENCY RELIEF PROGRAM

STATUS: CONTINUING PROGRAM.

APPROPRIATION CODE:

098 - Projects on Federal-aid systems (ER).
099 - Projects on Federally owned roads (ERFO).
088 and 089 - Non-Cap funds (see comments).
083 (ER) and 084 (ERFO) - Loma Prieta Earthquake funds
09A (ER) and 09B (ERFO) - Hurricane Hugo funds.

FEDERAL PARTICIPATION: 100% for emergency work done on Federal-aid highways in the first 180 days after an occurrence. Otherwise, the same as the Federal share for the highway on which the project is located (i.e., generally, 90% on the Interstate System and 80% on other highways, adjusted for the appropriate sliding scale). 100% for emergency and permanent work on Federally owned roads and on roads in the Territories.

PERIOD AVAILABLE: FY + 2 years. Obligation authority is provided to the Regions yearly with unobligated balances withdrawn by the Washington Office at the end of each fiscal year. Specially provided Hurricane Hugo and Loma Prieta earthquake funds are available until expended.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation, by disaster by State.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: 23 U.S.C. 120(f) & 125; Section 1022 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: 23 CFR 668A and 668B.

ELIGIBILITY: The ER program is intended to aid State and local highway agencies to pay unusually heavy expenses of repairing serious damage to Federal-aid highways resulting from natural disasters or catastrophic failures. Detailed eligibility information within these general guidelines may be found in the FHWA's publication titled, "Emergency Relief Disaster Assistance Manual." Copies of this manual may be obtained from the Federal-Aid Program Branch (HNG-12),

BACKGROUND:

The first legislation authorizing 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% of the ER expenditures for any fiscal year came from the Highway Trust Fund and the remaining 40% came from the General Fund. For FY 1979 and subsequent years, 100% 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 088 and 089 (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 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%, and except on Federal roads, where both emergency and permanent repairs were at 100%.

The FY 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance (Public Law 101-130) contained unique provisions relative to the Hurricane Hugo disaster in the Virgin Islands, Puerto Rico, South Carolina, North Carolina, and Virginia, and to the Loma Prieta Earthquake disaster in California. These provisions (a) appropriated \$1 billion in additional ER funds to be available until expended, (b) increased the 100% emergency repair period from 90 days to 180 days, (c) removed the \$100 million cap per disaster per State for Hurricane Hugo and Loma Prieta projects and future projects using these funds (but did not change the \$5 million cap for the Territories), (d) excluded Hurricane Hugo and Loma Prieta projects from minimum allocation calculations, and (e) made the Oakland Bay Bridge, a toll bridge, eligible for ER funding.

ISTEA PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) made the following changes to the ER program:

- Limited the use of ER funds to National Highway System (NHS) routes. This was an oversight, however, which was later corrected under the provisions of the Dire Emergency Supplemental Appropriations Act of 1992, Public Law 102-302, dated June 22, 1992. Prior to the 1991 ISTEA, and subsequent to the 1992 Dire Emergency Supplemental Appropriations Act, ER funds may be used on all Federal-aid highways.
- The time period for 100% Federal share for eligible emergency repairs was extended from 90 days to 180 days for natural disasters and catastrophic failures occurring on or after December 18, 1991.
- The limit of total obligations for ER projects in any fiscal year in the Territories was increased from \$5 million to \$20 million beginning with FY 1992.

No changes were made to 23 U.S.C. 125 relative to the total amount authorized to be appropriated out of the Highway Trust Fund each fiscal year for ER purposes. Hence, the amounts authorized to be appropriated continue to be \$100 million per fiscal year.

ER projects are administered by the FHWA Federal-Aid and Design Division. ERFO projects are administered by the Federal Lands Highway Divisions. ER projects are coordinated through the Regions with the Office of Engineering (HNG-12). Funds for ER projects are allocated by the Office of Engineering (HNG-12). ERFO projects are coordinated through the Federal Lands Highway Office (HFL-13) with the Office of Engineering (HNG-12). Funds for ERFO projects are allocated by the Federal Lands Highway Office (HFL-13).

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12) for ER projects and from the Federal Lands Highway Office (HFL-13) for ERFO projects.

SCENIC BYWAYS PROGRAM

STATUS: NEW ISTE A PROGRAM.

APPROPRIATION CODE:

332 -- Scenic Byways Program

333 -- Interim Scenic Byways Program

FEDERAL PARTICIPATION: 80%

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes.

STATUTORY REFERENCE: Section 1047 of the 1991 ISTE A (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Grant funds may be used for the planning, design, and development of State scenic byways programs.

BACKGROUND AND ISTE A PROVISIONS:

The Scenic Byways Program was established in Section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTE A, Public Law 102-240) on December 18, 1991.

Grant funds totaling \$50 million are available for the planning, design, and development of State scenic byways programs. Section 1047(d) of the 1991 ISTE A has made the following amounts available out of the Highway Trust Fund: \$1 million in FY 1992, \$3 million in FY 1993, \$4 million in FY 1994, and \$14 million in each of FY's 1995-1997.

In addition, grant funds totaling \$30 million are available for an Interim Scenic Byways program. Section 1047(f)(5) of the 1991 ISTE A made \$10 million available out of the Highway Trust Fund for each of FY's 1992-1994 to allow States to undertake scenic byways projects.

Additionally, scenic byways may be funded through the 10 percent set-aside of STP funds for transportation enhancement activities.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-50).

NATIONAL RECREATIONAL TRAILS FUNDING PROGRAM

STATUS: NEW ISTE A PROGRAM.

APPROPRIATION CODE: Unknown

FEDERAL PARTICIPATION: 100%

PERIOD AVAILABLE: Moneys paid to a State that are not expended or dedicated to specific projects within 4 years after receipt must be returned to the National Recreational Trails Trust Fund.

FUND: National Recreation Trails Trust Fund (See Section 8003 of the 1991 ISTE A). Amounts paid into this Trust Fund from the Highway Trust Fund during any fiscal year cannot exceed amounts obligated under section 1302 of the 1991 ISTE A. Funds in this Trust Fund will be available, as provided in appropriation acts, for making expenditures before October 1, 1997, to carry out sections 1302 & 1303 of the 1991 ISTE A.

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Budget

SUBJECT TO OBLIGATION LIMITATION: Obligations for recreational trails under section 1302 of the 1991 ISTE A cannot exceed \$30 million per fiscal year for any of FY's 1992-1997. This is separate from the Federal-aid obligation limitation.

STATUTORY REFERENCE: Sections 1302, 1303, & 8003 of the 1991 ISTE A (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Funds may be used for a variety of activities to construct and maintain recreational trails, including trail-side and trail-head facilities.

BACKGROUND AND ISTE A PROVISIONS:

The National Recreational Trails Funding Program was established in Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTE A, Public Law 102-240) on December 18, 1991. The Governor of each State will designate a State agency and official to be responsible for administering this program. The State agency may be the State Parks agency or the Department of Natural Resources, rather than the Department of Transportation.

A recreational trail is defined to be a thoroughfare or track across land or snow, used for recreational purposes such as

bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, aquatic or water activity, and vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles.

Recreational trails for non-motorized and motorized uses will be funded from the Highway Trust Fund as provided for in Section 8003 of the 1991 ISTEA. Obligations are limited in Section 1302 of the 1991 ISTEA to \$30 million for each of FY's 1992-1997.

Funds will be allocated to the States based in part on the amount of non-highway recreational fuel use.

The National Recreational Trails Funding Program will be administered by the FHWA in consultation with the Department of the Interior. A National Recreational Trails Advisory Committee, including representatives from trail user groups, will be formed to review the use of allocated funds, to establish and review criteria for eligible trail-side and trail-head facilities, and to make recommendations to the Secretary of Transportation for changes in Federal policy relative to trails.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-50) and/or the Federal Lands Highway Office (HFL-10).

NATIONAL HIGH-SPEED GROUND TRANSPORTATION TECHNOLOGY DEMONSTRATION PROGRAM

STATUS: NEW ISTE A PROGRAM.

APPROPRIATION CODE: Unknown

FEDERAL PARTICIPATION: 80%

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund and General Fund

FUND DISTRIBUTION METHOD:

AUTHORITY: Contract for Highway Trust funds and Budget for General funds.

SUBJECT TO OBLIGATION LIMITATION: Yes, but only the Highway Trust Fund portion.

STATUTORY REFERENCE: 49 U.S.C. 309; Section 1036(c) of the 1991 ISTE A (Public Law 102-240).

CFR REFERENCE:

ELIGIBILITY: This program will fund selected projects that demonstrate new technologies related to any high-speed ground transportation projects, rail or maglev, already under construction or in operation.

BACKGROUND AND ISTE A PROVISIONS;

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 ISTE A, Public Law 102-240) on December 18, 1991. Section 309, "High-Speed Ground Transportation," was added to Title 49, U.S. Code (49 U.S.C. 309).

This high speed ground transportation demonstration program is a separately funded program which provides \$25 million from the Highway Trust Fund and \$50 million from the General Fund as shown below:

- Section 1036(d)(1)(B) of the 1991 ISTE A makes \$25 million available out of the Highway Trust Fund (\$5 million for each of FY's 1993-1997) for the national high-speed ground transportation technology demonstration program under 49 U.S.C. 309.

- Section 1036(d)(2)(B) of the 1991 ISTEA authorizes \$25 million to be appropriated out of the General Fund for FY's 1992-1997 for the national high-speed ground transportation technology demonstration program under 49 U.S.C. 309.
- Section 1036(d)(2)(C) of the 1991 ISTEA authorizes \$25 million to be appropriated out of the General Fund for FY's 1992-1997 for national high-speed ground transportation research and development under 49 U.S.C. 309.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

NATIONAL MAGNETIC LEVITATION (MAGLEV) PROTOTYPE DEVELOPMENT PROGRAM

STATUS: NEW ISTE A PROGRAM.

APPROPRIATION CODE: Unknown

FEDERAL PARTICIPATION: 75% - 90%

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund and General Fund

FUND DISTRIBUTION METHOD: Contracts and Grants.

AUTHORITY: Contract for Highway Trust Funds and Budget for General funds.

SUBJECT TO OBLIGATION LIMITATION: Yes, but only the Highway Trust Fund portion.

STATUTORY REFERENCE: Section 1036(b) of the 1991 ISTE A (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 AND ISTE A PROVISIONS:

The National Magnetic Levitation (Maglev) Prototype Development Program was established in Section 1036(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTE A, Public Law 102-240) on December 18, 1991.

The Maglev Program is authorized at a sum of \$725 million (\$500 million from the Trust Fund and \$225 million from the General Fund), as shown below:

- Section 1036(d)(1)(A) of the 1991 ISTE A makes the following amounts available out of the Highway Trust Fund over a six year period for the Maglev Program:

FY 1992	\$ 5,000,000	FY 1995	\$100,000,000
FY 1993	\$ 45,000,000	FY 1996	\$125,000,000
FY 1994	\$100,000,000	FY 1997	\$125,000,000

- Section 1036(d)(2)(A) of the 1991 ISTEA authorizes \$225 million to be appropriated out of the General Fund for FY's 1992-1997 for the Maglev Program:

These funds will be directed toward the development of one prototype maglev project, selected from applicants across the Nation. The program will be administered as follows:

- Maslev Project Office. The Maglev Program will be managed by a Maglev Project Office established jointly by the Secretary of Transportation and the Assistant Secretary of the Army for Civil Works. This office will be headed by an appointed program director.
- Phase One Contracts. Not later than 12 months after enactment of the 1991 ISTEA (i.e., not later than December 17, 1992), the Maglev Project Office must request proposals for the development of conceptual designs for a maglev system and for research to facilitate the development of such conceptual designs. Not later than 15 months after enactment of the 1991 ISTEA (i.e., not later than March 17, 1993), 1-year contracts are to be awarded to at least 5 applicants. Eligible applicants may include a U.S. private business, a U.S. public or private education and research organization, a Federal laboratory, or a consortium of such businesses, organizations, and laboratories. Applicants must agree to submit a report detailing the results of their research and development activities and must also agree to pay 10 percent of the costs (the Federal Government will pay the other 90 percent of the costs).
- Phase Two Contracts. Within 3 months of receiving the reports required in Phase One, up to 3 eligible applicants will be selected to receive 18-month contracts for research and development leading to a detailed design for a prototype maglev system. Applicants must agree to submit a detailed design within the 18-month period and must also agree to pay 20 percent of the costs (the Federal Government will pay the other 80 percent of the costs).
- Prototype. Within 6 months of receiving the detailed designs required in Phase Two, one design will be selected for development into a full-scale prototype if any feasible designs are submitted. Not later than 3 months after selection of a feasible design, a construction grant or contract may be awarded to the applicant whose design was selected for the purpose of constructing a prototype maglev system. Not more than 75 percent of the cost of the project may be borne by the Federal Government.

Selection of a design must be based upon consideration of the following factors:

- The project must be capable of using Interstate and railroad right-of-way.
- The total length of the guideway must be at least 19 miles and allow significant full-speed operations between stops.
- The project must be constructed and ready for operational testing within 3 years after the award of the contract or grant.
- The project must provide for conversion of the prototype to commercial operation after testing and technical evaluation are completed.
- The project must be located in an area that provides a potential ridership base for future commercial operation.
- The project must utilize a technology capable of being applied in commercial service in most parts of the contiguous United States.
- The project must have at least one switch.
- The project must be intermodal in nature connecting a major metropolitan area with an airport, passenger rail station, or other transportation mode.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

CONGESTION PRICING PILOT PROGRAM

STATUS: NEW ISTEA PROGRAM. Funds to carry out the Congestion Pricing Pilot Program are to be taken from administrative funds deducted pursuant to 23 U.S.C. 104(a).

APPROPRIATION CODE: 369

FEDERAL PARTICIPATION: 80%

PERIOD AVAILABLE: Until Expended

FUND: 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).

CFR REFERENCE: None

ELIGIBILITY: The FHWA may enter into cooperative agreements with as many as five State or local governments or public authorities to establish, maintain, and monitor congestion pricing projects. Federal funds may participate in all of the development and start-up costs of the pilot projects, including salaries and expenses, for at least 1 year, and thereafter until such time that sufficient revenues are being generated by the program to fund its operating costs without Federal participation, except that any one project may not be funded for more than 3 years.

BACKGROUND AND ISTEA PROVISIONS:

The Congestion Pricing Pilot Program was authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991.

The purpose of the program is to solicit the participation of State and local governments and/or public authorities to establish, maintain, and monitor congestion pricing projects.

The Congestion Pricing Program will be funded using up to \$25 million of the FHWA's administrative funds, pursuant to 23 U.S.C. 104(a), for each of FY's 1992-1997. However, not more than \$15 million per year may be made available for any one project.

Projects are to be evaluated for 10 years. Reports are to be

provided to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation 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.

The Congestion Pricing Pilot Program will be administered by the Transportation Studies Division (HPP-10).

ADDITIONAL INFORMATION: Additional information may be obtained from the Transportation Studies Division (HPP-13).

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INFRASTRUCTURE AWARENESS PROGRAM

STATUS: NEW USE OF HIGHWAY FUNDS.

APPROPRIATION CODE: 377

FEDERAL PARTICIPATION: 80%

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A, FHWA will use the funds.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 1109 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY:

The Infrastructure Awareness Program authorizes the FHWA to fund the production of a documentary in cooperation with a not-for-profit national public television station, in order to:

- Create an awareness by the public and the State and local governments of the state of the Nation's infrastructure.
- Encourage and stimulate efforts by the public and such governments to undertake studies and projects to improve the infrastructure.

BACKGROUND AND ISTEA PROVISIONS:

The Infrastructure Awareness Program was authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991.

Section 1109 of the 1991 ISTEA authorizes \$2 million to be appropriated out of the Highway Trust Fund to the FHWA in FY 1992 to fund the program. All Title 23 provisions apply.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Public Affairs (HPA-1).

PRIVATE SECTOR INVOLVEMENT PROGRAM

STATUS: NEW ISTE A PROGRAM.

APPROPRIATION CODE: Unknown

FEDERAL PARTICIPATION: 100%

PERIOD AVAILABLE: Until Expended

FUND: General Fund

FUND DISTRIBUTION METHOD: Grants

AUTHORITY: Budget

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 1060 of the 1991 ISTE A (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: In conducting this program, the Secretary may make grants in each of FY's 1992-1997 to three or more States. The Secretary must have determined that these States, in the preceding fiscal year, have had the most effective programs for increasing the percentage of funds expended for contracting with private firms (including small business concerns, especially those controlled by socially and economically disadvantaged individuals) for engineering and design services for Federal-aid highway projects. A grant received by a State may only be used for awarding contracts for engineering and design services to carry out projects and eligible Federal-aid activities.

BACKGROUND AND ISTE A PROVISIONS:

The Private Sector Involvement Program was established by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTE A, Public Law 102-240) on December 18, 1991.

The purpose of this program is to encourage States to contract with private firms for engineering and design services in carrying out Federal-aid highway projects when it would be cost-effective.

Section 1060(b)(3) of the 1991 ISTE A authorizes \$5 million for each of FY's 1992-1997 to be appropriated out of the General Fund for this program.

A report from the FHWA to the Secretary is required not later than 120 days after December 18, 1991, detailing the amount of funds expended by each State in FY's 1980-1990 on contracts with private sector engineering and design firms in carrying out Federal-aid projects. This report may be used to evaluate State programs for the purpose of awarding grants.

Regulations are required not later than 180 days after December 18, 1991. Not later than December 17, 1993, the Secretary must transmit a report to Congress on the implementation of this program.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-13).

131

SPECIAL USES OF HIGHWAY FUNDS

Arkansas Traffic Control Devices

Credit for Non-Federal Share

Ferry Boat and Ferry Terminal Facilities

Highway Use Tax Evasion Projects

Public Transportation

Temporary Matching Fund Waiver (FY's 1992-1993)

ARKANSAS TRAFFIC CONTROL DEVICES

STATUS: NEW USE OF HIGHWAY FUNDS New ISTE A Use of Highway Funds.

APPROPRIATION CODE: Unknown

FEDERAL PARTICIPATION: 80%

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 1061 of the 1991 ISTE A (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Funds may be used for projects in Arkansas to (a) provide training to county and town officials in the need for and application of uniform traffic control devices, and (b) provide warning and regulatory signs to counties, towns, and cities.

BACKGROUND AND ISTE A PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTE A), Public Law 102-240 authorizes a program to be carried out in the State of Arkansas to demonstrate:

- The benefits of providing training to county and town officials in the need for and application of uniform traffic control devices, and
- The safety benefits of providing for adequate and safe warning and regulatory signs.

Section 1061(b) of the 1991 ISTE A authorizes the following amounts to be appropriated out of the Highway Trust Fund for FY 1992:

- o \$200,000 for providing training.
- o \$1,000,000 for providing warning and regulatory signs to counties, towns, and cities in Arkansas.

Amounts provided are to be divided equally between counties with total county populations of (a) 20,000 or less and (b) more than 20,000. Within these counties, equitable distributions are to be made to cities and towns. Title 23 provisions apply to obligation of these funds.

A report on the effectiveness of these projects is to be provided to Congress by the Secretary not later than December 17, 1993.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Highway Safety (HHS-31).

CREDIT FOR NON-FEDERAL SHARE

STATUS: NEW USE OF HIGHWAY FUNDS.

APPROPRIATION CODE: N/A

FEDERAL PARTICIPATION: N/A

PERIOD AVAILABLE: N/A

FUND: N/A

FUND DISTRIBUTION METHOD: N/A

AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Section 1044 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: A State may use certain toll revenue expenditures as a credit toward the non-Federal matching share of all programs authorized by the ISTEA and Title 23. More details are provided in the following discussion.

BACKGROUND AND ISTEA PROVISIONS:

Section 1044 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) permits a State to use certain toll revenue expenditures as a credit toward the non-Federal matching share of all programs authorized by the ISTEA and Title 23. This is in essence a "soft match" provision that allows the Federal share to be increased up to 100 percent to the extent that credits are available.

The amount of credit earned is based on revenues generated by the toll authority (i.e., toll receipts, concession sales, right-of-way leases or 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.

The toll facility generating the revenue must be open to public travel. The toll authority may be a public, quasi-public, or private entity.

The amount of credit is based on expenditures (outlays) by a toll authority for capital improvements to build, improve, or maintain

public highway facilities that carry vehicles involved in interstate commerce. It cannot include expenditures for routine maintenance (e.g., snow removal, mowing), debt service, or costs of collecting tolls. Such expenditures must have been made entirely from non-Federal sources.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

FERRY BOAT AND FERRY TERMINAL FACILITIES

STATUS: NEW USE OF HIGHWAY FUNDS.

APPROPRIATION CODE: 327

FEDERAL PARTICIPATION: 80%

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); Section 1064 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Discretionary funds may be used for the construction of ferry boats and/or ferry terminal facilities on NHS routes (on an interim basis, principal arterials).

BACKGROUND AND ISTEA PROVISIONS:
Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) created a new discretionary funding category for the construction of ferry boats and ferry terminal facilities.

The 1991 ISTEA makes \$14,000,000 available for FY 1992 from the Highway Trust Fund for this program. Subsequent funding of \$17 million for each of fiscal years 1993-1996 and \$18 million for FY 1997 is also authorized.

This program will be administered by the Office of Engineering (HNG-12). States will be requested to submit candidate projects each fiscal year for consideration for funding. Proposed projects should meet the general eligibility criteria found in 23 U.S.C. 129(c) [formerly 23 U.S.C. 129(g)].

This program is to be administered following the provisions in Title 23 that apply to the National Highway System (NHS). Projects must be for the construction of ferry boats and/or ferry terminal facilities on NHS routes (on an interim basis, this means the routes must be classified as principal arterials). Certain designated routes in North Carolina will be treated as principal arterials for the purposes of this program.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

HIGHWAY USE TAX EVASION PROJECTS

STATUS: NEW USE OF HIGHWAY FUNDS.

APPROPRIATION CODE: 334

FEDERAL PARTICIPATION: 100%

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund and General Fund

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract for funds from the Highway Trust Fund and Budget for funds from the General Fund.

SUBJECT TO OBLIGATION LIMITATION: Yes, but only for the Highway Trust Fund portion.

STATUTORY REFERENCE: Section 1040 of the 1991 ISTEA (Public Law 102-240).

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 IRS staff, but only to carry out functions described in Section 1040(b) of the 1991 ISTEA.
- 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.

BACKGROUND AND ISTEA PROVISIONS:

Highway Use Tax Evasion Projects were authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991.

Section 1040(f) of the 1991 ISTEA:

- Makes \$5.0 million available from the Highway Trust Fund for each of FY's 1992-1997 for Highway Use Tax Evasion Projects, and
- Authorizes \$2.5 million to be appropriated from the General Fund for each of FY's 1992-1997 for Highway Use Tax Evasion Projects.

These funds may be allocated to the Internal Revenue Service (IRS) and the States at the discretion of the Secretary. The Secretary may not, however, impose any conditions on the use of any of these funds allocated to the IRS.

In order to receive a grant for the above purposes in a fiscal year, a State must certify that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level which does not fall below the average level of such expenditures for its last 2 fiscal years.

On September 30 and March 31 of each year, the Secretary of Transportation must transmit reports to Congress on motor fuel tax enforcement activities. At least 60 days before the beginning of any fiscal year for which funds are allocated to the IRS, the Secretary of the Treasury must submit a report to Congress detailing the increased enforcement activities to be financed with these funds.

The Secretary, in consultation with the IRS, is required to conduct a study to determine the desirability of using dye and markers to aid in motor fuel tax enforcement activities. A report is due to Congress not later than December 17, 1992.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Policy Development (HPP-13).

PUBLIC TRANSPORTATION

STATUS: CONTINUING USE OF HIGHWAY FUNDS FOR TRANSIT AND A NEW USE OF TRANSIT FUNDS FOR HIGHWAYS.

APPROPRIATION CODES:

3AK -- STP-FTA, Urbanized Areas >200,000
3AL -- STP-FTA Optional Safety
3AM -- STP-FTA Transportation Enhancement
3AN -- STP-FTA State Flexible
3AP -- STP-FTA Mandatory Amount for Non-Urban Areas
3AR -- STP-FTA Rail-Highway Crossings, Protective Devices
3AT -- STP-FTA Rail-Highway Crossings, Elimination of Hazards
3AW -- STP-FTA Hazard Elimination Program
3AY -- STP-FTA Other Than 200,000 Population
3AZ -- CMAQ-FTA

FEDERAL PARTICIPATION: 80%

PERIOD AVAILABLE: Same as source funds for Title 23 funds used for transit projects. FY + 3 years for FTA funds used for highway projects.

FUND: Highway Trust Fund, Highway Trust Fund (Mass Transit Account), and General Fund (See discussion below).

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract for funds from the Highway Trust Fund, and Budget for funds from the General Fund.

SUBJECT TO OBLIGATION LIMITATION: Yes for Title 23 funds. No for FTA funds.

STATUTORY REFERENCE: 23 U.S.C. 134(k); 133(b)(2); 103(e)(4)(G); 103(i)(3); 149(b)(1)(A); 142; and 156. Sections 1007(a)(1); 1011(a)(1)(B); 1006(d); 1008(a); 1024, 1027; 3013(h); and 3025 of the 1991 ISTEA (Public Law 102-240). Section 9 of the Federal Transit Act (49 U.S.C. App. 1601-1621). Section 108(b)(1)(A)(i) of the Clean Air Act of 1990 (Public Law 101-549).

CFR REFERENCE: 23 CFR 713 & 810.

ELIGIBILITY: STP, IX, NHS, and CMAQ funds may be transferred to the FTA and used for eligible transit projects under certain conditions as discussed below. Section 9 formula grant transit funds may be transferred to the FHWA and used for highways under certain conditions as discussed below.

BACKGROUND AND ISTEA PROVISIONS:

In the past, only Federal-aid Urban System funds could be used for mass transit projects. Now, the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) makes Surface Transportation Program (STP), Interstate Highway Substitute (IX), National Highway System (NHS), and Congestion Mitigation and Air Quality Improvement (CMAQ) funds eligible for transit capital improvements. Conversely, for the first time, the 1991 ISTEA makes certain transit funds eligible for highway improvements.

Highway Funds for Transit Projects

Section 1027 of the 1991 ISTEA amends 23 U.S.C. 142 and 156 covering the use of Federal-aid funds for transit activities and accommodation of transit facilities on highway right-of-way. In addition, Section 1024 of the 1991 ISTEA adds 23 U.S.C. 134(k) which provides in part that Title 23 highway funds made available for a transit project must be transferred to the Federal Transit Administration (FTA) and administered in accordance with the requirements of the Federal Transit Act.

The following highway funds may be used for transit projects administered by the FTA:

- Surface Transportation Program (STP) funds may be obligated for capital costs for transit projects eligible for assistance under the Federal Transit Act and for the accommodation of transit facilities on highway right-of-way. Eligible work includes any capital transit project eligible for assistance under the Federal Transit Act, including capital improvements to provide access and coordination between intercity and rural bus service and construction of facilities to provide connections between highways and other modes of transportation. Eligible work also includes modifications to existing highway facilities necessary to accommodate other modes of transportation provided these modifications will not adversely affect automotive safety. [23 U.S.C. 133(b)(2); 23 U.S.C. 142(a)(2); and 23 U.S.C. 142(c)].
- Interstate Highway Substitute (IX) funds may be used for transit activities.
 - o The 1991 ISTEA authorizes \$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). These funds may be obligated for substitute transit projects. [23 U.S.C. 103(e)(4)(G)].

- o In addition, Section 3025 of the 1991 ISTEA authorizes \$160,000,000 for FY 1992 and \$164,843,000 for FY 1993 to be appropriated out of the General Fund for substitute transit projects.
- National Highway System (NHS) funds may be obligated for construction of a transit project eligible for assistance under the Federal Transit Act if (a) such 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 highway and improve regional travel, and (c) the construction or improvements are more cost-effective than work on the fully access controlled NHS highway would be to provide the same benefits. [23 U.S.C. 103(i)(3)].
- Congestion Mitigation and Air Quality Improvement (CMAQ) funds may be obligated for transportation programs and projects if the Environmental Protection Agency (EPA) and the Department of Transportation (DOT) agree, on the basis of information published by the EPA pursuant to Section 108(b)(1)(A) of the Clean Air Act of 1990 (Public Law 101-549) that the programs or projects are likely to contribute to the attainment of a national ambient air quality standard. "Programs for improved public transit" is the first transportation control measure listed in Section 108(b)(1)(A) of the Clean Air Act for emission reduction potential. [23 U.S.C. 149(b)(1)(A)].

Public transportation projects carried out under Section 142 in an urbanized area are subject to the metropolitan planning requirements of 23 U.S.C. 314 [23 U.S.C. 142(d)].

Prior to passage of the ISTEA, Federal-aid project right-of-way could only be made available without charge to publicly owned mass transit authorities. Now, a State may make Federal-aid project right-of-way available with or without charge to publicly or privately owned mass transit facilities. In addition to mass transit facilities, right-of-way can be made available to passenger and commuter rail facilities including those that are high speed rail and magnetic levitation lines [23 U.S.C. 142(f)].

Previously the criteria to be satisfied for allowing this use of highway right-of-way were that the accommodation would not adversely impair automotive safety or future highway improvements and such use was found to be in the public interest. The criteria now are that the accommodation will not adversely affect automotive safety [23 U.S.C. 142(f)].

Should a State desire to use STP funds for capital transit projects eligible for assistance under the Federal Transit Act, the procedures outlined in the March 19, 1992, letter to the

States, transit operators and metropolitan planning organizations, jointly signed by FHWA Administrator Larson and FTA Administrator Clymer, should be followed.

Proposals to allow mass transit or other passenger and commuter rail facilities to use Federal-aid project right-of-way should continue to be processed following the procedures outlined in 23 CFR 810, Subpart C, except that the criteria for determining the acceptability of the proposed use should be that contained in amended 23 U.S.C. 142(f).

Transit Funds for Highway Projects

The 1991 ISTEA adds 23 U.S.C. 134(k) which provides in part that funds made available for a highway project under the Federal Transit Act must be transferred to the FHWA and administered in accordance with the requirements of Title 23.

The following transit funds may be used for highway projects administered by the FHWA:

- Section 3013(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amends Section 9 of the Federal Transit Act (previously the Urban Mass Transportation Act of 1964, 49 U.S.C. App. 1601-1621) so as to include provisions for highways. The Section 9 formula grant program makes funds available to all urbanized areas in the United States on the basis of a statutory formula. For the first time, Section 9 funds may be used for highway projects in urbanized areas with >200,000 population and other areas which the Governor requests, if all needs related to the Americans with Disabilities Act are met, the MPO approves, and there is a balanced approach to funding highways and transit. Section 3025 of the 1991 ISTEA makes funds available from the Mass Transit Account of the Highway Trust Fund and from the General Fund for Section 9 purposes.

The Dire Emergency Supplemental Appropriations Act of 1992 (Public Law 102-302), which was approved on June 22, 1992, provided that funds provided under Section 9 of the Federal Transit Act were exempt from requirements for any non-Federal share in the same manner as specified in Section 1054 of the 1991 ISTEA relative to temporary matching fund waiver.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Policy Development (HPP-20) and/or from the Office of Engineering (HNG-12).

TEMPORARY MATCHING FUND WAIVER (FY's 1992-1993)

STATUS: NEW USE OF HIGHWAY FUNDS.

APPROPRIATION CODE: Various (See Below)

FEDERAL PARTICIPATION: Up to and including 100%

PERIOD AVAILABLE: 2 Years (October 1, 1991 through September 30, 1993). Must be repaid on or before March 30, 1994.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 1054 of the 1991 ISTEA (public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: A qualifying project for a temporary waiver of the non-Federal share is a project approved by the FHWA or for which the United States becomes obligated to pay after October 1, 1991, and for which the Governor of the State submitting the project has certified that sufficient funds are not available to pay the cost of the non-Federal share of the project.

BACKGROUND AND ISTEA PROVISIONS:

Section 1054 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) provides for a temporary waiver of the State matching fund requirements. Under this provision a State may 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 must be repaid to the United States by the State on or before March 30, 1994. Payments must be deposited in the Highway Trust Fund and credited to the appropriate apportionment accounts of the State.

If a State does not make a required repayment by March 30, 1994, the Secretary may make deductions from funds apportioned to the State for FY's 1995 and 1996. Amounts deducted may be reappportioned 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 FTA could be applied in the same manner as those specified in Section 1054 of the 1991 ISTEA. Hence, temporary matching fund waiver provisions may 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
- 044 -- TMFW-Interstate Maintenance
- 04T -- TMFW-Interstate 4R
- 04v -- TMFW-Interstate Transfers, Apportioned
- 05C -- TMFW-Interstate, 1/2% Minimum
- 07A -- TMFW-Rural Secondary
- 08A -- TMFW-2% HPR, 80% Federal Participation
- 08C -- TMFW-1% Apportioned Planning, 80% Federal Participation
- 08E -- TMFW-HPR, 25% Minimum for Res., Dev., & Tech. Trans.
- 08F -- TMFW-1-1/2% HPR
- 08G -- TMFW-1/2% Allocated Planning Funds
- 11D -- TMFW-Bridge Replacement (Optional 20% On/Off System)
- 11E -- TMFW-Bridge Replacement (Mandatory 15% Off System)
- 11G -- TMFW-Bridge Replacement (Mandatory 65% 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 & Urban Mobility Projects
- 366 -- TMFW-Innovative Projects
- 36H -- TMFW-Priority Intermodal Projects
- 52A -- TMFW-Highway Demonstration Projects

- A09 -- TMFW-Consolidated Primary, Economic Growth Center
- A52 -- TMFW-Interstate, 1/2 % 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

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% Skill Training
3AH -- TMFW-STP, Hazard Elimination
3AJ -- TMFW-STP, 1/4% Skill Training
3TZ -- TMFW-CMAQ, Transit

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Fiscal Services (HFS-21).

SPECIAL PROJECTS

High Cost Bridge Projects

Congestion Relief Projects

High Priority Corridors on National Highway System

Rural Access Projects

Urban Access and Urban Mobility Projects

Innovative Projects

Priority Intermodal Projects

Miscellaneous Highway Projects (1991 ISTEA)

Demonstration, Priority, and Special Interest
Projects (1970-1992)

HIGH COST BRIDGE PROJECTS

STATUS: NEW ISTE A PROJECTS.

APPROPRIATION CODE:

360 -- High Cost Bridge Projects
0AE -- High Cost Bridge Projects, Advance Construction
36A -- High Cost Bridge Projects, TMFW

FEDERAL PARTICIPATION: 80% for all projects, except for those high cost bridge projects which would be eligible for assistance under 23 U.S.C. 204 or are on a federally owned bridge, in which cases the Federal share is 100%.

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation. The 1991 ISTE A authorizes a separate total amount for each of these demonstration projects, of which 8% was to be allocated and made available for obligation in FY 1992, and 18.4% was to be allocated and made available for obligation in each of FY's 1993, 1994, 1995, 1996, and 1997.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 1103 of the 1991 ISTE A (P.L. 102-240).

CFR REFERENCE: None

ELIGIBILITY: Funds allocated for these demonstration projects are to be used to accelerate the construction of specifically designated high cost bridge projects. Information relative to eligible activities (i.e., studies, preliminary engineering, construction, etc.) is set forth individually for each project in Section 1103 of the 1991 ISTE A.

BACKGROUND AND ISTE A PROVISIONS:

The High Cost Bridge Projects were authorized in Section 1103 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTE A, Public Law 102-240) on December 18, 1991. The purpose of this legislation is to provide funds to accelerate construction of high cost bridge projects. Projects have been specifically designated by Congress.

The 1991 ISTE A authorizes \$285,200,000 to be appropriated from the Highway Trust Fund over a 6-year period for 15 specific high

cost bridge projects. These projects are described in the attachment.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

**HIGH COST BRIDGE PROJECTS
AUTHORIZED BY SECTION 1103 OF THE 1991 ISTEA**

State	Section Project Number	Project Location/Name	FMIS Project Number
Arkansas	4	Arkansas-Mississippi Great River Bridge	DPB 0004(001)
California	6	San Francisco: Golden Gate Bridge	DPB 0006(001)
Florida	12	Ft. Lauderdale: 17th Street Causeway Tunnel/ Bridge Replacement	DPB 0012(001)
	15	Miami: Dodge Island Bridge	DPB 0015(001)
Maine	9	Donald B. Carter Memorial Bridge	DPB 0009(001)
Maryland	13	Woodrow Wilson Bridge Rehabilitation	DPB 0013(001)
Minnesota	10	Shakopee: Bloomington Ferry Bridge	DPB 0010(001)
New Jersey	7	Cape May & Atlantic Cos; Replace critical bridge between Ocean City and Longport	DPB 0007(001)
New York	14	McComb Dam Bridge; Manhattan Bridge Rehab; Main Span Rehab of Queensboro Bridge; Williamsburg Br Rehab; Brooklyn Br Rehab	DPB 0014(001)
Ohio	8	Maumee River bridge/tunnel study	DPB 0008(001)
Oklahoma	1	Delaware City: Replacement bridge on US-59 over Grand Lake	DPB 0001(001)
Oregon	2	Eugene: Construction of Ferry Street Bridge	DPB 0002(001)
Pennsylvania	3	Beaver Co: Aliquippa Ambridge Bridge	DPB 0003(001)
South Carolina	11	Charleston: Highway 17 Bridge replacement projects: Cooper River	DPB 0011(001)
Virginia	5	Gloucester Point: Widen existing bridge over the York River	DPB 0005(001)

CONGESTION RELIEF PROJECTS

STATUS : NEW ISTE A PROJECTS.

APPROPRIATION CODE:

361 -- Congestion Relief Projects
0AF -- Congestion Relief Projects, Advance Construction
36B -- Congestion Relief Projects, TMFW

FEDERAL PARTICIPATION: 80%, except for those congestion relief projects which would be eligible for assistance under 23 U.S.C. 204 or are on a federally owned bridge, in which cases the Federal share is 100%.

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation. The 1991 ISTE A authorizes a separate total amount for each of these demonstration projects, of which 8% was to be allocated and made available for obligation in FY 1992, and 18.4% was to be allocated and made available for obligation in each of FY's 1993-1997.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 1104 of the 1991 ISTE A.

CFR REFERENCE: None

ELIGIBILITY: Funds allocated for these demonstration projects are to be used for specifically designated projects to improve methods of congestion relief. Information relative to eligible activities (i.e., studies, preliminary engineering, construction, etc.) is set forth individually for each project in Section 1104 of the 1991 ISTE A.

BACKGROUND AND ISTE A PROVISIONS:

The Congestion Relief Projects were authorized in Section 1104 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTE A, Public Law 102-240) on December 18, 1991. The purpose of this legislation is to improve methods of congestion relief. Projects have been specifically designated by Congress.

The 1991 ISTE A authorizes \$490,040,000 from the Highway Trust Fund over a 6-year period for 44 specific congestion relief projects. These projects are described in the attachment.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

**CONGESTION RELIEF PROJECTS
AUTHORIZED BY SECTION 1104 OF THE 1991 ISTEA**

State	Section Project Number	Project Location/Name	FMIS Project Number
Arizona	23	Tucson: Oracle & Orange Grove Rds interchange	DPC 0023(001)
California	1	Long Beach: Construction of HOV Lanes on I-710	DPC 0001(001)
	10	San Diego: Construct 1 block of Cut and Cover Tunnel on Rt. 15 in downtown San Diego	DPC 0010(001)
	11	Los Angeles: To extend I-110 North from I-10 into downtown Los Angeles	DPC 0011(001)
	14	Dixon: To improve 3 grade crossings	DPC 0014(001)
	15	Fairfield: To construct 2 park & ride facilities, an information center, transfer hub	DPC 0015(001)
	24	Victorville: Construct interchange 1 mile north of Palmdale Road on I-15	DPC 0024(001)
	37	Richmond: I-80 Richmond Parkway Interchange	DPC 0037(001)
	40	Sunnyvale: HOV lane improvements on Lawrence Expressway	DPC 0040(001)
District of Columbia	6	Washington: Primary Intermodal System	DPC 0006(001)
Florida	25	Palm Beach: Acquire ROW and construct and widen to 4 lanes 19 mile segment of US 27	DPC 0025(001)
	30	Broward Co.: Hallandale Bridge Project	DPC 0030(001)
Idaho	31	Bannock & Caribou Counties: Any eligible Federal-aid highway projects under title 23.	DPC 0031(001)
Illinois	19	Fox River Valley: Study, plan and construct up to 8 bridges across the Fox River	DPC 0019(001)
	4	East St. Louis: Feasibility study of bridge between East St. Louis and St. Louis	DPC 0004(001)
Indiana	35	Merrillville: Construction of four lane road and overpass	DPC 0035(001)
Kansas	29	Leavenworth: West Leavenworth Trafficway Project	DPC 0029(001)
Kentucky	39	Louisville: Waterfront Development Roadway Improvements	DPC 0039(001)
Maine	27	Topsham-Brunswick Bypass	DPC 0027(001)
	44	Bath-Woolwich: Improvements to Carlton Bridge	DPC 0044(001)
Maryland	20	Prince George's Co: To rehabilitate the Baltimore-Washington Parkway	DPC 0020(001)
Massachusetts	22	Boston: A bicycle and pedestrian path connecting Arlington, Boston and Cambridge	DPC 0022(001)
Michigan	32	Vienna Township: I-75/M57 interchange	DPC 0032(001)
Missouri	4	East St. Louis: Feasibility study of a bridge between East St. Louis and St. Louis	DPC A004(001)
	5	St. Louis: Relocation of Lindbergh Boulevard and I-70 at St. Louis Lambert Airport	DPC 0005(001)
	16	St. Louis: Feasibility study for interchange improvements for I-255 at Rt. 231	DPC 0016(001)

(MORE)

State	Section Project Number	Project Location/Name	FMIS Project Number
Mississippi	28	Rankin Co.: East-Metro Center Access Road	DPC 0028(001)
North Dakota	12	Lincoln State Park Bypass	DPC 0012(001)
New Hampshire	8	Nashua: Nashua River Bridge - Construction of second bridge	DPC 0008(001)
Nevada	9	Las Vegas: Reconstruct and upgrade I-15/US-95 Interchange (Spaghetti Bowl)	DPC 0009(001)
New York	7	Buffalo: Construction of Peace Bridge truck inspection facility	DPC 0007(001)
	13	Babylon: Construct turning lanes, sign upgrades, traffic signal interconnections and road repair and resurfacing	DPC 0013(001)
	18	Long Island: To make improvements on the Van Wyck Expressway to improve traffic flow	DPC 0018(001)
	38	New York: Construction of Williamsburg to Holland Tunnel Bypass	DPC 0038(001)
Ohio	21	Toledo: Study of possible safety and traffic delay improvement benefits in 6 corridors	DPC 0021(001)
	41	Dayton: Construction of a bicycle pedestrian facility from Greene County to Dayton	DPC 0041(001)
Pennsylvania	2	Philadelphia: Project to Construct Bridge-Pratt Terminal	DPC 0001(001)
	26	Improve River Street, Towanda Borough and North Towanda Township to form highway bypass	DPC 0026(001)
Tennessee	3	Davidson, Williamson Cos: Study & construction of Davidson-Williamson Bike Path	DPC 0003(001)
	17	Murfreesboro: Conduct a feasibility study of constructing a bicycle system	DPC 0017(001)
Virginia	33	Prince William Co.: I-95 HOV lane extension	DPC 0033(001)
Virgin Islands	34	St. Thomas: Raphune Hill Bypass	DPC 0034(001)
Wisconsin	36	I-794 Bicycle Transportation Projects in Milwaukee and Waukesha Counties	DPC 0036(001)
West Virginia	42	Berkeley & Jefferson Counties: Improvements of SR-9 from Martinsburg to VA State line	DPC 0042(001)
	43	Construction of Coal Fields Expressway from Beckley to VA State line	DPC 0043(001)

HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM

STATUS : NEW ISTE A PROJECTS.

APPROPRIATION CODE:

362 -- High Priority Corridors on the NHS
363 -- High Priority Corridors on the NHS, Feasibility Studies
364 -- High Priority Corridors on the NHS, Revolving Fund
0AH -- High Priority Corridors on the NHS, Advance Construction
36C -- High Priority Corridors on the NHS, TMFW
36D -- High Priority Corridors on the NHS, TMFW

FEDERAL PARTICIPATION: 80%, except for those high priority corridor segment projects which would be eligible for assistance under 23 U.S.C. 204 or are on a federally owned bridge, in which cases the Federal share is 100%.

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation. The 1991 ISTE A authorizes a separate total amount for each of these demonstration projects, of which 8% was to be allocated and made available for obligation in FY 1992, and 18.4% was to be allocated and made available for obligation in each of FY's 1993, 1994, 1995, 1996, and 1997.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 1105 of the 1991 ISTE A (P.L. 102-240).

CFR REFERENCE: None

ELIGIBILITY: Funds allocated for these demonstration projects are to be used for projects specifically designated by Congress. Feasibility and design studies may be prepared, as necessary, for those corridors for which studies have not been prepared. Specific information relative to other eligible activities (i.e., preliminary engineering, construction, etc.) is set forth individually for each project in Section 1105 of the 1991 ISTE A.

BACKGROUND AND ISTE A PROVISIONS:

The High Priority Corridors on National Highway System (NHS) projects were authorized in Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTE A, Public Law 102-240) on December 18, 1991.

The purposes of this legislation are (a) to identify highway corridors of national significance; (b) to include these corridors on the NHS; (c) to allow the FHWA, in cooperation with the States, to prepare long-range plans and feasibility studies for these corridors; (d) to allow the States to give priority to funding the construction of these corridors; and (e) to provide increased funding for segments of these corridors that have been identified for construction.

The 1991 ISTEA designates 21 high priority NHS corridors and authorizes three types of funding assistance. This assistance consists of:

- \$1,183,160,000 for 29 high priority segments over a 8-year period. These projects are described in the attachment.
- \$48,000,000 in discretionary funding for feasibility and design studies over a 6-year period.
- A \$200 million revolving loan fund to provide repayable advance amounts to States for planning and construction of the high priority corridors over a 5-year period.

ADDITIONAL INFORMATION: The Cumberland Gap segment is being administered by the FHWA Federal Lands Highway Office (HFL-1). The funds for the I-66 Transamerica Highway Feasibility Study will be administered by the FHWA Statewide Planning Division (HEP-12). Additional information may be obtained from the Office of Engineering (HNG-12).

**HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM
AUTHORIZED BY SECTION 1105 OF THE 1991 ISTEA**

State	Section Project Number	Project Location/Name	FMIS Project Number
16 States	24	I-66 Transamerica Highway Feasibility Study	DPS 0024(001)
FHWA: HFL-1	25	To improve Cumberland Gap Tunnel and for various associated improvements as part of the US-25E Corridor	DPS 0025(001)
Alabama	2	Upgrading of the East-West Corridor along Route 72 in Alabama	DPS A002(001)
	8	Appalachian Regional Corridor X From SR-25 near Fulton, MS to US-31 in Birmingham, AL	DPS 0008(001)
	9	Appalachian Regional Corridor V from MS State Line near Red Bay to TN State Line north of Bridgeport, AL.	DPS 0009(001)
Arkansas	4	For construction of Highway 412 from Siloam Springs to Springdale, Arkansas	DPS 0004(001)
	5	For construction of Highway 412 from Springdale to Harrison, Arkansas	DPS 0005(001)
	14	Construction of US-71 between Fayetteville and Alma, AR as part of North-South Corridor	DPS 0014(001)
	15	Construction of US-71 from Alma, Arkansas to Louisiana State Line - Arkansas portion	DPS A015(001)
	29	Highway 412 from Harrison to Mt. Home	DPS 0029(001)
Arizona	20	For improvements on I-15 and I-40 in Arizona	DPS A020(001)
California	20	For improvements on I-15 & I-40 in California	DPS C020(001)
Georgia	2	Upgrading of the East-West Corridor along Route 72 in Georgia	DPS G002(001)
Iowa	22	For improvements for Avenue of the Saints in Iowa	DPS I022(001)
Indiana	18	Construct a 4-lane highway from Lafayette to Ft. Wayne following existing SR-25 & US-24	DPS 0018(001)
	19	Conduct feasibility and economic study to widen US-24 from Ft. Wayne, IN to Toledo, OH	DPS I019(001)
	26	To improve Bloomington to Newberry, IN segment of Indianapolis, IN - Memphis, TN corridor	DPS 0026(001)
Louisiana	21	To improve the North-South Corridor from the Louisiana State Line to Shreveport, Louisiana	DPS 0021(001)
Michigan	16	Widen a 60-mile portion of Highway M-59 from MacComb County to I-96 in Howell County	DPS 0016(001)
Minnesota	22	For improvements for Avenue of the Saints in Minnesota	DPS M022(001)
Mississippi	2	Upgrading of the East-West Corridor along Route 72 in Mississippi	DPS M002(001)
Missouri	3	Improvement of North-South Corridor along Highway 71 in Southwestern, MO	DPS 0003(001)
	22	For improvements for Avenue of the Saints in Missouri	DPS M022(001)

(MORE)

State	Section Project Number	Project Location/Name	FMIS Project Number
Nebraska	7	Conduct a feasibility study of an expressway from Rapid City to Scotts Bluff, Nebraska	DPS N007(001)
	17	To improve the Heartland Expressway from Rapid City to Scotts Bluff, Nebraska	DPS N017(001)
Nevada	20	For improvements on I-15 and I-40 in Nevada	DPS N020(001)
New York	30	Improvements on Route 219 between Springville to Ellicottville in New York State	DPS 0030(001)
North Carolina	13	Constructing new highway from Rocky Mount to Elizabeth	DPS NC13(001)
Ohio	19	Conduct feasibility and economic study to widen US-24 from Ft. Wayne, IN to Toledo, OH	DPS 0019(001)
Pennsylvania	1	For upgrading US-220 High Priority Corridor between State College and I-80	DPS 0001(001)
	6	To improve US-220 to a 4-lane limited access highway from Bald Eagle northward to US-322	DPS 0006(001)
South Dakota	7	Conduct a feasibility study of an expressway from Rapid City to Scotts Bluff, Nebraska	DPS SD07(001)
	17	To improve the Heartland Expressway from Rapid City to Scotts Bluff, Nebraska	DPS SD17(001)
Tennessee	2	Upgrading of the East-West Corridor along Route 72 in Tennessee	DPS T002(001)
Texas	15	Construction of US-71 from Alma, Arkansas to Louisiana State Line - Texas portion	DPS T015(001)
Virginia	13	For Upgrading I-64 & Route 17 in Virginia	DPS V013(001)
	28	Construction of Danville Bypass on Route 29 Corridor	DPS 0028(001)
Washington	27	US-395 improvements from US Canadian border to Oregon State Line	DPS 0027(001)
West Virginia	10	Construction of Shawnee Project from 3-Corner Junction to I-77 as part of I-73/74 Corridor	DPS 0010(001)
	11	Widening US-52 from Huntington to Williamson, WV as part of I-73/74 Corridor Project	DPS 0011(001)
	12	Replacement of US-52 from Williamson, WV to I-77 as part of I-73/74 Corridor Project	DPS 0012(001)

RURAL ACCESS PROJECTS

STATUS: NEW ISTEА PROJECTS.

. ABPRQPRIATION CODE:

365 -- Rural Access Projects
OAK -- Rural Access Projects, Advance Construction
36E -- Rural Access Projects, TMFW

FEDERAL PARTICIPATION: 80%, except for those rural access projects which would be eligible for assistance under 23 U.S.C. 204 or are on a federally owned bridge, in which cases the Federal share is 100%.

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation. The 1991 ISTEА authorizes a separate total amount for each of these demonstration projects, of which 8% was to be allocated and made available for obligation in FY 1992, and 18.4% was to be allocated and made available for obligation in each of FY's 1993, 1994, 1995, 1996, and 1997.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 1106(a) of the 1991 ISTEА (P.L. 102-240).

CFR REFERENCE: None

ELIGIBILITY: Funds allocated for these demonstration projects are to be used for projects that have been specifically designated by Congress to ensure better rural access and to promote economic development in rural areas. Specific information relative to eligible activities (i.e., studies, preliminary engineering, construction, etc.) is set forth individually for each project in Section 1106(a) of the 1991 ISTEА.

BACKGROUND AND ISTEА PROVISIONS:

The Rural Access Projects were authorized in Section 1106(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEА, Public Law 102-240) on December 18, 1991. The purpose of this legislation is to provide funds for projects that ensure better rural access and that promote economic development in rural areas.

The 1991 ISTEA authorizes \$920,630,000 from the Highway Trust Fund over a 6-year period for 118 specific rural access projects. These projects are described in the attachment.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

**RURAL ACCESS PROJECTS
AUTHORIZED BY SECTION 1106(a) OF THE 1991 ISTEA**

State	Section Project Number	Project Location/Name	FMIS Project Number
Alabama	12	Decatur: Keller Memorial Bridge Replacement	DPR 0012(001)
Arkansas	49	Harrison: To improve US 65 from Harrison, Arkansas to Missouri Line	DPR 0049(001)
	50	Ft. Smith: Improve Phoenix Avenue in the vicinity of the Ft. Smith Airport	DPR 0050(001)
	51	Bella Vista: To study bypass alternative for US 71 in the vicinity of Bella Vista	DPR 0051(001)
	53	DeValls Bluff: Replacement bridge across the White River	DPR 0053(001)
	54	Jonesboro: Complete construction of 3 interchanges on the Highway 63 bypass	DPR 0054(001)
Arizona	95	Navajo County: Turquoise Trail Highway (Administered by Bureau of Indians Affairs)	DPR 0095(001)
Colorado	60	Monteuma: Upgrade farm to market road serving Ute (Mountain) Indian Reservation	DPR 0060(001)
Florida	28	Chattahoochee: Construction of Mosquito Creek Bridge	DPR 0028(001)
	29	To upgrade State Rt. 71 from State Rt. 10 to State Rt. 8	DPR 0029(001)
	30	To upgrade Florida SR-267 from SR-8 to SR-10	DPR 0030(001)
	55	Brevard County: Design & Engineering improvements for SR-3 between SR-520 and SR-528	DPR 0055(001)
Illinois	9	East St. Louis: Feasibility study for 4-lane Access Road to Jefferson Memorial Park	DPR 0009(001)
	10	Environmental Impact Study & Design Study on Highway 67 from Alton to Jacksonville	DPR 0010(001)
	11	Venice: Rehabilitation of McKinley Bridge	DPR 0011(001)
	31	East Louis: Tollway feasibility study (East Louis to Carbondale, IL)	DPR 0031(001)
	32	Mt. Vernon: Extension of 34th Street from IL Rt. 15 to County Road 10	DPR 0032(001)
	33	Reconstruction of Feather Trail Road from Ullin Road Interchange to Rt. 37, Pulaski Co	DPR 0033(001)
	34	Resurfacing IL Rt. 1 from Cave-In-Rock to north of Omaha	DPR 0034(001)
	35	Williamson County: Upgrading IL Route 13	DPR 0035(001)
	36	Saline County: For improvement to Rt. 13 from Williamson-Saline County line to Harrisburg	DPR 0036(001)
	65	W. Central: For widening of US 34 between Burlington, Iowa and Monmouth, Ill.	DPR 0065(001)
	66	To make improvements including construction of a bridge on US 67 in NW Illinois	DPR 0066(001)
	107	For construction of the Alton Bypass from the vicinity of Alton and Godfrey	DPR 0107(001)
Iowa	108	Gerro Gordo County: Mason City Bypass	DPR 0108(001)
Kansas	21	Riverton: Construction of a new highway from Riverton, KS to I-44 in Missouri	DPR 0021(001)
	76	Overland Park: I-435 Interchange Project	DPR 0076(001)
	102	Lawrence: Lawrence circumferential Roadway, Douglas County	DPR 0102(001)
	103	Eastern Shawnee: Oakland Expressway	DPR 0103(001)

(MORE)

State	Section Project Number	Project Location/Name	FMIS Project Number
Kentucky	89	Pike County: US 119 Upgrading	DPR 0089(001)
	98	South Central Kentucky: Highway 92 Relocation Study	DPR 0098(001)
	99	Jessamine County: US 27 Improvements	DPR 0099(001)
Louisiana	17	Lake Charles: Construction of roads and bridge to Rose Bluff Industrial Area	DPR 0017(001)
	18	Improvements and extension of Ambassador Caffery Parkway	DPR 0018(001)
	56	Construction of a new road from an area in the vicinity of I-55 to Alexandria	DPR 0056(001)
	74	Bossier City: To study grade separations along 10 mile of KC Railroad along US 71	DPR 0074(001)
	113	Louisa: Louisa Bridge Replacement	DPR 0113(001)
Michigan	43	US 131, St. Joseph County	DPR 0043(001)
	44	Berrien Co: US-31 relocation	DPR 0044(001)
	45	Holland: US 31 upgrade, Holland, Ottawa Co.	DPR 0045(001)
	58	Farmington Hills: To widen 12-mile road corridor in the vicinity of Farmington Hills	DPR 0058(001)
	90	Jackson County: US 127 Upgrading	DPR 0090(001)
Minnesota	22	Aurora-Hoyt Lakes/Silver, Bay: Construction and reconstruction of Forest Highway 11 connecting Aurora-Hoyt Lakes and Silver Bay	DPR 0022(001)
	23	Richfield: 77th St Reconstruction Project	DPR 0023(001)
	88	Mankato: Mankato South Rt. Improvements,	DPR 0088(001)
	91	Eden Prairie/Cologne: US Trunk highway 212 improvement project, Eden Prairie/Cologne	DPR 0091(001)
Missouri	15	New Madrid, Stoddard, Carter and Butler Counties: Highway 60 Improvements	DPR 0015(001)
	16	Southern: Improvement of Rt 65 through Greene Christian and Taney Counties	DPR 0016(001)
	101	Blue Springs: Adams Dairy Parkway Project	DPR 0101(001)
	104	Highway 63 improvements, Columbia, Missouri/ Iowa border	DPR 0104(001)
	112	Howell County: Improve Highway 63	DPR 0112(001)
Mississippi	24	Franklin/Lincoln Counties: Improvements on Highway 84	DPR 0024(001)
	25	Upgrading of US-98 from County line of Pike and Walthall Counties to Lamar County, MS	DPR 0025(001)
	26	Natchez: Upgrading Highway 61 from Natchez, MS to Louisiana State Line	DPR 0026(001)
	27	Upgrading Highway 84 from Brookhaven, MS to US 49 in Collins, MS	DPR 0027(001)
North Carolina	2	Boger City: Construction of 4-lane divided hwy along hwy 321 from Boger City to NC-127S.	DPR 0002(001)
	39	Asheville: US 19 - 23 improvement project	DPR 0039(001)
	46	I-85 Interchange improvement at State Route 1103 Granville County	DPR 0046(001)
	72	To reimburse the State of North Carolina for construction & repair of the Bonner Bridge	DPR 0072(001)
	73	Construct interstate link between I-95 and I-40 in vicinity of Wilson and Goldsboro	DPR 0073(001)
	100	Cumberland: U-2519/X-2 Highways	DPR 0100(001)

(MORE)

State	Section Project Number	Project Location/Name	FMIS Project Number
New Hampshire	37	Winchester: Replacement of Winchester Bridge	DPR 0037(001)
	38	Hanover: Ledyard Bridge Reconstruction	DPR 0038(001)
	47	Manchester: Airport Road Improvements	DPR 0047(001)
	48	Wetlands mitigation package for SR-101/51	DPR 0048(001)
New Mexico	93	Clayton: Raton-Clayton Road	DPR 0093(001)
	94	Jicarilla Apache State Road	DPR 0094(001)
New York	3	Utica: Improvement of the Utica North/South Arterial	DPR 0003(001)
	4	Oneida County: Upgrade a highway to 4-lanes	DPR 0004(001)
	70	Wayne County: To improve Rt. 104 from Furnace Road to Pound Road	DPR 0070(001)
	71	Chautauqua Co: 2 additional expressway lanes from Chautauqua Lake Bridge to PA Border	DPR 0071(001)
Ohio	1	Cadiz: Improvements of Short Creek Highway from Cadiz, Ohio to Rayland, Ohio	DPR 0001(001)
	19	Clark, Champaign/Logan Counties: US 68 Bypass	DPR 0019(001)
	40	Niles: Belmont Street Bridge Replacement	DPR 0040(001)
	41	Struthers: Bridge Street Bridge replacement	DPR 0041(001)
	42	Niles: South Main Street Bridge replacement	DPR 0042(001)
	64	Mentor: For construction of an interchange on State Rt.615 at I-90	DPR 0064(001)
	86	Medina: Route 18 Bypass Study	DPR 0086(001)
	87	Norwalk: US 250 Bypass Study	DPR 0087(001)
Oklahoma	92	East Canton/Minerva: Route 30 Extension	DPR 0092(001)
	5	Southern: Widening of US 70	DPR 0005(001)
	6	Southern: Construction of a bridge and approaches at Pennington Creek, OK	DPR 0006(001)
Pennsylvania	7	Johnsonburg: Relocation of a 2-lane highway from Center Street to PA Rt. 255 along US 219, Johnsonburg Bypass	DPR 0007(001)
	8	Pennsylvania: Construction of truck driving lanes and safety improvements on US 219 between I-80 and the NY State Line	DPR 0008(001)
	20	Aliquippa: For various 3-R projects	DPR 0020(001)
	52	Bedford Springs: To construct an access road along Old US 220 to the Springs project and to construct other facilities in site.	DPR 0052(001)
	67	Monongahela Valley: For construction of southernmost extension of Monongahela Xway	DPR 0067(001)
	68	Dauphin County: Design, right-of-way and reconstruct 5.1 miles of 4-lane divided highway from Dauphin Borough to Speeceville	DPR 0068(001)
	75	Widen 14 mile segment of US 15 from 2 to 4 lanes	DPR 0075(001)
	79	Washington County: Pennsylvania Industrial Park Access	DPR 0079(001)
	80	Southern Fayette County: Chadville Improvement Project	DPR 0080(001)
	81	US Rt. 219 Meyersdale Bypass	DPR 0081(001)
	82	US Rt. 22 Improvements: Monroeville to Ebensburg	DPR 0082(001)
	83	Blairsville: Laurel Valley Expressway	DPR 0083(001)
	96	Lehigh County: US 222 Relocation	DPR 0096(001)
	97	Northhampton County: PA 33 Extension	DPR 0097(001)
	106	Berks County: Warren St. Extension/US 222 Reconstruction	DPR 0106(001)

(MORE)

State	Section Project Number	Project Location/Name	FMIS Project Number
Pennsylvania (continued)	115 116 117	Latrobe: Ligonier Street Reconstruction Carrolltown/DuBois: US 219 Improvements Robinson Township: Design work in Town Center	DPR 0115(001) DPR 0116(001) DPR 0117(001)
South Carolina	85	Greenville Co: Southern Connector Highway	DPR 0085(001)
Tennessee	13 14 69	Lenoir City: Feasibility Study on Ft Loudon Dam Bridge on US-231 Blount City: Improvement of US Highway 411 in Monroe and Blount Counties Rutherford County: Replace existing bridge over the west fork of the Stone's River	DPR 0013(001) DPR 0014(001) DPR 0069(001)
Texas	57 59 61 62 63 84 110 111 114	Beaumont: Widen Highway FM-364 from a 2-Lane to a 4-lane road Laredo: Expand capacity of 2-Lane highway, construct interchanges and connector highway Lubbock: Feasibility & route studies, PE, design for highway from Lubbock to I-20 Rosenberg: To purchase right-of-way for Highway 36 bypass West of Rosenberg Angleton: For various activities associated with relocation of Highway 288 Brownsville: Brownsville Railroad Relocation Project Port Lavaca to Cuero: Construct upgraded, improved four-lane divided highway. Parker Co: Upgrade existing State Highway 199 to four-lane divided highway Travis Co.: Highway 620 Bridge Improvement	DPR 0057(001) DPR 0059(001) DPR 0061(001) DPR 0062(001) DPR 0063(001) DPR 0084(001) DPR 0110(001) DPR 0111(001) DPR 0114(001)
Virginia	109	Prince Edward Co.: widen 2-miles of US 460 to 4 lanes beginning 1 mile S of Farmville	DPR 0109(001)
Washington	78	Columbia River Gorge: State Route 14 Improvement Projects	DPR 0078(001)
West Virginia	77 105 118	Fairmont: Riverside Expressway improvements Mason County/Kanawha: Highway Improvements Chelyan Bridge Replacement	DPR 0077(001) DPR 0105(001) DPR 0118(001)

URBAN ACCESS AND URBAN MOBILITY PROJECTS

STATUS : NEW ISTEА PROJECTS.

APPROPRIATION CODE:

366 -- Urban Access & Urban Mobility Projects
0AA -- Urban Access & Urban Mobility Projects, Advance
Construction
0AL -- Urban Access & Mobility Projects, Advance Construction
36F -- Urban Access & Urban Mobility Projects, TMFW

FEDERAL PARTICIPATION: 80%, except for those urban access and urban mobility projects which would be eligible for assistance under 23 U.S.C. 204 or are on a federally owned bridge, in which cases the Federal share is 100%.

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation. The 1991 ISTEА authorizes a separate total amount for each of these demonstration projects, of which 8% was to be allocated and made available for obligation in FY 1992, and 18.4% was to be allocated and made available for obligation in each of FY's 1993, 1994, 1995, 1996, and 1997.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 1106(b) of the 1991 ISTEА (P.L. 102-240).

CFR REFERENCE: None

ELIGIBILITY: Funds allocated for these demonstration projects are to be used for projects that have been specifically designated by Congress to enhance better urban access and urban mobility. Specific information relative to eligible activities (i.e., studies, preliminary engineering, construction, etc.) is set forth individually for each project in Section 1106(b) of the 1991 ISTEА.

BACKGROUND AND ISTEА PROVISIONS:

The Urban Access and Urban Mobility Projects were authorized in Section 1106(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEА, Public Law 102-240) on December 18, 1991. The purpose of this legislation is to enhance urban access and urban mobility.

The 1991 ISTEA authorizes \$556,180,000 from the Highway Trust Fund over a 6-year period for 77 specific urban access and mobility projects. These projects are described in the attachment.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

URBAN ACCESS AND URBAN MOBILITY PROJECTS
AUTHORIZED BY SECTION 1106(b) OF THE 1991 ISTEA

State	Section Project Number	Project Location/Name	FMIS Project Number
Arizona	74	Tucson: Veterans Memorial Interchange/Palo Verde Bridge Replacement	DPU 0074(001)
California	1	Santa Ana: Bristol Street Project	DPU 0001(001)
	7	San Jose: Improvement of Interchange at Highway 85/Highway 17	DPU 0007(001)
	8	Gilroy: Safety improvements on Highway 152	DPU 0008(001)
	36	Compton: For a grade separation project at W. Alameda St. and the Mealy St. Corridor	DPU 0036(001)
	41	San Diego: To conduct environmental study on feasibility of constructing 4-lane highway from SR-805 to Mexico border near Otay Mesa	DPU 0041(001)
	46	Commerce: To relocate a portion of Atlantic Blvd. in the vicinity of Telegraph Road as part of a grade separation project	DPU 0046(001)
	66	Los Angeles Co: Grade Separation projects (3)	DPU 0066(001)
	71	Anaheim: HOV facilities for I-5 in vicinity of Anaheim Regional Trans. Intermodal Complex	DPU 0071(001)
Connecticut	43	Hartford: To rehabilitate State Rt. 99	DPU 0043(001)
	44	Hartford: For improved access to Connecticut River as in I-91 Mitigation Project	DPU 0044(001)
District of Columbia	10	Washington: Construction of missing segments of Eastern and Southern Avenues	DPU 0010(001)
	70	Design & construction of noise barriers along Southeast/Southwest and Anconia Freeway	DPU 0070(001)
Florida	42	Sarasota: To construct a bridge interchange at US 301 and University Parkway	DPU 0042(001)
Georgia	4	Atlanta: Improvement of Martin Luther King Drive	DPU 0004(001)
	72	Atlanta: I-20 Interchange at Lithonia Industrial Boulevard	DPU 0072(001)
Illinois	2	Metro East/St. Louis, Missouri Bridge Feasibility Study	DPU 0002(001)
	5	Chicago: Handicapped Accessibility Projects on various Chicago Streets	DPU 0005(001)
	6	Chicago: Feasibility study for a road between existing Lake Shore Drive and Indiana Road	DPU 0006(001)
	13	Joliet: Rehabilitation of Houbolt Rd and construction of I-80/Houbolt Rd Interchange	DPU 0013(001)
	14	Chicago: WPA Street Improvements	DPU 0014(001)
	15	Burnham: to improve Dolton Avenue between Torrence Avenue and Indiana State Line	DPU 0015(001)
	16	Calumet Park: Ashland Avenue Bridge Replacement	DPU 0016(001)
	17	Harvey: Illinois 1 Interchange improvement from US-6 to I-80	DPU 0017(001)
	18	Markham: Sibley Boulevard traffic flow improvement from Dixie Highway	DPU 0018(001)
	19	Chicago: Illinois 1 intersection improvement (Harvey: intersection at 155th Street)	DPU 0019(001)
	21	Lake Porter & LaPort Cos.: Study linkage roads to connect Lake Shore Drive & surrounding facilities	DPU A021(001)
	33	Springfield: To extend 11th Street from Stevenson Drive to Toronto Road	DPU 0033(001)

(MORE)

State	Section Project Number	Project Location/Name	FMIS Project Number
Illinois (continued)	52	Chicago: Right-of-way preservation projects (Eisenhower & Stevenson Connector)	DPU 0052(001)
	53	Chicago: Museum of Science & Industry; various intermodal facilities	DPU 0053(001)
	54	Chicago: Skyway Bridge	DPU 0054(001)
	55	Chicago: Cermak Road Bridge reconstruction	DPU 0055(001)
	56	Chicago: Roosevelt Road and Bridge Improvements	DPU 0056(001)
	56A	Chicago: State Street Mall Improvements	DPU A056(001)
	57	Chicago: Cicero Avenue Improvements	DPU 0057(001)
	58	Chicago: 183rd Street Reconstruction	DPU 0058(001)
	59	Chicago: 111th Street Reconstruction	DPU 0059(001)
	60	Chicago: 111th Street Upgrade; Cicero Avenue to Pulaski Road	DPU 0060(001)
	61	Chicago: 111th Street Widening; Central Avenue to Cicero Avenue	DPU 0061(001)
Indiana	21	Lake Porter & LaPort Cos.: Study linkage roads to connect Lake Shore Drive & surrounding facilities	DPU 0021(001)
	22	Acquisition of West Lake Corridor Right-of- way between Munster and Hammond	DPU 0022(001)
	23	Portage: Widen Willow Creek Road to 4 lanes	DPU 0023(001)
	24	Hobart, Lake Station & New Chicago: various improvements to Ridge Road	DPU 0024(001)
	62	Muncie: State Rd. 67 Widening	DPU 0062(001)
	63	Columbus Entranceway project	DPU 0063(001)
Massachusetts	30	Lawrence: Study, design, and construct new road service; road, ramps & widen I-495	DPU 0030(001)
Maryland	31	Baltimore: To improve various roads as part of project "Project Vision"	DPU 0031(001)
	68	Baltimore Co.: Improvement of US 1	DPU 0068(001)
Missouri	2	Metro East/St. Louis, Missouri Bridge Feasibility Study	DPU A002(001)
Nebraska	39	Omaha: For improvements to US 6 from 86th St to 118th and intersection with I-680	DPU 0039(001)
New Jersey	25	Passaic Co: Complete construction of Rt-21	DPU 0025(001)
	26	Northeastern NJ: To raise 14 bridges over Molly Ann's Brook	DPU 0026(001)
	28	Newark: To construct ramps to provide access to I-78	DPU 0028(001)
	29	Newark: To construct a parking facility as part of a multi-modal transportation facility near United Hospitals Medical Center	DPU 0029(001)
	34	Middlesex: Route 1 widening in Middlesex Co. from Raritan River to Rahway River	DPU 0034(001)
	35	Perth Amboy & Woodbridge Township: Study whether additional river crossings required	DPU 0035(001)
	37	Parsippany, Troy Mills: Construct interchange and ramp improvements on I-280	DPU 0037(001)
	64	Paramus: Rt. 17/4 Interchange Project	DPU 0064(001)
	65	Hackensack: Hackensack Avenue/Kinderkamack Road Bridges over Route 4	DPU 0065(001)
	69	Camden: Renovation of South Jersey Port Corporation Beckett Street Terminal	DPU 0069(001)

(MORE)

State	Section Project Number	Project Location/Name	FMIS Project Number
New York	9	New York: Improvements on Miller Highway	DPU 0009(001)
	11	Buffalo: Scajaquada Expressway Classification Study	DPU 0011(001)
	12	Buffalo: NY State Thruway relocation study	DPU 0012(001)
	38	Queens: To rehabilitate 39th Street Bridge over rail tracks at the Sunnyside Rail Yard	DPU 0038(001)
	40	Suffolk Co/Long Island: Construct various roadway improvements on 7.1 miles of SR-112	DPU 0040(001)
	48	Long Island: Southern State Parkway Improvement	DPU 0048(001)
	49	Schenectady: Exit 26 Bridge Project	DPU 0049(001)
	67	Staten Island: Preservation of Rail Corridor - North Shore Rail Line	DPU 0067(001)
	73	Buffalo: Southtowns Connector	DPU 0073(001)
Ohio	20	Youngstown: Center Street Bridge replacement, including Poland Avenue - Shirley Road connector and ramps at I-680	DPU 0020(001)
Pennsylvania	3	Beaver & Butler Cos: Construction of Crow's Run Expressway from I-79 to PA Rt. 60	DPU 0003(001)
	27	Chambersburg: To improve the Wayne Avenue - I-81 interchange and to widen Wayne Avenue to 5 lanes from I-81 to Coldbrook Avenue	DPU 0027(001)
	47	Scranton: Realign 3,000 feet of N. Scranton Expressway to connect with Mulberry St.	DPU 0047(001)
Rhode Island	75	Providence: Memorial Boulevard Pedestrian/ Traffic Improvements	DPU 0075(001)
Tennessee	45	Chattanooga: Construct an urban diamond interchange and a connector road	DPU 0045(001)
Utah	51	Expansion of State Road 5600 West	DPU 0051(001)
Virginia	50	Northern Virginia: Upgrade I-495 interchanges including Virginia Mixing Bowl Improvements	DPU 0050(001)
Washington	32	Bellevue: Conduct Phase I design study for I-405 interchange at NE 8th Street	DPU 0032(001)
	76	Renton: Houser Way Relocation Expansion	DPU 0076(001)

INNOVATIVE PROJECTS

STATUS: NEW ISTE A PROJECTS.

APPROPRIATION CODE:

367 -- Innovative Projects
0AM -- Innovative Projects, Advance Construction
36G -- Innovative Projects, TMFW

FEDERAL PARTICIPATION: 80%, except for those innovative projects which would be eligible for assistance under 23 U.S.C. 204 or are on a federally owned bridge, in which cases the Federal share is 100%.

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation. The 1991 ISTE A authorizes a separate total amount for each of these demonstration projects, of which 8% was to be allocated and made available for obligation in FY 1992, and 18.4% was to be allocated and made available for obligation in each of FY's 1993, 1994, 1995, 1996, and 1997.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 1107 of the 1991 ISTE A (P.L. 102-240).

CFR REFERENCE: None

ELIGIBILITY: Funds allocated for these demonstration projects are to be used for projects that have been specifically designated by Congress to enhance better urban access and urban mobility. Specific information relative to eligible activities (i.e., studies, preliminary engineering, construction, etc.) is set forth individually for each project in Section 1107 of the 1991 ISTE A.

BACKGROUND AND ISTE A PROVISIONS:

The Innovative Projects were authorized in Section 1107 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTE A, Public Law 102-240) on December 18, 1991. The purpose of this legislation is to demonstrate innovative techniques of highway construction and finance.

The 1991 ISTEA authorizes \$2,356,480,000 from the Highway Trust Fund over a 6-year period for 204 specific innovative projects. These projects are described in the attachment.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

**INNOVATIVE PROJECTS
AUTHORIZED BY SECTION 1107 OF THE 1991 ISTEA**

State	Section Project Number	Project Location/Name	FMIS Project Number
Alabama	30	Mobile: Reconstruction of West Tunnel Plaza interchange on I-10	DPI 0030(001)
	35	Montgomery: Construct 4-lane bypass to connect I-65 and I-85	DPI 0035(001)
	80	Tuscaloosa Co: Black Warrior River Bridge	DPI 0080(001)
	124	Patton Island Bridge Project	DPI 0124(001)
	192	Improvements to Anniston Eastern Bypass near US-431, and between SH-21 and I-20	DPI 0192(001)
Arkansas	100	North Belt Freeway project (N. Little Rock)	DPI 0100(001)
California	12	Oceanside: Construction of A, B, and C segments of SR 76	DPI 0012(001)
	13	Carlsbad: Improvements at interchange at Palomar Airport Rd. and I-5	DPI 0013(001)
	37	Los Angeles: Prel. work to enhance capacity of I-5 from downtown to SR 91 interchange	DPI 0037(001)
	61	Mojave: Reconstruct bridge to Caltrans height standards	DPI 0061(001)
	71	San Benito: Rt. 156 Hollister Bypass	DPI 0071(001)
	72	Monterey: Rt. 101, Prunedale (Bypass)	DPI 0072(001)
	82	Union City: I-880/Alvarado-Niles Road Interchange	DPI 0082(001)
	86	Bakersfield: Route 58 Improvements	DPI 0086(001)
	87	Santa Fe Springs: Norwalk Boulevard grade separation	DPI 0087(001)
	116	West Sacramento: Industrial Boulevard Bridge over Sacramento River Barge Canal	DPI 0116(001)
Connecticut	198	Rehabilitate or replace Gold Star bridge over Thames River between New London & Gorton, Bridge over Yellow Mill Channel in Bridgeport, Tomlinson Bridge in New Haven	DPI 0198(001)
District of Columbia	98	Hybrid Fuel Cell	DPI 0098(001)
	201	Advanced composite bridge deck demo at Catholic University	DPI 0201(001)
Florida	28	Brevard Co: Design, acquire ROW & construct a widened bridge on SR 3 over Barge Canal	DPI 0028(001)
	43	Hillsborough: Widen and improve safety of I-4 from Tampa to Hillsborough Co. line	DPI 0043(001)
	196	Orlando: Land & right-of-way acquisition & guideway construction for MAGLEV project	DPI 0196(001)
Georgia	10	Atlanta: Transportation improvements for 1996 Olympics and IVHS traffic management system	DPI 0010(001)
	202	Georgia: Any highway improvement projects eligible for funding under title 23	DPI 0202(001)
Hawaii	203	Hawaii: Any highway improvement projects eligible for funding under title 23	DPI 0203(001)
Idaho	60	Lewiston: Improve Bryden Canyon Road	DPI 0060(001)
	187	Plummer: Reconstruct 3 segments of SH-5, totaling about 5.3 miles in length	DPI 0187(001)
	188	Lemhi County: Reconstruct 8.3 miles of US-93 at the Idaho/Montana border	DPI 0188(001)
	189	St. Maries: Rehabilitate existing 14.2 miles of pavement on FH 50	DPI 0189(001)

(MORE)

State	Section Project Number	Project Location/Name	FMIS Project Number
Idaho (continued)	190	Lewiston: Construct 2.4 miles of new road along FAU 7344 in Bryden Canyon	DPI 0190(001)
	191	Bear Lake County: Reconstruct 13 miles of US-89 between Montpelier and Geneva	DPI 0191(001)
Illinois	11	Chicago: Computerized infrastructure management systems	DPI 0011(001)
	15	Mokena: Construction of Wolf Road between Laport Road and US 30	DPI 0015(001)
	16	Village of Frankfort: Roadway Improvement Projects	DPI 0016(001)
	17	Plainfield: Replacement of E J & E Viaduct over IL Route 59 and Dupage River Tributary	DPI 0017(001)
	18	Romeoville: Replacement of 135th St. Bridge	DPI 0018(001)
	32	Galina: Conduct environmental, PE & design studies to widen 47 miles of US 20 to 4-lanes	DPI 0032(001)
	38	Mendon: Construct 14.8 miles of Highway 336 from Rt. 61 near Mendon to West Point Road	DPI 0038(001)
	66	Jacksonville: US 67 Jacksonville Bypass	DPI 0066(001)
	95	DuQuoin Highway Bridge	DPI 0095(001)
	96	Tamarack Street extension	DPI 0096(001)
	102	Replace 5.3 miles of Illinois 17 from 0.2 mi west of Splear Road to Illinois 1	DPI 0102(001)
	103	Leroy: US 150 replacement, north of Hemlock St. to south of Gilmore St.	DPI 0103(001)
	104	Ford Co: Replace 8.0 miles of US 24 from 1.1 mi. east of Forrest to Ford Co. line	DPI 0104(001)
	105	Watseka: US 24 replacement from Crescent City to Illinois 1	DPI 0105(001)
	106	Emington: Emington Spur Road replacement from Illinois 47 to Emington	DPI 0106(001)
	107	New Lenox Road improvement	DPI 0107(001)
	108	Shorewood Roadway improvements	DPI 0108(001)
	109	Chicago: Painting of various moveable bridges	DPI 0109(001)
	111	Chicago: 3R work on historic 28 mile Boulevard	DPI 0111(001)
	119	Calumet City: Reconstruction of 156th St. & 156th Place from Buckham Ave. to State line	DPI 0119(001)
	120	Frankfort Township: Improvement of streets	DPI 0120(001)
	121	Matteson: I-57 bridge improvements	DPI 0121(001)
	122	Road improvements - US 150/IL 1 from Belgium to south of Westville	DPI 0122(001)
	123	Road improvements - US 45 from Savoy to Tolono	DPI 0123(001)
	137	Improvements on the Kennedy Expressway	DPI 0137(001)
Indiana	64	Construct extension of I-69 to link Evansville and Indianapolis	DPI 0064(001)
	97	East Chicago Marina Access Road	DPI 0097(001)
Iowa	62	Fremont Co: Construction of IA Highway 2 from Sidney to I-29	DPI 0062(001)
	63	Council Bluffs: Variety of improvements to Valley View Corridor	DPI 0063(001)
	69	Highway. 63 improvements from Waterloo to New Hampton	DPI 0069(001)
Kansas	44	Wichita: Construct 6-lane access control highway & interchange at Oliver St.	DPI 0044(001)
	154	Widen US-81 Belleville to Concordia	DPI 0154(001)
	155	Hutchinson: Construction of Hutchinson Bypass between US-50 and K-96	DPI 0155(001)

(MORE)

State	Section Project Number	Project Location/Name	FMIS Project Number
Maine	68	Portland: Portland-S. Portland Bridge	DPI 0068(001)
Maryland	2	Harford Co: Construction of Durham Road Bridge # 75	DPI 0002(001)
	3	Harford Co: Construction of replacement bridge at Furnace Road Bridge # 74	DPI 0003(001)
	4	Harford Co: Construction of replacement bridge at South Hampton Road Bridge # 47	DPI 0004(001)
	5	Harford Co: Construction of replacement bridge at Wheel Road Bridge # 9	DPI 0005(001)
	6	Harford Co: Construction of replacement bridge at Watervale Bridge # 63	DPI 0006(001)
	7	Baltimore Co: Replacement of Papermill Road Bridge # 123 in Cockeysville area	DPI 0007(001)
	24	Relocate railroad between Hagerstown, MD and Shippensburg, PA to eliminate 23 RR X-ings	DPI A024(001)
Michigan	117	Baltimore Co: I-695 improvements	DPI 0117(001)
	33	Areneck Co: Improve 12 miles of US 23 between Rt. 13 and Rt. 65	DPI 0033(001)
	47	Grand Rapids: construct bypass connecting I-96 and I-196	DPI 0047(001)
	53	Genesee: Widen and improve pavement in Mundy Township from Baldwin Rd. to Cook Rd.	DPI 0053(001)
	54	Flint: Design & construct improved and widened 5-lane road	DPI 0054(001)
	55	Flint: Design & construct 1.02 miles of 5-lane roadway	DPI 0055(001)
	56	Flint: ROW acquisition, relocation, & construction of Bristol Road	DPI 0056(001)
Minnesota	89	Traverse City: Traverse City Bypass	DPI 0089(001)
	112	Cadillac: Improvements to US 131 from Cadillac to Manton to Traverse City	DPI 0112(001)
	81	Brooklyn Park: Highway 610 Crosstown Project	DPI 0081(001)
	126	Completion of Cross-Range Expressway (Trunk Highway 169)	DPI 0126(001)
	127	Hinckley: Safety & capacity improvements to Trunk Highway 48 & relocate County Road 134	DPI 0127(001)
	128	Trunk Highway 53 from Twig to Trunk Highway 37	DPI 0128(001)
	129	Trunk Highway 169 from Grand Rapids to High City	DPI 0129(001)
	130	Trunk Highway 61 from Schroeder to Grand Marais	DPI 0130(001)
	133	Trunk Highway 37 and Hughes Road	DPI 0133(001)
	158	Hennepin County: Bloomington Ferry Bridge & C.S.A.H. 18 replacement project	DPI 0158(001)
Missouri	159	Nicollet Co: C.S.A.H. 41 for roadway stabilization and rockfall control - North Mankato	DPI 0159(001)
	160	St. Cloud: Trunk Highway 15 bridge over Mississippi River & interchange with T.H. 10	DPI 0160(001)
	161	MN Safety Initiative Program - pavement marking and elastomer modified asphalt	DPI 0161(001)
	40	Jefferson Co: Widen I-55 between Rt. M and Rt. 67	DPI 0040(001)
	41	Jefferson Co: Upgrade 7.9 miles of Missouri Highway 21	DPI 0041(001)
	42	St. Louis: Construct a 4-lane outer beltway connecting I-55 and I-44	DPI 0042(001)

(MORE)

State	Section Project Number	Project Location/Name	FMS Project Number
Mississippi	85	Pascagoula: US 90 improvements including 6-lane bridge and approaches	DPI 0085(001)
Montana	194	Billings: Construction of Shilo I-90 Interchange	DPI 0194(001)
	195	Missoula: Construction of Missoula Airport I-90 interchange	DPI 0195(001)
Nebraska	50	Plan, engineer, & construct bridge across Missouri River connecting SD Rt. 37 to NE Hwy. 12 near Springfield, SD	DPI A050(001)
	51	Engineer & construct bridge across Missouri River near Vermillion, SD	DPI A051(001)
Nevada	90	Elko Co: Lamoille Highway widening	DPI 0090(001)
	91	Reno: US 395 Extension	DPI 0091(001)
	92	Carson City: Carson City Bypass	DPI 0092(001)
New Hampshire	152	Study of corridor protection for NH Route 16	DPI 0152(001)
	153	North Conway: Provide congestion relief on US-302 and NH Route 16	DPI 0153(001)
New Jersey	73	Newark: Rt. 21 Viaduct	DPI 0073(001)
	74	Newark: Widening of Rt. 21	DPI 0074(001)
	125	Borough of Paulsboro: Construction of a new bridge to improve safety	DPI 0125(001)
New York	48	Suffolk Co: Selective black topping through high noise road segments	DPI 0048(001)
	49	Suffolk Co: Evaluate composting and recycling use on Federal-aid highways	DPI 0049(001)
	59	Amherst & Erie Cos.: Widen 2 miles of Rt. 263 and rehabilitate 4 miles of Rt. 78	DPI 0059(001)
	146	Construction of a highway from US 7 North of Bennington, VT to NY-7 in Hoosick, NY	DPI 0146(001)
	162	New York: Hell Gate Viaduct - upgrade, repair and paint	DPI 0162(001)
	163	New York: Reconstruction of ferry landing within Battery Park	DPI 0163(001)
	164	New York: Foley Square Plaza transportation improvements and construction activities	DPI 0164(001)
	165	New York: Reconstruct & improve sections of Franklin Delano Roosevelt Drive	DPI 0165(001)
	166	Corning Bypass improvements	DPI 0166(001)
	193	Corning Bypass; excess fund may be used to widen Route 17 near PA border	DPI 0193(001)
	200	Binghamton: Feasibility study on rehabilitation of South Washington Street Bridge	DPI 0200(001)
North Carolina	75	Chatham & Wake Cos: US 64 Widening	DPI 0075(001)
	113	Durham Co.: Accelerated construction of 4-lane freeway on Rt. 147	DPI 0113(001)
	199	Design & construct freeway from Rocky Mount to Elizabeth City, upgrade I-64 from Raleigh to Rocky Mount, & Route 17 from Elizabeth City to Norfolk	DPI 0199(001)
North Dakota	36	Design state-wide off-system bridge management system and began repairs	DPI 0036(001)
	167	Nelson County: Grading & surfacing of US 2 between Michigan and McVile and FAS 3220 between ND 1 & ND 32.	DPI 0167(001)

(MORE)

State	Section Project Number	Project Location/Name	FMIS Project Number
North Dakota (continued)	168	Stutsman County: Surfacing of I-94 between Spiritwood and ND Highway 9	DPI 0168(001)
	169	Stelle & Griggs Cos: Garding & surfacing of FAS 4612 & FAS 2012 from ND 32 to ND 45	DPI 0169(001)
	170	Grand Forks County: Surfacing of FAS 1822 from FAS 1833 to I-29, FAS 1812 from FAS 1833 to I-29; & FAS 1833 from FAS 1824 to ND 15	DPI 0170(001)
	171	Richland County: Grading & surfacing from Wahpeton to the Froedtert Malting Plant	DPI 0171(001)
	172	Ward & McHenry Cos: Grading & surfacing FAS 5158 & FAS 2546 from US 83 to ND 41	DPI 0172(001)
	173	Bottineau County: Grading & surfacing from Bottineau to ND 43	DPI 0173(001)
	174	McKenzie County: Grading & surfacing of FAS 2750 from US-85 west 12 miles	DPI 0174(001)
	175	Wells County: Grading & surfacing of FAS 5215	DPI 0175(001)
	176	Traill County: Grading & surfacing of FAS 4916 from ND 200 east to the Red River	DPI 0176(001)
	177	Eddy County: Grading & surfacing of FAS 1404 and FAS 1427	DPI 0177(001)
	178	Renville & Ward Cos: Grading & surfacing	DPI 0178(001)
	179	Morton County: Grading & surfacing of FAS 3020 from ND 49 southeasterly to FAS 3033	DPI 0179(001)
	180	Walsh County: Surfacing of FAS 5017 and FAS 5022	DPI 0180(001)
	181	Dickey County: Grading & surfacing of FAS 1112, FAS 1111, FAS 1137	DPI 0181(001)
	182	Burke County: Grading & surfacing of FAS 0717 from Lignite south to ND 50	DPI 0182(001)
	183	Morton County: Bypass from ND 1806 around westside of Ft. Lincoln State Park	DPI 0183(001)
	184	Rolette County: Grading & surfacing from US-281 around the access loop road in the International Peace Garden	DPI 0184(001)
	185	Oliver County: Grading & surfacing of FAS 3331 from ND 200A at Hensler southerly to ND 25 & FAS 3304 from FAS 3331 east to FAS 3339	DPI 0185(001)
	186	Williams County: Grading & surfacing at County Road 5 from US-2 southerly to ND 1804	DPI 0186(001)
Ohio	1	Cadiz to St. Clairsville: Construction of a 4-lane limited access highway along US 250	DPI 0001(001)
	65	Aberdeen: US 62/68 Ohio River Bridge	DPI 0065(001)
	70	Brook Park: Aerospace Technology Park Access Road	DPI 0070(001)
	78	Akron: Kelly Avenue extension	DPI 0078(001)
	93	Franklin Co: I-270 North Outerbelt widening	DPI 0093(001)
	99	Rehabilitation of Bridge on US 224 near State Route 616	DPI 0099(001)
Oklahoma	197	Toledo: Design & construction of I-280 Maumee River Bridge to replace Craig Memorial Bridge	DPI 0197(001)
	8	Southern: Test effectiveness of recyclable materials on resurfacing of US 70	DPI 0008(001)
	9 204	Tulsa: Upgrade US 75 to expressway standards Oklahoma: Any highway improvement projects eligible for funding under title 23	DPI 0009(001) DPI 0204(001)
Oregon	57	Salem: Construct Salem Bypass	DPI 0057(001)

(MORE)

State	Section Project Number	Project Location/Name	FMIS Project Number
Pennsylvania	19	Borough of Water Street: Construction of a 2-lane bypass on US 22	DPI 0019(001)
	20	Borough of Holidaysburg: Relocate US 22 around Holidaysburg	DPI 0020(001)
	21	Lewistown: Safety improvements for rock slides on the Narrows	DPI 0021(001)
	22	Lewistown: Relocate US 22 north of Lewistown	DPI 0022(001)
	23	Reedsville: Construction of a 4-lane highway between Reedsville and Seven Mountains	DPI 0023(001)
	24	Relocate railroad between Hagerstown, MD and Shippensburg, PA to eliminate 23 RR X-ings	DPI 0024(001)
	25	Roaring Springs: Add center turning lane on PA 36 from US 220 to Roaring Springs	DPI 0025(001)
	26	Altoona: Widen and extend Chestnut Avenue from Altoona to Juniata	DPI 0026(001)
	27	Bedford Co: Widen Rt. 30 from the Narrows in Bedford to Mt. Dallas	DPI 0027(001)
	31	Widen US 202 from King of Prussia to Montgomeryville	DPI 0031(001)
	52	Wilkes-Barre and Mountaintop: Design and construct two exits off I-81	DPI 0052(001)
	58	Montgomeryville: Improve US 202 from Montgomeryville to Doylestown	DPI 0058(001)
	79	Exton: Exton Bypass	DPI 0079(001)
	110	Huntingdon Co.: Jacobs Timber Bridge over Greater Trough Creek	DPI 0110(001)
	134	Route 120 widening near Lock Haven	DPI 0134(001)
	135	Replace US-15 bridge across the Tioga River	DPI 0135(001)
	136	Wysox Narrows Road (US-6)	DPI 0136(001)
	145	Applied technology demonstration in advanced driver information systems:University of Arts	DPI 0145(001)
Rhode Island	140	Design & construction of stormdrain retrofit on I-95 and other highway runoff programs	DPI 0140(001)
	141	Historic renovation and development of intermodal center at Kingston RR station	DPI 0141(001)
	142	Lincoln & Cumberland: Historic rehab of Albion Bridge and Albion Trench Bridge	DPI 0142(001)
	143	Newport: To develop the marine mode of the intermodal Gateway Transportation Center	DPI 0143(001)
	144	Bristol: road improvements	DPI 0144(001)
	147	Woonsocket: Construction of Route 99 Ext.	DPI 0147(001)
	148	Woonsocket: Repaving streets	DPI 0148(001)
	149	Woonsocket: Improvements to 3 bridges crossing the Blackstone River	DPI 0149(001)
	150	Cranston: Reconstruction & repaving Park Ave, Sockanossett Crossroads, Olney Arnold Road, South Comstock Parkway, Wildflower Drive, Aqueduct Road and Mapleton Street	DPI 0150(001)
	151	For Operating expenses of the Rhode Island Public Transit Authority	DPI 0151(001)
South Carolina	84	Myrtle Beach: Carolina Bays Parkway	DPI 0084(001)
	138	Southern Connector Highway improvements in Greenville Co: Highway 17 Bridge replacement over the Cooper River in Charleston; Carolina Bays Parkway improvements in Myrtle Beach	DPI 0138(001)
	139	Rail Corridor Revitalization in Columbia	DPI 0139(001)

(MORE)

State	Section Project Number	Project Location/Name	FMIS Project Number
South Dakota	50	Springfield: Plan, engineer, & construct bridge across Missouri River connecting SD Rt. 37 to NE Hwy. 12	DPI 0050(001)
	51	Vermillion: Engineer & construct bridge across Missouri River	DPI 0051(001)
Tennessee	76	Sullivan Co: I-81/Industrial Park South Interchange	DPI 0076(001)
	77	Foothills Parkway from Pittman Center to Cosby - FHWA is administering project	DPI 0077(001)
Texas	34	Brooks, Jim Wells, & Live Oaks Cos: Upgrade US 281 to the Mexican Border	DPI 0034(001)
	101	Ft. Worth: I-35 Basswood interchange	DPI 0101(001)
	114	Corpus Christi to Angleton: Construct new multi-lane freeway (SH-35 corridor)	DPI 0114(001)
	115	Fort Worth: Overpass and frontage road at Fort Worth Hillwood/I-35 Interchange	DPI 0115(001)
Utah	45	Brigham City: Construct interchange on I-15 at Forest St.	DPI 0045(001)
	46	Davis & Weber Cos: Upgrade US 89	DPI 0046(001)
Virginia	14	Danville: Replace bridges on Main and Worsham Streets	DPI 0014(001)
	29	Blacksburg: Construct 6 mile 4-lane highway to demonstrate IVHS	DPI 0029(001)
	118	Hampton Roads: I-64 crossing of Hampton Roads	DPI 0118(001)
	157	Statewide: 4R, safety improvements, and modernization of Virginia Interstate System	DPI 0157(001)
	199	Construction of freeway from Rocky Mount, NC to Elizabeth City, NC; upgrade I-64 from Raleigh NC to Rocky Mount, NC & Route 17 from Elizabeth City, NC to Norfolk, VA	DPI A199(001)
Virgin Islands	94	St. Thomas: Feasibility study to construct second road to west end of island	DPI 0094(001)
Vermont	146	Construction of a highway from US-7 North of Bennington southwest to NY-7 in Hoosick, NY	DPI 0146(001)
Washington	39	Bryden: Construct 3 miles of highways connecting Clarkston, WA, and Lewiston, ID	DPI 0039(001)
	67	Snohomish Co: HOV lanes	DPI 0067(001)
	83	Merrysville: I-5/88th St. Interchange Improvements	DPI 0083(001)
	88	Hoquiam: Gray's Harbor Industrial Corridor Bridge	DPI 0088(001)
Wisconsin	131	Improvements to Highway 41 from Oshkosh to Green Bay	DPI 0131(001)
	132	Improvements to Highway 29 from Chippewa Falls to State Trunk Highway 73	DPI 0132(001)
Wyoming	156	Wyoming: Reconstruction of county roads not on the State Highway system	DPI 0156(001)

PRIORITY INTERMODAL PROJECTS

STATUS: NEW ISTEА PROJECTS.

APPROPRIATION CODE:

368 -- Priority Intermodal Projects

OAN -- Priority Intermodal Projects, Advance Construction

FEDERAL PARTICIPATION: 80%, except for those priority intermodal projects which would be eligible for assistance under 23 U.S.C. 204 or are on a federally owned bridge, in which cases the Federal share is 100%.

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation. The 1991 ISTEА authorizes a separate total amount for each of these demonstration projects, of which 8% was to be allocated and made available for obligation in FY 1992, and 18.4% was to be allocated and made available for obligation in each of FY's 1993, 1994, 1995, 1996, and 1997.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 1108 of the 1991 ISTEА (P.L. 102-240).

CFR REFERENCE: None

ELIGIBILITY: Funds allocated for these demonstration projects are to be used for projects that have been specifically designated by Congress for the construction of innovative inter-modal transportation projects. Specific information relative to eligible activities (i.e., studies, preliminary engineering, construction, etc.) is set forth individually for each project in Section 1108 of the 1991 ISTEА.

BACKGROUND AND ISTEА PROVISIONS:

The Priority Intermodal Projects were authorized in Section 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEА, Public Law 102-240) on December 18, 1991. The purpose of this legislation is to provide for the construction of innovative intermodal transportation projects.

The 1991 ISTEА authorizes \$436,950,000 from the Highway Trust Fund over a 6-year period for 51 specific intermodal projects. These projects are described in the attachment.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

**PRIORITY INTERMODAL PROJECTS
AUTHORIZED BY SECTION 1108 OF THE 1991 ISTEA**

State	Section Project Number	Project Location/Name	FMIS Project Number
American Samoa	22	America Samoa: Rehabilitate 8 miles of Tau Road from Falessao to Fatuita	DPM 0022(001)
	23	Manu's Is., America Samoa: Improve 8 miles of roadway from Ofu to Olosfaga and Slie	DPM 0023(001)
California	1	Long Beach: Interchange at of Terminal Island Freeway and Ocean Blvd.	DPM 0001(001)
	2	Wilmington: Widening of Anaheim St. Viaduct	DPM 0002(001)
	3	Wilmington: Grade separation project of Pacific Coast Highway near Alameda St	DPM 0003(001)
	4	Compton City: Widening of Alameda St. & grade separation between Rt. 91 and Del Amo Blvd.	DPM 0004(001)
	13	Purchase right-of-way, develop transportation corridor Larkspur to Koble, Novato to Lombard	DPM 0013(001)
	15	Los Angeles: Multi-modal transit parkway on Santa Monica Blvd. from I-405 to US 101	DPM 0015(001)
	18	Ontario: Complete construction of access road to Ontario Airport	DPM 0018(001)
	21	San Jose: Upgrade Rt. 87 & local circulation system for San Jose Airport	DPM 0021(001)
	30	Oxnard: Extend Rice Road, widen Hueneme Road and construct interchange	DPM 0030(001)
	31	Los Angeles: Improve ground access from Sepulveda Blvd. to Los Angeles	DPM 0031(001)
	36	Palmdale: Avenue P8 improvements	DPM 0036(001)
Connecticut	46	Carson & Los Angeles Cos: Grade separation at Sepulveda Blvd and Alameda St	DPM 0046(001)
	51	Long Beach: Airport Access	DPM 0051(001)
	9	East Haven Route 80, Wallingford I-91 and Wallingford Oakdale	DPM 0009(001)
Florida	16	Jacksonville: Construct new I-295 interchange and access road to seaport/airport	DPM 0016(001)
Georgia	11	Atlanta: Study of 5-Points Intermodal Terminal	DPM 0011(001)
	48	Augusta: Railroad overpass at 15th St and Greene St	DPM 0048(001)
Illinois	50	I-255 interchange	DPM 0050(001)
Indiana	37	Lafayette: Railroad Relocation Project	DPM 0037(001)
	45	Gary: Extension of US 12/20 to Lake Michigan	DPM 0045(001)
Louisiana	49	Saint Bernard Intermodal Facility Engineering, Design, Construction	DPM 0049(001)
Michigan	8	Detroit: Van Dyke St (\$1.0 M) and a depressed road under Detroit City Airport runway	DPM 0008(001)
	25	Detroit: Construct access road to Detroit Metro Airport including link to I-275	DPM 0025(001)
Minnesota	40	Minneapolis: Intermodal Urban connection project	DPM 0040(001)

(MORE)

State	Section Project Number	Project Location/Name	FMIS Project Number
Missouri	10	St. Louis: Rehabilitation of Eads Bridge	DPM 0010(001)
	27	St. Louis: Multi-modal transportation facility	DPM 0027(001)
	41	Kansas City: Bruce Watkins Roadway Improvements	DPM 0041(001)
	42	Kansas City: Smith Riverfront Expressway	DPM 0042(001)
Mississippi	34	I-20 interchange at Pirate Cove Road	DPM 0034(001)
	35	Jackson: Jackson Airport connectors	DPM 0035(001)
Nevada	17	Las Vegas: Conduct EIS & prel. engineering for project linking I-15 to McCarran Airport	DPM 0017(001)
New York	12	Buffalo: Buffalo River/Gateway Tunnel Project	DPM 0012(001)
	28	Orange & Rockland: Construct park & ride facilities, establish traffic management sys.	DPM 0028(001)
	32	Mt. Vernon: Construct intermodal facility at Mt. Vernon Rail Station	DPM 0032(001)
	33	Orange Co: I-87/I-84 Stuart Airport Interchange Project	DPM 0033(001)
Oklahoma	7	Ardmore: Study of upgrading SR 53 off US 35 leading to improved airport	DPM 0007(001)
Oregon	14	Widen 2.7 mi. of US 26 to add highway lanes and light rail	DPM 0014(001)
	43	Portland: Columbia Slough Intermodal Expansion Bridge	DPM 0043(001)
Pennsylvania	5	Upgrade US 30 from OH border to Pittsburgh International Airport	DPM 0005(001)
	6	Philadelphia: Reconstruct Old Delaware Avenue Service Road	DPM 0006(001)
	19	Allegheny Co.: Expansion of M.L. King Busway to serve Pittsburgh Airport & community	DPM 0019(001)
	26	Pittsburgh: Construct exclusive busway linking Pittsburgh to Pittsburgh Airport	DPM 0026(001)
	29	Philadelphia: Improve mobility in vicinity of Pennsylvania Convention Center	DPM 0029(001)
	39	Erie Co.: Eastside Connector Project/Port of Erie Access	DPM 0039(001)
Texas	44	Ft. Worth: Ft. Worth Intermodal Center	DPM 0044(001)
	47	Williamson, Travis, Cadwell, Guadalupe: I-35 traffic congestion feasibility studies, R-O-W	DPM 0047(001)
Utah	38	Provo: South Access Road to Provo Municipal Airport	DPM 0038(001)
Washington	20	Pierce Co.: Feasibility study of expanding Tacoma Narrows Bridge; other alternatives	DPM 0020(001)
	24	Spokane: Conduct feasibility study of future transportation needs of Southeastern WA	DPM 0024(001)

MISCELLANEOUS HIGHWAY PROJECTS (1991 ISTEA)

STATUS: NEW ISTEA PROJECTS.

APPROPRIATION CODE: Unknown

FEDERAL PARTICIPATION: See Table Below

PERIOD AVAILABLE: Until Expended

FUND: General

FUND DISTRIBUTION METHOD: Allocation. Funds will be available subject to separate appropriation actions.

AUTHORITY: Budget

SUBJECT TO OBLIGATION LIMITATION:

STATUTORY REFERENCE: Section 1069 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Eligibility information for each individual project is contained in Section 1069 of the 1991 ISTEA.

BACKGROUND AND ISTEA PROVISIONS:

Section 1069 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) provides budget authority for Congress to appropriate General Funds for the 30 following highway projects located in the States of Kentucky, Maryland, New York, Ohio, Pennsylvania, Virginia, and West Virginia:

<u>Section</u>	<u>Project</u>	<u>Federal Amount</u>	<u>%</u>
1069(a)	Baltimore-Washington Parkway (MD)	\$74,000,000	100
1069(b)	Exit 26 Bridge (Schnectady, NY)	22,400,000	80
1069(c)	Cumberland Gap Tunnel (KY)	Amt. Necessary	100
1069(d)	Riverside Expressway (WV)	53,400,000	80
1069(e)	Pittsburgh Busway (PA)	39,500,000	80
1069(f)	Exton Bypass (PA)	11,004,000	80
1069(g)	Route 33 Extension (PA)	5,400,000	80
1069(h)	US Route 202	4,500,000	80
1069(i)	Woodrow Wilson Bridge	15,000,000	100
1069(j)	Warren Outerbelt (OH)	1,000,000	80
1069(k)	SR 46 Improvements (OH)	2,000,000	80
1069(l)	SR 5 Improvements (OH)	1,000,000	80
1069(m)	US Route 62 Improvements (OH)	1,000,000	80
1069(n)	SR 534 Improvements (OH)	1,000,000	80

Section	Project	Federal Amount	%
1069(o)	SR 45 Improvements (OH)	1,000,000	80
1069(p)	Route 120 (Lock Haven, PA)	4,000,000	80
1069(q)	Tioga River Bridge (PA)	3,200,000	80
1069(r)	US Route 6 (Bradford Co., PA)	3,000,000	80
1069(s)	Sebring/Mansfield Bypass (PA)	4,800,000	80
1069(v)	Coalfields Expressway (WV)	Amt. Necessary	80
1069(w)	us 119 (KY)	70,000,000	80
1069(z)	US 52 (WV)	Amt. Necessary	80
1069(aa)	Route 219 (NY)	Amt. Necessary	80
1069(bb)	Routes 5/92 Congestion Mgt.(NY)	20,000,000	100
1069(cc)	Rochester Adv. Trf. Mgt (NY)	15,000,000	100
1069(dd)	Rensselaer Access (NY)	35,000,000	100
1069(ee)	Gowanus Expressway Corridor (NY)	200,000,000	100
1069(ff)	I-287 HOV Project (NY)	200,000,000	100
1069(gg)	Oak Point Freight Access (NY)	150,000,000	100
1069(hh)	Roosevelt Drive (NY)	50,000,000	100

In addition, Section 1069(y) provides budget authority for Congress to appropriate General Funds for highway projects involving construction of, and improvements to, corridors of the Appalachian Development Highway System. The Appalachian Development Highway System contains approximately 3,000 miles of highways located in the States of Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

DEMONSTRATION, PRIORITY, AND SPECIAL INTEREST PROJECTS (1970-1992)

STATUS: CONTINUING PROJECTS. From 1970 until the end of 1991, Congress authorized more than 450 demonstration, priority, pilot, or special interest projects in various Federal-aid highway and appropriations acts. A listing is attached containing the description and status of these projects as of December 31, 1991.

APPROPRIATION CODES: See Attachment

FEDERAL PARTICIPATION: See Attachment

PERIOD AVAILABLE: Until Expended.

FUND: Highway Trust Fund for the Section 149 demonstration projects. The other demonstration projects vary, some are funded from the Highway Trust Fund, but most are funded from the General Fund.

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract Authority for the Section 149 projects. Budget Authority for most, but not all, of the other demonstration projects.

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Varies. See Background and Attachment.

CFR REFERENCE: None

ELIGIBILITY: Information relative to eligible activities (i.e., studies, preliminary engineering, construction, etc.) is set forth individually for each project in the section of the law set forth in the table below.

BACKGROUND:

During the 22 years prior to passage of the 1991 ISTEA, Congress authorized more than 450 demonstration, priority, pilot, or special interest projects in various Federal-aid highway and appropriations acts. A listing is attached containing the description and status of these projects as of December 31, 1991.

In 1970, the first six demonstration projects were authorized on the Northeast Corridor high-speed rail line 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). These projects are described in more detail in Part II of this report in a section entitled, "Railroad Relocation Demonstration Program (19 Cities)."

With each new highway act or annual DOT appropriations act, new demonstration projects were authorized.

In 1987, Congress authorized 157 demonstration projects. Most of these projects were included in Section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, P.L. 100-17). Section 149 of the 1987 STURAA:

- Authorized almost \$265.3 million per year for these projects for each of FY's 1987-1991, a total of more than \$1.3 billion. This did not include almost \$80 million in additional funds provided to ensure that each State would receive a minimum funding allocation. The Federal funds provided for the Section 149 demonstration projects are available until expended. Each State receiving funds is required to fund from State or local government sources an amount equal to 20 percent of the cost of each project. The Federal share is 80 percent of the cost of each project--50 percent from special authorizations and 30 percent from earmarked discretionary funds. With the exception of the period of funding availability and exemption of some of the funds from obligational limitations (i.e., the earmarked discretionary funds are subject to the obligation ceiling but are excluded from the State-by-State distribution), the Federal funds made available under Section 149 are administered in accordance with the provisions of Title 23, U.S. Code. The projects also are administered in accordance with standard Federal-aid highway procedures developed under Title 23.
- Established conditions under which a State could use advance construction procedures to finance a demonstration project in advance of funding availability up to the expected amount of Federal funds authorized.
- Allowed a State to use, with certain exceptions, Federal funds apportioned or allocated for Federal-aid highways to complete a demonstration project if the funding provided in Section 149 was clearly not sufficient to complete the project.
- Directed the Secretary to submit a status report to Congress on the demonstration projects not later than January 31 of calendar years 1988-1991.

Section 149 also authorized 20 priority projects. Although no special funds were provided, the States were authorized to use any amount of Federal-aid highway funds that were apportioned for FY's 1987-1991 under 23 U.S.C. 104 or 144 (other than Interstate) to pay the Federal share of the cost of these projects. Two additional priority projects were added by the 1989 DOT appropriations act.

The DOT appropriations acts for FY's 1988-1992 authorized 239 more demonstration projects.

All the above mentioned demonstration, priority,, pilot, and special interest projects are listed in the attachment. Additional information about these projects may be found in HNG-12's annual report entitled, "FHWA Demonstration, Priority Primary, and Special Projects Status Report."

In addition to all the above, 538 more demonstration projects were authorized on December 18, 1991, in Sections 1103-1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, P. L. 102-240). These projects are discussed separately in this guide under the following headings:

- High Cost Bridge Projects
- Congestion Relief Projects
- High Priority Corridors on National Highway System
- Rural Access Projects
- Urban Access and Urban Mobility Projects
- Innovative Projects
- Priority Intermodal Projects

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12) and/or from HNG-12's annual report entitled, "FHWA Demonstration, Priority Primary, and Special Projects Status Report."

DEMONSTRATION AND SPECIAL INTEREST PROJECTS, 1970-1992

Year of Act	Public Law	Description	No. of Proj	Appropriation Code	Fed Share	Project Status
1970	91-605	NE Corr Public Xings(CT,DE,MA,MD,RI); RR Xing (SC)	2	693,697	100	5 Completed
1970	91-605	Baltimore-Washington Parkway (MD)	1	161	100	
1973	93-87	Franconia Notch (NH)	1	126	100	Completed
1973	93-87	Highland Scenic Highway (WV)	1	842	100	Completed
1973	93-87	Railroad-Highway Demo Project - 19 Cities	--	697	95	
1973	93-87	Railroad-Highway Demo Project - Blue Island, IL	1	697	95	Terminated
1973	93-87	Railroad-Highway Demo Project - Carbondale, IL	1	697	95	
1973	93-87	Railroad-Highway Demo Project - Dolton, IL	1	697	95	Terminated
1973	93-87	Railroad-Highway Demo Project - East St. Louis, IL	1	697	95	
1973	93-87	Railroad-Highway Demo Project - Springfield, IL	1	697	95	
1973	93-87	Railroad-Highway Demo Project - New Albany, IN	1	697	95	Completed
1973	93-87	Railroad-Highway Demo Project - Anoka, MN	1	697	95	Completed
1973	93-87	Railroad-Highway Demo Project - Lincoln, NE	1	697	95	
1973	93-87	Railroad-Highway Demo Project - Elko, NV	1	697	95	Completed
1973	93-87	Railroad-Highway Demo Project - Brownville, TX	1	697	95	
1973	93-87	Railroad-Highway Demo Project - Greenville, TX	1	697	95	Completed
1973	93-87	Railroad-Highway Demo Project - Wheeling, WV	1	697	95	
1974	93-503	Railroad-Highway Demo Project - Hammond, IN	1	697	95	
1974	93-643	Railroad-Highway Demo Project - Lafayette, IN	1	697	95	
1974	93-643	Intermodal Urban Demonstration Project (MN)	1	176,150,176,194	90	
1974	93-643	Overseas Highway to Key West Florida	1	159	70	Completed
1976	94-280	Acceleration of Projects Demo Everett By-Pass (PA)	1	136	100	Completed
1976	94-280	Railroad-Highway Demo Project - Little Rock AR	1	697	95	
1976	94-280	Railroad-Highway Demo Project - Augusta, GA	1	697	95	
1976	94-280	Railroad-Highway Demo Project - Metairie, LA	1	697	95	
1976	94-280	Railroad-Highway Demo Project - Sherman, TX	1	697	95	Terminated
1976	94-387	Railroad-Highway Demo Project - Terre Haute, IN	1	697	95	Completed
1978	95-599	Bloomington Ferry Bridge (MN)	1	143	100	Completed
1978	95-599	Access Control Demonstration Projects - Jonesboro, AR	1	156	100	Completed
1978	95-599	Access Control Demonstration Projects - S Aurora, CO	1	156	100	Completed
1978	95-599	Access Control Demonstration Projects - Keene, NH	1	156	100	Completed
1978	95-599	Redwood Bypass Demonstration Project (CA)	1	157	100	
1978	95-599	Acceleration of Bridge Projects (KY,OH,WV)	--	116	90	
1978	95-599	Acceleration of Bridge Projects - S. Portsmouth, KY	1	116	90	Completed
1978	95-599	Acceleration of Bridge Projects - E. Huntington, WV	1	116	90	
1978	95-599	Integrated Motorist Information System (NY)	1	158	90	
1981	97-125	Union Station (DC)	1	129	100	Completed
1981	97-134	Woodrow Wilson Bridge (DC,MD,VA)	1	128	100	Completed
1982	97-216	Bridge Replacement Project (IN)	1	113	80	
1982	97-424	Los Angeles Freight to Water Demo Project (CA)	1	220	100	
1982	97-424	Shoreline Erosion Prevention Demo Project (CA)	1	221	100	Completed
1982	97-424	Intercostal Waterway Bridge Demo Project (FL)	1	226	100	Completed
1982	97-424	Acceleration of Construction Demo Project (KY)	1	223	100	Completed
1982	97-424	Vt Certification of State Procedures Demo Project	1	224	100	
1982	97-424	State-of-the-Art Technology Demo Gap Closing (PA)	1	228	80	Completed
1982	97-424	Devil's Lake Road Erosion Demo Project (ND)	1	225	75	Completed
1982	97-424	Traffic Congestion Demonstration Project (LA)	1	222	100	
1982	97-424	Railroad & Truck Safety Demo Project (ID)	1	227	100	1 Completed
1982	97-424	Usable Segments Demonstration Project (IL)	1	229	50	
1983	98-8	Accelerated Highway Widening Demo Project (MS)	1	590	100	Completed
1983	98-63	Talmdge Bridge (GA)	1	186	100	Completed
1983	98-63	Acosta Bridge (FL)	1	169.77A	80	
1984	98-78	Mianus Bridge Emergency Assistance (CT/NY)	1	581	100	Completed
1984	98-78	Waste Isolation Pilot Plant (WIPP) Roads (NM)	1	591	100	
1985	98-473	Highway Safety Separation Demo Project (MI)	1	584	100	Completed
1985	98-473	Auto/Pedestrian Separation Demo Project (ND)	1	583	100	
1986	99-190	Expressway Gap Closing Demo Project (CA)	1	672	100	Completed
1986	99-190	Airport-Highway Demonstration (OK)	1	671	100	Completed
1986	99-190	Rail Line Consolidation Demo Project (TX)	1	670	100	
1987	99-591	Airport Access Demo Project, Ontario (CA)	1	301	100	
1987	99-591	Roosevelt Bridge Capacity Improvements (DC,VA)	1	305	100	Completed
1987	99-591	Airport Access Highway Demo , New Orleans, LA	1	306	100	
1987	99-591	Highway Safety & Economic Dev. Demo Project (MS)	1	300	100	

Year of Act	Public Law	Description	No. of Proj	Appropriation Code	Fed Share	Project Status
1987	99-591	Highway Safety Improvement Demo Project (MI)	1	302	100	
1987	99-591	Highway-Railroad Grade Sep. Demo, Mineole, NY	1	303	100	
1987	99-591	Nuclear Waste Transportation Safety Demo (NM)	1	304	100	
1987	95-599	Acceleration of Bridge Projects - Covington, KY	1	116	90	
1987	95-599	Acceleration of Bridge Projects - Newport, KY	1	116	90	
1987	95-599	Acceleration of Bridge Projects - Maysville, KY	1	116	90	
1987	100-17	AL Fairhope/FoLey - Widen US-98, 149(a)(19)	1	307,309	80	
1987	100-17	AL Florence/Sheffield - Bridge TN Rr., 149(a)(26)	1	307,309	80	
1987	100-17	AR Fort Smith - Construct US-71 project, 149(a)(4)	1	307,309	80	
1987	100-17	AR Bella Vista to Ft. Smith - US-71. 149(a)(11)(A)	1	307,309	80	
1987	100-17	AR Pine Bluff - Highway Bridge - Dam #4, 149(a)(50)	1	307,309	80	
1987	100-17	AR Jonesboro - 4 Grade Separations, 149(a)(55)	1	307,309	80	
1987	100-17	CA San Bernardino Co - Ontario Airport, 149(a)(7)	1	307,309	80	
1987	100-17	CA San Jose & Santa Clara - SR-237, 149(a)(13)	1	307,309	80	
1987	100-17	CA Compton - Construct rail/hwy Xing, 149(a)(15)	1	307,309	80	
1987	100-17	CA Modesto - Construct rail/hwy Xing, 149(a)(16)	1	307,309	80	
1987	100-17	CA Riverside & Imperial Co - SR-86. 149(a)(23)	1	307,309	80	
1987	100-17	CA Paso Robles - Salinas River Bridge, 149(a)(34)	1	307,309	80	
1987	100-17	CA Los Angeles - Freight to water port, 149(a)(38)	1	307,309	80	
1987	100-17	CA Sonoma County - Reconst Stoney Pt Rd, 149(a)(41)(A)	1	307,309	80	
1987	100-17	CA Sonoma & Harin Co - 101 ROW purchase, 149(a)(41)(B)	1	307,309	80	
1987	100-17	CA Anaheim - Computerized trans system, 149(a)(49)	1	307,309	80	
1987	100-17	CA San Diego County - Widen SR-78, 149(a)(53)	1	307,309	80	
1987	100-17	CA Contra Costa Co - SR-4, 149(a)(57)	1	307,309	80	
1987	100-17	CA Los Angeles Co - Airport access rds, 149(a)(69)	1	307,309	80	
1987	100-17	CA EL Segundo - Sepulveda Blvd, 149(a)(70)	1	307,309	80	
1987	100-17	CA Alameda Island - I-880, 149(a)(71)	1	307,309	80	
1987	100-17	CT Southington - US-7, Turnpike Rd, 149(a)(36)	2	307,309	80	
1987	100-17	DC Georgetown - Improve access to GU, 149(a)(14)	1	307,309	80	
1987	100-17	FL Miami - Highway/tunnel project, 149(a)(10)	1	307,309	80	
1987	100-17	FL Sanford - SR-46A/I-4 interchange, 149(a)(12)	1	307,309	80	
1987	100-17	FL Tampa- Railroad overpass @ US-41, 149(a)(81)	1	307,309	80	
1987	100-17	GA Savannah - Talmadge Br. replacement, 149(a)(43)	1	307,309	80	Completed
1987	100-17	GA Atlanta - Peachtree Industrial Blvd. 149(a)(58)	1	307,309	80	
1987	100-17	ID Seltice Way & Broadway-Chinden Sts, 149(a)(82,83)	2	307,309	80	
1987	100-17	IL Jo Daviess/Stephenson Co - US-20, 149(a)(21)	1	307,309	80	
1987	100-17	IL Chicago - Reconstruct 3 bridges, 149(a)(28)	3	307,309	80	
1987	100-17	IL Cook County - various locations, 149(a)(30)	7	307,309	80	2 Completed
1987	100-17	IL Mt Vernon, Evansville, Union Co, 149(a)(56)	3	307,309	80	3 Completed
1987	100-17	IL Madison Co. - Center Grove Road, 149(a)(60)	1	307,309	80	Completed
1987	100-17	IL Lincoln - Construct SR-121 Freeway, 149(a)(67)	1	307,309	80	
1987	100-17	IN Hammond - Hohman Ave RR Xing, 149(a)(79)	1	307,309	80	
1987	100-17	IN Lafayette - Relocate railroads, 149(a)(84)	1	307,309	80	
1987	100-17	IA Page County - Reconstruct SR-2, 149(a)(52)	1	307,309	80	
1987	100-17	IA Dubuque to De Witt - US-61, 149(a)(85)	1	307,309	80	
1987	100-17	IA US-30 Bridge over Missouri River, 149(a)(104)	1	307,309	80	Completed
1987	100-17	KS Douglas Co. - 14-mile bypass, 149(a)(72)	1	307,309	80	
1987	100-17	KS Olathe - Reconstruct I-35/119th St., 149(a)(86)	1	307,309	80	
1987	100-17	KY Campbell Co - 2.1-mile of KY-9, 149(a)(2D)	1	307,309	80	
1987	100-17	KY Pulaski & Rockcastle Co - KY-461, 149(a)(32)	1	307,309	80	
1987	100-17	KY Pike Co - 3.2-mile of US-119. 149(a)(59)	1	307,309	80	
1987	100-17	LA Lafayette & Shreveport - I-49, 149(a)(9)	2	307,309	80	
1987	100-17	LA Port Allen, Batton Rouge - I-10 & 12, 149(a)(47)	1	307,309	80	
1987	100-17	LA Minden - I-20 frontage-road, 149(a)(48)	1	307,309	80	
1987	100-17	LA W Calcasieu Parish - I-10 Service Rd. 149(a)(87)	1	307,309	80	
1987	100-17	LA SE Baton Rouge - Reconst Siegen Lane; 149(a)(88)	1	307,309	80	
1987	100-17	LA E Lafayette: I-10/LA-354 interchange, 149(a)(89)	1	307,309	80	
1987	100-17	LA E Lafayette - I-10/Louisiana Ave, 149(a)(90)	1	307,309	80	
1987	100-17	ME Brunswick-Topsham Bypass, 149(a)(91)	1	307,309	80	
1987	100-17	MD Uashington Co. - us-48, 149(a)(92)	1	307,309	80	Completed
1987	100-17	MD Anne Arundel County - SR-162, 149(a)(93)	1	307,309	80	
1987	100-17	MD Prince Georges & Anne Arundel Bridge. 149(a)(94)	1	307,309	80	
1987	100-17	MD Prince Georges Co - SR-3 interchange; 149(a)(95)	1	307,309	80	Completed
1987	100-17	MD Prince Georges Co - SR-197, 149(a)(96)	1	307,309	80	Completed
1987	100-17	MD Montgomery Co - SR-124, 149(a)(97)	1	307,309	80	

Year of Act	Public Law	Description	No. of Proj	Appropriation Code	Fed Share	Project Status
1987	100-17	MD Queen Anne's & Kent Co - SR-213 Br., 149(a)(98)	1	307,309	80	Completed
1987	100-17	MD Queen Anne's County - Wye Narrows Br, 149(a)(99)	1	307,309	80	Completed
1987	100-17	MA East Milton - Construct I-93 deck, 149(a)(18)	1	307,309	80	
1987	100-17	#A Laurence - I-495 Access to Merrimack, 149(a)(46)	1	307,309	80	
1987	100-17	MA Belchertown - Liberty St & MA-21 Rd, 149(a)(100)	1	307,309	80	
1987	100-17	MI Wayne Co - Ecorse Rd, Northline Rd, 149(a)(29)	2	307,309	80	Completed
1987	100-17	MI Mason 8 Manistee Co - US-31, 149(a)(101)	3	307,309	80	1 Completed
1987	100-17	MN Morehead, Fosston, Bagley, 149(a)(5)	1	307,309	80	Completed
1987	100-17	MN Pine City - I-35/SR-11 interchange, 149(a)(33)	1	307,309	80	Completed
1987	100-17	MN St. Louis Co - Reconstruct CH-129, 149(a)(42)	1	307,309	80	
1987	100-17	MN St. Louis 8 Lake Counties - FH-11, 149(a)(64)	1	307,309	80	
1987	100-17	MN St. Louis Co - Lake Vermillion Rd, 149(a)(76)	1	307,309	80	
1987	100-17	MN Hennepin Co - Bloomington Ferry Br., 149(a)(102)	1	307,309	80	
1987	100-17	MS Forrest & Perry Co - US-98, 149(a)(103)	1	307,309	80	
1987	100-17	MO Near Carthage to Near Noel - US-71, 149(a)(11)CB)	1	307,309	80	
1987	100-17	MO Columbia to Iowa line - US-63, 149(a)(17)	1	307,309	80	
1987	100-17	MO Kansas City - Relocate US-71, 149(a)(31)	1	307,309	80	
1987	100-17	MO St Charles & Louis Co: Page, SR-115, 149(a)(54)	1	307,309	80	
1987	100-17	NE US-30 Bridge over Missouri River, 149(a)(104)	1	307,309	80	Completed
1987	100-17	NV Sparks: I-80/Sparks Blvd interchange, 149(a)(68)	1	307,309	80	Completed
1987	100-17	NV Las Vegas - US-95 interchanges, 149(a)(105)	1	307,309	80	
1987	100-17	NV Henderson - Improve Boulder Highway, 149(a)(106)	1	307,309	80	
1987	100-17	NJ Passaic Co. - Route 21 extension, 149(a)(1)	1	307,309	80	
1987	100-17	NJ Route 70 North of Laurelton Circle, 149(a)(2)	1	307,309	80	
1987	100-17	NJ Dover Township - Toms River Bridge, 149(a)(37)	1	307,309	80	
1987	100-17	NM Los Alamos to Santa Fe Highway. 149(a)(107)	1	307,309	80	
1987	100-17	NY Buffalo - Waterfront connector; 149(a)(24)	1	307,309	80	
1987	100-17	NY Suffolk Co - Sunrise Highway, 149(a)(35)	1	307,309	80	Completed
1987	100-17	NY Steuben Co - SR-17 Corning Bypass, 149(a)(40)	1	307,309	80	
1987	100-17	NY Erie Co - Lockport Expressway, 149(a)(80)	1	307,309	80	
1987	100-17	NY Long Island Expressway Study, 149(a)(108)	1	307,309	80	
1987	100-17	NY Nassau Expressway Extension, 149(a)(109)	1	307,309	80	Completed
1987	100-17	NY Westchester Co - Taconic State Pky, 149(a)(110)	1	307,309	80	
1987	100-17	NC Dare Co - US-64/264 Bridge & Highway, 149(a)(66)	1	307,309	80	
1987	100-17	ND Morton County - 3 access roads, 149(a)(111)(A)	3	307,309	80	Completed
1987	100-17	ND Mercer County - 4 projects, 149(a)(111)(B)	4	307,309	80	Completed
1987	100-17	ND Ransom County - FAS 3705 & 3715, 149(a)(111)(C)	1	307,309	80	Completed
1987	100-17	ND Benson and Ramsey Co - 2 access rds, 149(e)(111)(D)	1	307,309	80	Completed
1987	100-17	ND Mountrail County - Parshall Bay Road, 149(a)(111)(CE)	1	307,309	80	
1987	100-17	ND Ensions County - FAS 1503, 149(a)(111)(F)	1	307,309	80	
1987	100-17	ND McKenzie Co: L.Sakakawawea Access Rd, 149(a)(111)(G)	1	307,309	80	Completed
1987	100-17	ND Grand Forks Co - Larimore Dam Rd, 149(a)(111)(H)	1	307,309	80	
1987	100-17	ND Grand Forks Co - Fordville Dam Road, 149(a)(111)(I)	1	307,309	80	Completed
1987	100-17	ND Steele Co - Golden Lake Road, 149Ca)(111)(J)	1	307,309	80	Completed
1987	100-17	ND McKenzie Co - L. Sakawea access rds, 149(a)(111)(K)	1	307,309	80	Completed
1987	100-17	ND Bottineau. Renville co: FAS 3838.526. 149(a)(111)(L)	1	307,309	80	Completed
1987	100-17	ND Mountrail Co: Van Hook Bay Access Rd; 149(a)(111)(M)	1	307,309	80	
1987	100-17	ND Hettinger & Stark Co: FAS 2117,4531, 149(a)(112)	1	307,309	80	Completed
1987	100-17	OH Cleveland - Repair Eagle Ave Ramp, 149(a)(25)	1	307,309	80	
1987	100-17	OH Toledo co - I-75/SR-795 interchange, 149(a)(27)	1	307,309	80	
1987	100-17	OR Eugene - Ferry St Bridge Study, 149(a)(113)	1	307,309	80	
1987	100-17	PA Cambria County - Ebensburg Bypass, 149(a)(3)	1	307,309	80	Completed
1987	100-17	PA Bedford County - PA-36, 149(a)(6)	1	307,309	80	
1987	100-17	PA Blair County - us-220, 149(a)(8)	1	307,309	80	
1987	100-17	PA Allentown, Lehigh Co - Basin St Xing, 149(a)(22)	1	307,309	80	
1987	100-17	PA Allegheny Co - Southern Expressway, 149(a)(39)	1	307,309	80	
1987	100-17	PA Beaver Co - Everett Bypass - US-30, 149(a)(44)	1	307,309	80	
1987	100-17	PA Croyle Township - Mid-Valley Highway, 149(a)(45)	1	307,309	80	
1987	100-17	PA Armstrong, Clarion, Jefferson Co:SR-28, 149(a)(63)	1	307,309	80	
1987	100-17	PA Fayette County - US-119. 149(a)(73)	1	307,309	80	
1987	100-17	PA Franklin County - Exit 7 on I-81, 149(a)(74)	1	307,309	80	
1987	100-17	RI Providence - US-1 Improvements, 149(a)(114)	1	307,309	80	
1987	100-17	RI Uest Warwick - RI-33. Improvements, 149(a)(115)	1	307,309	80	
1987	100-17	sc Florence to Myrtle Beach. 149(a)(116)	1	307,309	80	
1987	100-17	SD Mt. Rushmore Memorial - SD-244, 149(a)(117)	1	307,309	80	Completed

Year of Act	Public Law	Description	No. of Proj	Appropriation Code	Fed Share	Project Status
1987	100-17	SD Todd County - US-18 149(a)(118)	1	307,309	80	Completed
1987	100-17	SD Iroquois to DeSmet - US-14, 149(a)(119)	1	307,309	80	Completed
1987	100-17	TN Clarksville - Ft. Campbell Access Rd, 149(a)(51)	1	307,309	80	
1987	100-17	TN NC State Line to Erwin - Corridor B, 149(a)(61)	1	307,309	80	
1987	100-17	TX Beaumont - Liberty & Laurel St, 149(a)(75)	2	307,309	80	
1987	100-17	TX Brazoria County - FM 2234, 149(a)(78)	1	307,309	80	Completed
1987	100-17	TX Dallas - North Central Expressway, 149(a)(120)	1	307,309	80	
1987	100-17	VA Gloucester County - Coleman Bridge, 149(a)(77)	1	307,309	80	
1987	100-17	VA Roanoke co - Blue Rdige Parkway, 149(a)(121)	1	307,309	80	
1987	100-17	WV Raleigh Co - New River Parkway, 149(a)(62)	1	307,309	80	
1987	100-17	WV Kanawha County - Chelyan Bridge, 149(a)(65)	1	307,309	80	
1987	100-17	Sec. 149(c) Demo Projects Minimum Allocation	16	308,309	80	
1987	100-71	Vehicle & Pedestrian Safety Demo Project (MA)	1	311	100	
1988	100-202	Highway Bypass Demonstration Project (CA)	1	589	80	
1988	100-202	Bridge Improvement Demonstration Project (FL)	1	538,587	80	
1988	100-202	Highway Widening Demonstration Project (KY)	1	592	80	
1988	100-202	Traffic Improvement Demonstration Project (MI)	1	593	100	
1988	100-202	Bridge Capacity Improvements (NH)	1	313	100	
1988	100-202	Corridor Safety Improvement (NJ)	1	312	100	
1988	100-202	Highway Widening Demonstration Project (CA)	1	518	80	
1988	100-202	Highway Bridge Relocation Demo Project (WA)	1	588	80	
1989	100-457	Alabama Highway Bypass Demonstration Project (AL)	1	505	80	
1989	100-457	Reservation Road (AZ)	1	513	100	
1989	100-457	Intersection Safety Demonstration Project (CA)	1	500	80	
1989	100-457	Highway Capacity Improvement Demo Project (FL)	1	501	80	
1989	100-457	Indiana Industrial Corridor Safety Demo Proj (IN)	1	503	80	
1989	100-457	Road Extension Demonstration (IA)	1	511	100	
1989	100-457	Kentucky Bridge Demonstration Project (KY)	1	506	80	
1989	100-457	Urban Highway-Corridor Demonstration Project (MI)	1	508	80	
1989	100-457	Urban Airport Access Safety Demo Project (MI)	1	509	80	
1989	100-457	Expressway Safety Improvement Demo Project (NY)	1	516	80	
1989	100-457	Oklahoma Highway Widening Demo Project (OK)	1	504	80	
1989	100-457	Climbing Lane Safety Demonstration Project (PA)	1	502	80	
1989	100-457	Bridge Restoration (Chattanooga, TN)	1	512	100	
1989	100-457	College Station Section 354 Study (TX)	1	693	100	
1989	100-457	International Zarasosa Bridge (El Paso, TX)	1	514	100	
1989	100-457	UT Pedestrian Safety Demo --Using Sec 149 c funds	1	308,309	80	
1989	100-457	Virginia HOV Safety Demonstration Project (VA)	1	507	80	
1989	100-457	Corridor H Improvement Project (WV)	1	510	100	
1990	101-164	PE Demo - Rte 336 from US-24 to US-136 (IL)	1	519	80	
1990	101-164	Des Moines Inner Loop Demonstration Project (IA)	1	520	100	
1990	101-164	Junction City Hwy Improvement Demo Project (KS)	1	525	80	
1990	101-164	Manhattan Bridge Replacement Demo Project (KS)	1	524	100	
1990	101-164	PE Demo - ROU Acquisition for SR-6 & SR-302 (MS)	1	519	80	
1990	101-164	Spring Mountain Demonstration Project (NV)	1	523	100	
1990	101-164	PE Demo - Railroad Overpass in Las Vegas (NM)	1	519	80	
1990	101-164	Corning Bypass (SR-17) Safety Demo Project (NY)	1	522	100	
1990	101-164	Ebensburg Bypass Demonstration Project (PA)	1	515	80	
1990	101-164	Corridor G Improvement Project (US-119) (WV)	1	521	100	
1991	101-516	PE Demo - Interstate 66 Feasibility Study	1	519	80	
1991	101-516	PE Demo - Great River Bridge (AR & Rosedale, MS)	1	519	80	
1991	101-516	Lock and Dam 4 Bridge (Pine Bluff, AR)	1	528	80	
1991	101-516	US-71 - Fayetteville to I-40 (AR)	1	528	80	
1991	101-516	Turquoise Trail Project - Hopi & Navajo Res. (AZ)	1	531	100	
1991	101-516	Trade Enhancement Demo SR-189, Nogales (AZ)	1	532	100	
1991	101-516	PE Demo - Dixon Xing, Rio Vista Bypass Studies (CA)	2	519	80	
1991	101-516	PE Demo - CA SR-156 Bypass of Hollister (CA)	1	519		
1991	101-516	PE Demo - FL Causeway Tunnel, Fort Lauderdale (FL)	1	519	xx	
1991	101-516	Florida US-27 in Palm Beach County (FL)	1	528	80	
1991	101-516	PE Demo - Biscayne Boulevard Renovation, Miami, FL	1	519	80	
1991	101-516	Olive Road Crossing - Augusta (GA)	1	528	80	
1991	101-516	Bridge Construction - Hillsboro (IL)	1	528	80	
1991	101-516	PE Demo - Rural Economic Development SR-336 (IL)	1	519	80	
1991	101-516	Illinois Interchange I-80 & Houbolt Road (IL)	1	528	80	
1991	101-516	PE Demo - US-12 Relocation - E. Chicago Marina, IN	1	519	80	

Year of Act	Public Law	Description	No. of Proj	Appropriation Code	Fed Share	Project Status
1991	101-516	PE Demo - SR-67 from I-69 to Muncie Bypass (IN)	1	519	80	
1991	101-516	PE Demo - I-65 & SR-46 Interchange - Columbus, IN	1	519	80	
1991	101-516	US-61 from Keokuk to Dubuque (IA)	1	528	80	
1991	101-516	Fifth/Sixth St Improvements - Waterloo (IA)	1	528	80	
1991	101-516	Ottumwa Road Extension Project (IA)	1	533	100	
1991	101-516	Iowa Connector Project - Council Bluffs (IA)	1	534	100	
1991	101-516	US-20 Realignment Early to Ft Dodge (IA)	1	535	100	
1991	101-516	PE Demo - US-63 from Waterloo, IA to Rochester, MN	1	519	80	
1991	101-516	US-54 Interchange at Dugan St. - Wichita (KS)	1	537	80	
1991	101-516	I-70/110th St Interchange - Kansas City (KS)	1	528	80	
1991	101-516	Center Street Extension - Pittsfield (MA)	1	528	80	
1991	101-516	PE Demo - Blackstone River Bikeway (MA)	1	519	80	
1991	101-516	PE Demo - Bristol Rd Relocation - Farmington (MI)	1	519	80	
1991	101-516	PE Demo - M-84 Expansion Saginaw, Bay Counties, MI	1	519	80	
1991	101-516	PE Demo - US-31 in Wiles & Benton Harbor, MI	1	519	80	
1991	101-516	Rail Consolidation/Highway Safety - Monroe (MI)	1	528	80	
1991	101-516	PE Demo - US-212 from I-494 to west of Chaska, MN	1	519	80	
1991	101-516	Norrell Road & I-20 in Hinds County, MS	1	528	80	
1991	101-516	PE Demo Feasibility Study/Jackson, MS Airport Access	1	519	80	
1991	101-516	I-90 Interchange - Bozeman (MT)	1	528	80	
1991	101-516	PE Demo US-95 Corridor Preservation Las Vegas, NV	1	519	80	
1991	101-516	PE Demo - Conway Bypass (US-302/SR-16) (NH)	1	519	80	
1991	101-516	Route 21 Improvements - Newark (NJ)	1	528	80	
1991	101-516	Grand Concourse Ave Traffic Improvements, Bronx, NY	1	528	80	
1991	101-516	PE Demo - Exit 26 Bridge Project - Schenectady, NY	1	519	80	
1991	101-516	Lake Road Outlet Bridge - Irondequoit (NY)	1	528	80	
1991	101-516	PE Demo - Hubbard Expressway - Youngstown (OH)	1	519	80	
1991	101-516	PE Demo - I-680 Access Ramps - Youngstown (OH)	1	519	80	
1991	101-516	Pontotoc Co. Rural Industrial Park Access, Ada, OK	1	528	80	
1991	101-516	Lakeview Road - Stillwater (OK)	1	528	80	
1991	101-516	PA Industrial Park Access, Donora-Monessen Bridge	1	528	80	
1991	101-516	PE Demo US-220 Bald Eagle to Center Co. Line (PA)	1	519	80	
1991	101-516	PE Demo US-202 Bypass Montgomeryville, Doylestown, PA	1	519	80	
1991	101-516	PE Demo - Pennsylvania SR 711 Ligonier Bypass (PA)	1	519	80	
1991	101-516	PA-56 Reconstruction (Hawes Pike, Windber Bypass) (PA)	1	526	80	
1991	101-516	PA Toll Road Demo - Monongahela Valley Expressway	1	527	35	
1991	101-516	Traffic Control System - Charleston (SC)	1	528	80	
1991	101-516	Cordell Hull Bridge - Carthage (TN)	1	528	80	
1991	101-516	Great River Road Bridge - Dyer, Lauderdale Cos. (TN)	1	528	80	
1991	101-516	Texarkana Road Improvements (Leopard Dr, etc) (TX)	1	528	80	
1991	101-516	Ninth Street Crossing - Provo (UT)	1	528	80	
1991	101-516	US-89 from Farmington to Ogden (UT)	1	528	80	
1991	101-516	Grade Crossing - White River Junction (VT)	1	528	80	Completed
1991	101-516	PE Demo - I-5 HOV Lanes Seattle to Dupont (WA)	1	519	80	
1991	101-516	PE Demo - SR 509 East-West Corridor Tacoma (WA)	1	519	80	
1991	101-516	Corridor D Improvement (Clerksburg, WV to OH Line)	1	529	100	
1991	101-516	Bypass Construction Project - Wiarton (WV)	1	530	100	
1991	101-516	PE Demo - US-35 from Henderson to I-64 (WV)	1	519	80	
1991	101-516	Ramp Relocation & Reconstr. (I-94) - Milwaukee (WI)	1	536	100	
1992	102-143	AL/I-65 in AL & I-10 in Pensacola, FL Connector	1	528	80	
1992	102-143	Alaska-Canada Highway	1	528	80	
1992	102-143	AZ Highway Study - Tonto National Forest	1	541	100	
1992	102-143	AZ Sky Harbor Access Road	1	528	80	
1992	102-143	CA Highway 152 from I-5 to US-101 & SR-1	1	528	80	
1992	102-143	CA/OR Highway 101 Tri-State Feasibility Study	1	528	80	
1992	102-143	FL Northeast Dade Bikepaths - North Miami	1	528	80	
1992	102-143	FL Northeast Dade Bikepaths - Dade County	1	528	80	
1992	102-143	Florida Causeway Tunnel Ft. Lauderdale	1	528	80	
1992	102-143	FL Northeast Dade Bikepaths - N. Miami Beach	1	528	80	
1992	102-143	HI Highway Study - Kihei-Heleakala Highway	1	541	100	
1992	102-143	IL Springfield, Eleventh Street Extension	1	528	80	
1992	102-143	IL US highway 20 between Freeport and Galena	1	528	80	
1992	102-143	IN Rte 12 Relocation - East Chicago Marina	1	528	80	
1992	102-143	IN SR-67 from I-69 to Muncie Bypass	1	528	80	
1992	102-143	IN, Indianapolis to Evansville	1	528	80	

Year of Act	Public Law	Description	No. of Proj	Appropriation Code	Fed Share	Project Status
1992	102-143	IN I-65 & SR-46 Interchange - Columbus	1	528	80	
1992	102-143	IN/OH US-24 from Ft Wayne,IN to Toledo, OH	1	528	80	
1992	102-143	IA Highway No. 30 - Clinton	1	528	80	
1992	102-143	IA Iowa Highway 2	1	528	80	
1992	102-143	IA Black Hawk Co-Rainbow Dr, 18th St, Cedar Falls	1	528	80	
1992	102-143	KS I-35 interchange - Salina	1	528	80	
1992	102-143	KS Southeast Kansas Corridor	1	528	80	
1992	102-143	KS Overland Park Interchange	1	528	80	
1992	102-143	WI US-31 Cities of Wiles & Benton Harbor	1	528	80	
1992	102-143	MI Bristol Rd Relocation - Flint & Genesee Cos	1	528	80	
1992	102-143	MI Maple Road Extension - Ualled Lake	1	528	80	
1992	102-143	MI M-84 Expansion Saginaw & Bay Counties	1	528	80	
1992	102-143	MI Grand Rapids I-96 Bypass	1	528	80	
1992	102-143	MN 77th Street Reconstruction	1	528	80	
1992	102-143	MC Telegraph Avenue/I-255 Interchange	1	528	80	
1992	102-143	MS Highway Study - Madison County	1	541	100	
1992	102-143	MS Highway Study - Bridge Study - Greenville	1	541	100	
1992	102-143	MS Pearl River Bridge - Jackson	1	528	80	
1992	102-143	NT US Highway 93 (Native Religious site)	1	528	80	
1992	102-143	NT Belgrade Overpass	1	528	80	
1992	102-143	NC Connector - Rocky Mt. to Elizabeth City	1	540	100	
1992	102-143	NC US-64	1	528	80	
1992	102-143	ND Highway Beautification - Grand Forks	1	528	80	
1992	102-143	NE/SD Bridge between Niobrara, NE & Springfield, SD	1	528	80	
1992	102-143	NE/SD Highway Studv - Vermillion - Newcastle Br.	1	541	100	
1992	102-143	NV US-395 from I-80 to McCarran Blvd, Reno	1	528	80	
1992	102-143	NV Rail Crossing - Caliente	1	528	80	
1992	102-143	NV I-15/Sahara Avenue Interchange	1	528	80	
1992	102-143	NJ Highway Study - Rte 17/Rte 4 interchange	1	541	100	
1992	102-143	NJ Route 4 Bridge Replacement	1	528	80	
1992	102-143	NJ Raymond Plaza/Penn Station - Newark	1	528	80	
1992	102-143	NJ Highway Study - Rte 208/Rte 4 interchange	1	541	100	
1992	102-143	NJ Route 21 widening, Newark	1	528	80	
1992	102-143	NJ Highway Study - Route No. 21 viaduct	1	541	100	
1992	102-143	NJ Route 70/38 Circle Elimination	1	528	80	
1992	102-143	NJ I-280 Downtoun Connector Interim Improvements	1	528	80	
1992	102-143	NJ Interstate Emergency Callbox System	1	528	80	
1992	102-143	NJ I-78 Downtown Connector - Newark	1	528	80	
1992	102-143	NM Port-of-Entry - Columbus/Sunland Park	1	528	80	
1992	102-143	NM Airport Access Road - Albuquerque	1	528	80	
1992	102-143	NM Santa Fe Relief Route (Bypass)	1	528	80	
1992	102-143	NM Transfer from Los Alamos-Santa Fe Relief Rt PL99-591	1	304	100	
1992	102-143	NM Right-of-way - El Salto & Related Roads	1	528	80	
1992	102-143	NY Gowanus Expressway	1	528	80	
1992	102-143	NY Exit 26 Bridge Project in Schenectady Co	1	528	80	
1992	102-143	NY Meadowbrook State Parkway	1	528	80	
1992	102-143	NY Mount Vernon Parking Facility	1	528	80	
1992	102-143	NY I-87 Tappan Zee Br. Moverable Median Barrier	1	528	80	
1992	102-143	NY Miller Hwy from 59th to 72nd Sts Manhattan	1	528	80	
1992	102-143	OH Railroad-highway Corridor Studies	6	528	80	
1992	102-143	OH I-680 Access Ramps - Youngstown	1	528	80	
1992	102-143	OH Hubbard Expressway - Youngstown	1	528	80	
1992	102-143	OK Pine Creek - McCurtain County	1	528	80	
1992	102-143	OK Pond Creek - Grant County	1	528	80	
1992	102-143	PA Quakertown Bypass (Bucks Co)	1	528	80	
1992	102-143	PA I-81 in Wilkes-Barre	1	528	80	
1992	102-143	PA SR-711 By-Pass - Ligonier	1	528	80	
1992	102-143	PA Center Avenue Extension	1	528	80	
1992	102-143	PA US-202 King of Prussia & Montgomeryville	1	528	80	
1992	102-143	PA US-6 Bypass - Wysox, Towanda, Tunkhannock	1	528	80	
1992	102-143	PA North Philadelphia Intermodal Facility	1	528	80	
1992	102-143	SD US-212 Bridge - Forest City	1	528	80	
1992	102-143	TN Highway Study - Interchange - Johnson City	1	541	100	
1992	102-143	TX FM-3464 from Nines Rd to I-35 in Laredo	1	528	80	
1992	102-143	UT 5600 West Widening in West Valley City	1	528	80	

Year of Act	Publ ic Law	Description	No. of Proj	Appropriation Code	Fed Share	Project Status
1992	102-143	VA I-495 Interchanges (Capital Beltway)	1	528	80	
1992	102-143	VT Bridge Safety Repair	1	528	80	
1992	102-143	Virgin Islands: Christiansted Bypass	1	528	80	
1992	102-143	WA Snohomish County HOV Lanes/Park & Ride	1	528	80	
1992	102-143	WA Bryden Canyon Bridge - Clarkston	1	528	80	
1992	102-143	WA Narysville/Tulalip Tribes I-5 Interchange	1	528	80	
1992	102-143	WA Highway Study - Tacoma Narrows Bridge	1	528	100	
1992	102-143	W Highway Study - Route No. 2	1	541	100	
1992	102-143	W Highway Study Demo - Route No. 9	1	541	100	
1992	102-143	W Highway Study Demo - US Route No. 52	1	541	100	
1992	102-143	W Highway Study Demo - FBI Complex	1	541	100	
1992	102-143	W FBI Complex - Harrison County	1	528	80	
1992	102-143	WI Eighth Street Bridge Crossing - Sheboygan	1	528	80	
1992	102-143	WY Chief Joseph Highway	1	528	80	

A GUIDE TO FEDERAL-AID PROGRAMS

PART II

“OTHER CONTINUING” AND “INACTIVE” PROGRAMS, PROJECTS, AND USES OF HIGHWAY FUNDS

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

STATUS: CONTINUING USE OF HIGHWAY FUNDS. Categorical funds are no longer available, but regularly apportioned highway construction funds may be used for Access Highways to...Lakes purposes.

APPROPRIATION CODES:

585 -- AHL, FY 1984 categorical funds
586 -- AHL, FY 1985 categorical funds
600 -- AHL, "No-Year" categorical funds
628 -- AHL, FY's 1976-1978 categorical funds
637 -- AHL, FY's 1978-1980 categorical funds
655 -- AHL, FY's 1979-1981 categorical funds
664 -- AHL, FY's 1982-1984 categorical funds
665 -- AHL, FY's 1983-1984 categorical funds

A65 -- AHL, Primary apportioned funds
A75 -- AHL, Consolidated Primary apportioned funds
B65 -- AHL, Secondary apportioned funds
B75 -- AHL, Rural Secondary apportioned funds
W65 -- AHL, Urban System apportioned funds

FEDERAL PARTICIPATION:

95% for categorical grants (70% prior to the 1978 STAA; 75% between the 1978 STAA and the 1982 STAA).

80% for funds apportioned for the Federal-aid systems (95% prior to the 1991 ISTEA).

PERIOD AVAILABLE: FY + 2 years for categorical funds except as noted or modified in appropriations acts. Recent appropriations have commonly been made available until expended. Available as indicated in authorization acts for regular funds apportioned under Title 23, usually FY + 3 years.

FUND: General Fund for categorical grants. Highway Trust Fund for apportioned funds.

FUND DISTRIBUTION METHOD: Allocation to specific projects.

TYPE OF AUTHORITY: Budget for categorical grants. Contract for apportioned funds.

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: 23 U.S.C. 155

CFR REFERENCE: None

ELIGIBILITY: Regular Federal-aid construction funds (i.e., funds apportioned under the provisions of 23 U.S.C. 104) may be used to construct or reconstruct access highways to public recreation areas on lakes in order to accommodate present and projected traffic density.

BACKGROUND:

The Access Highways to...Lakes 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 density. 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 Access Highways to...Lakes (AHL) program was provided in FY 1976. Since that time, additional funding and specific new projects have generally been included in annual DOT appropriations acts.

Categorical funds authorized and appropriated under 23 U.S.C. 155 are 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 FY's 1985 and 1986 the funds were not earmarked. In FY 1987 some funds were earmarked and others were not. The non-earmarked funds in FY's 1985, 1986, and 1987 were allocated to States for projects deemed most meritorious among 120 applications which were received. The FY 1988 funds were earmarked for a project in Mississippi. Categorical funds were not appropriated in FY's 1989-1992.

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.

Funds were allocated for specific projects and could only be transferred to other projects in accordance with procedures outlined in FHWA's April 1976, memorandum from HED-1 to the Regions. Switching of funds among projects was administratively prohibited until passage of the FY 1986 DOT appropriations act (Public Law 99-190). In accordance with the legislative history behind that act, transfers from remaining funds of prudently managed and completed AHL projects to other eligible AHL projects in the same State were deemed appropriate if the transfer occurred before the lapse date of the funds being transferred.

The first transfer under this new procedure was made in March 1988 between two North Dakota projects. In addition, standard FHWA fiscal procedures normally allowed unobligated balances created-by underruns of lapsed AHL appropriations from the General Fund to be used to cover legitimate overruns of other AHL projects as authorized in authorizing documents. Written FHWA Headquarters approval was required before any such funding transactions could be made.

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% 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 appropriated for use on any Federal-aid system to be used for AHL projects at a 95% 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).

ISTEA PROVISIONS:

Section 1021(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) deleted Section 120(k). AHL projects may still be initiated with regular Federal-aid construction funds (i.e., funds apportioned under the provisions of 23 U.S.C. 104); however, such projects will be subject to the Federal share appropriate for the source funds.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

ADVANCE CONSTRUCTION

STATUS: CONTINUING USE OF HIGHWAY FUNDS. A State may request and receive approval to construct Federal-aid projects in advance of the apportionment of authorized Federal-aid funds.

APPROPRIATION CODES:

OAA -- Urban Access and Urban Mobility Projects [1106(b)]
OAB -- Interstate Maintenance
OAC -- National Highway System
OAD -- Congestion Mitigation & Air Quality Improvement
OAE -- High Cost Bridge Projects [1103(f)]
OAF -- Congestion Relief Projects [1104(f)]
OAH -- High Priority Corridors on NHS [1105]
OAK -- Rural Access Projects [1106(a)(5)]
OAL -- Urban Access and Mobility Projects [1106(b)(6)]
OAM -- Innovative Projects [1107(f)]
OAN -- Priority Intermodal Projects [1108(f)]

(Appropriation codes used prior to the 1991 ISTEA are contained below).

FEDERAL PARTICIPATION: 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: Yes

STATUTORY REFERENCE: 23 U.S.C. 115. Section 108(h) of the Federal-aid Highway Act of 1956 (Public Law 84-627).

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 Construct& of Federal-Aid Projects," a State may request and receive approval to construct projects on any Federal-aid system 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.

Appropriation codes used prior to the 1991 ISTEA were as follows:

P12 -- Consolidated Primary, E Projects
P13 -- Consolidated Primary Grade Crossings, E Projects
P14 -- Consolidated Primary, 1/2% HPR, E Projects
P22 -- Secondary, E Projects
P23 -- Secondary Grade Crossing, E Projects
P24 -- Rural Secondary, 1/2% HPR, E Projects
P34 -- Urban System - Attributable, E Projects
P36 -- Urban System - Not Attributable, E Projects
P73 -- Interstate Transfers, E Projects
P74 -- HBRRP, E Projects
P75 -- Rural Secondary, E Projects
P76 -- Rural Secondary Grade Crossings, E Projects
S12 -- Consolidated Primary
S13 -- Consolidated Primary Grade Crossing
S14 -- Consolidated Primary, 1/2% HPR
S15 -- Primary Funds Used for I-4R
S22 -- Secondary
S23 -- Secondary Grade Crossing
S24 -- Rural Secondary, 1/2% HPR
S34 -- Urban System - Attributable
S36 -- Urban System - Not Attributable
S73 -- Rural Primary
S74 -- Rural Primary Grade Crossing
S75 -- Rural Secondary
S76 -- Rural Secondary Grade Crossing
S77 -- Interstate Transfers, 1 1/2% HPR
S78 -- Interstate Transfers - Apportioned
00A -- Federal-aid Demonstration Projects (308)
00B -- Federal-aid Minimum Allocation
00C -- Federal-aid Demonstration Projects (309)
00D, 00E, 00F -- HBRRP (114, 117, & 118)
00G -- Research and Planning, E Projects
00H -- Research and Planning
00J -- Urban Transportation Planning, E Projects
00K -- Urban Transportation Planning
00L -- Hazard Elimination Program, E Projects
00M1 -- Hazard Elimination Program
00N -- Rail-Highway Crossings, Elimination of Hazards, E Projects
00P -- Rail-Highway Crossings, Elimination of Hazards
00R -- Rail-Highway Crossings, Protective Devices, E Projects
00T -- Rail-Highway Crossings, Protective Devices
007 -- Interstate 4R, ACI Projects

008 -- Interstate, ACI Projects
009 -- Interstate Grade Crossings, ACI E Projects
109 -- Interstate Grade Crossings, ACI Projects

During FY's 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 will 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 and replaced by a requirement that the State must supply the FHWA with a schedule of anticipated conversion actions by July 1 of each year.

ISTEA PROVISIONS:

Although there were no changes to 23 U.S.C. 115 under the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), 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) & (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.
- Urban, Secondary, Railway-Highway Crossing, and Hazard Elimination programs, and the Interstate 4R apportioned program, were discontinued and may not be approved for advance construction.

Existing advance construction projects may be converted to a funded status using unobligated balances of the same category of the advance construction project. National Highway System funds may be used to convert any project on the NHS. Surface Transportation Program and Minimum Allocation funds may be used

to convert any category. Interstate Maintenance funds may be used to convert Interstate 4R projects provided the work performed is eligible under the IM program.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Fiscal Services (HFS-21).

ALASKA HIGHWAY, SHAKWAK

STATUS: CONTINUING USE OF HIGHWAY FUNDS. Specific funds are no longer available, but Interstate Construction and any other Federal-aid highway funds apportioned to the State of Alaska under Title 23 may be expended on the Alaska Highway.

APPROPRIATION CODES:

617 - Appropriations from the General Fund per Public Law 93-87.

184, 187, 189, 18A, and 18B - Funds Transferred to Canada from Highway Trust Funded Apportionments to Alaska in accordance with Public Law 97-424.

FEDERAL PARTICIPATION: 100%

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. 218. Section 1006(h) of the 1991 ISTEA.

CFR REFERENCE: None

ELIGIBILITY: Interstate Construction and any other Federal-aid highway funds apportioned to the State of Alaska under Title 23 may be used for the reconstruction of the Alaska Highway.

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.

More recent activity was legislatively authorized in section 127 of the Federal-Aid Highway Act of 1973 (Public Law 93-87) which authorized the appropriation of almost \$58.7 million 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). This was codified in 23 U.S.C. 218. The program was called the Shakwak program, named after the Shakwak Valley in the Canadian Yukon.

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. The U.S. was to be responsible for the cost of reconstruction. Canada was to maintain the completed highway at its own expense.

Under the 1973 Act, some \$37.3 million have been appropriated from the General Fund (Appn. Code 617), and all except a small amount for administrative drawdown have been 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 Fund 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) provided such funding. It 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 (Appn. Code 187), the Primary Program (Appn. Code 184), the Hazard Elimination Program (Appn. Code 189), and the Bridge Replacement Program (Appn. Codes 18A and 18B). Under the new authorization, any of Alaska's apportioned funds used for Shakwak projects could be used at a 100% Federal share and would not be subject to any obligational limitation imposed by Congress.

ISTEA PROVISIONS:

No changes were made by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) to 23 U.S.C. 218. Hence, any Federal-aid highway funds apportioned to the State of Alaska under Title 23 may continue to be expended on the Alaska Highway at a Federal share of 100%.

Section 1006(h) of the 1991 ISTEA did, however, specifically make available up to \$20 million of Interstate Construction funds for each of FY's 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 are intended by Congress to be used on the Alaska Highway.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

ALASKANASSISTANCE

STATUS: **INACTIVE.** The last appropriation was in 1976. All authorized funds have been apportioned and obligated.

APPROPRIATION CODE: 133

FEDERAL PARTICIPATION: 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 FY's 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 FY's 1974-1976.

The entire \$100 million authorized for this project has been obligated.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

APPALACHIAN DEVELOPMENT HIGHWAY PROGRAM

STATUS: CONTINUING USE OF APPALACHIAN REGIONAL DEVELOPMENT (ARC) FUNDS FOR HIGHWAYS. These funds are transferred to and administered by the FHWA for projects on the 3,025 mile ARC system in accordance with normal Title 23 procedures. The FHWA is involved in PS&E approval, concurrence in award, and appropriate construction monitoring on all highway projects involving ARC funding. In addition, funds appropriated to the FHWA for demonstration projects and for regular Federal-aid highway projects continue to be available for use on the ARC system.

APPROPRIATION CODES:

638, 641, and 795 for ARC funded Appalachian Development Highways.

639, 642, and 796 for ARC funded Local Access Roads.

Same as source funds for FHWA funded projects.

FEDERAL PARTICIPATION: 80%

PERIOD AVAILABLE: FY + 3 years for ARC funded projects. Same as source funds for FHWA funded projects.

FUND: Agency Transfer (ARC to FHWA) for ARC funded projects. Highway Trust Fund or General Fund for FHWA funded projects.

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Budget for ARC funded projects and some FHWA funded demonstration projects. Same as source funds for regularly funded FHWA projects and for some FHWA funded demonstration projects.

SUBJECT TO OBLIGATION LIMITATION: No for ARC funded projects and FHWA funded demonstration projects, Yes for regularly funded FHWA projects.

STATUTORY REFERENCE: Section 201 of the Appalachian Regional Development Act of 1965. Section 1069(y) of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: 23 CFR 633B

ELIGIBILITY: ARC funds may be used for the construction, reconstruction, or improvement of highways on the designated 3,025 mile ARC system. FHWA demonstration funds may be used for projects on the ARC system that have been specifically designated by Congress. Regular Title 23 funds may be used for the

construction, reconstruction, or improvement of Federal-aid highways that also are part of the ARC system.

BACKGROUND:

The Appalachian Development Highway Program 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 provisions of Title 23, United States Code and Code of Federal Regulations, that were applicable to the construction and maintenance of Federal-aid Primary and Secondary highways, which were not inconsistent with the enabling legislation, were to be applied to the Appalachian highway program.

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.

During the initial years the Federal share of the Appalachian Regional Commission (ARC) highway program was 50 percent, but it was later raised by legislation to 80 percent.

The original amount authorized for the ARC highway program in 1965 was \$840 million for FY's 1965-1971. By the end of FY 1991, Congress had raised the total authorization, generally through annual appropriations, to almost \$4 billion as more miles were added to the system (i.e., there are now about 3,025 miles in the system) and as the costs of construction have risen with inflation.

ISTEA PROVISIONS:

Section 1069(y) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) provides budget authority for Congress to appropriate General Funds for highway projects involving construction of, and improvements to, corridors of the Appalachian Development Highway System.

Section 1105 of the 1991 ISTEA designates several more demonstration projects on the ARC system. Work continues on demonstration projects designated in previous legislation.

Regular Federal-aid funds, including National Highway System (NHS) and Surface Transportation Program (STP), are available for

projects on Federal-aid highways that also are on the ARC system if appropriate criteria for use of the highway funds are met.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-10) and/or the Office of Engineering (HNG-13), which is doing a cost estimate update.

BALTIMORE-WASHINGTON PARKWAY

STATUS: CONTINUING USE OF HIGHWAY FUNDS.

APPROPRIATION CODE: 161

FEDERAL PARTICIPATION: 100%

PERIOD AVAILABLE: Until Expended

FUND: General Fund and Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Budget

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 146 of the Federal-aid Highway Act of 1970 (Public Law 91-605). Section 1069(a) of the 1991 ISTEA (Public Law 102-240).

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 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).

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. (The total estimated cost of the project in 1991 is \$151 million).

In 1976, the NPS completed a \$5.7 million project for interim resurfacing of the existing pavement and shoulders and minor safety improvements using D01 funds made available for Bicentennial activities.

Section 130 of the Surface Transportation Assistance Act of 1978 (1978 STAA, 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 is administering design and construction activities in cooperation with the NPS and affected States and local agencies. The project design was divided into two phases. The first design phase was for reconstruction and rehabilitation of the Parkway pavement; the second design phase was for the design of various interchanges. Construction is underway.

ISTEA PROVISIONS:

Section 1069(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) provides 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 remains at 100 percent.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Federal Lands Highway Programs (HFL-10).

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

STATUS: CONTINUING USE OF HIGHWAY FUNDS. NHS, STP, CMAQ, and Federal Lands funds may be used for bicycle transportation and pedestrian walkways.,

APPROPRIATION CODES:

A61 -- Consolidated Primary, Bicycle Transportation and Pedestrian Walkways.

B61 -- Rural Secondary, Bicycle Transportation and Pedestrian Walkways.

W61 and W62 - Urban, Bicycle Transportation and Pedestrian Walkways.

K63, K79, K81, K83, K91 - Federal Lands, Bicycle Transportation and Pedestrian Walkways.

FEDERAL PARTICIPATION: 80% (100% prior to the 1991 ISTEA).

PERIOD AVAILABLE: N/A

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 217. Section 1033 of the 1991 ISTEA.

CFR REFERENCE: 23 CFR 652

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. NHS funds may be used for the construction of bicycle transportation facilities on land adjacent to any highway on the NHS (other than the Interstate System). Funds authorized for Federal Lands Highways may be used for the construction of pedestrian walkways and bicycle transportation facilities in conjunction with forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways'.

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 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.

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 recreation 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% for independent walkway and bikeway projects and for non-construction bicycle projects. Funds for Federal Lands Highways could be used for independent bikeway and walkway projects, but not for non-construction 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.

ISTEA PROVISIONS:

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 new programs (Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement Program (CMAQ), and National Highway System (NHS)) on bicycle transportation and pedestrian walkways. In addition to the new ISTEA provisions in the Eligibility section above, other important revisions were as follows:

Each State must use some of its STP and CMAQ moneys to fund a 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. Hence, the Federal share is 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 MPOs 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.

Bicycle projects must be principally for transportation rather than recreational purposes.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-50).

BICYCLE GRANTS

STATUS: INACTIVE. Repealed by Section 133(e)(2) of the 1987 STURAA.

APPROPRIATION CODE: 694

FEDERAL PARTICIPATION: 75%

PERIOD AVAILABLE: FY for which appropriated. However, the period of availability has now expired.

FUND: 1/2 Highway Trust Fund and 1/2 General Fund.

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Budget

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

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 FY's 1979-1982; however, the first appropriation was made for FY 1980, and no subsequent appropriations have been 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: Additional information may be obtained from the Office of Engineering (HNG-14).

BIKEWAY DEMONSTRATION

STATUS: INACTIVE. Repealed by Section 133(e)(2) of the 1987 STURAA.

APPROPRIATION CODE: 633

FEDERAL PARTICIPATION: 80%

PERIOD AVAILABLE: Until expended

FUND: General

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: 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 \$10,000,000 was authorized for this program for FY 1976, only \$6,000,000 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 are 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: Additional information may be obtained from the Office of Engineering (HNG-14).

BOND ISSUE PROJECTS

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

APPROPRIATION CODES: Same as source funds.

FEDERAL PARTICIPATION: 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. 115(b)(2 & 3) and 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 uses the proceeds of bonds for the construction of Primary, Interstate, or Urban Extension projects, or Interstate Substitute highway projects may claim Federal reimbursement on that portion of the bond proceeds used to retire the bonds. [Section 107(f) of the Surface Transportation Assistance Act (STAA) of 1982 added substitute highway projects approved under 23 U.S.C. 103(e)(4) as eligible bond issue projects]

Section 115(c) of the Surface Transportation Assistance Act (STAA) of 1978 (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, is to be considered an eligible cost of construction.

ISTEA PROVISIONS:

There were no changes to 23 U.S.C. 122 under the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240).

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Fiscal Services (HFS-21).

BRIDGE REPLACEMENT (SPECIAL)

STATUS: INACTIVE. Replaced by Highway Bridge Replacement and Rehabilitation Program (HBRRP).

APPROPRIATION CODE: 115

FEDERAL PARTICIPATION: 75%

PERIOD AVAILABLE: Until expended.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

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 FY's 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 FY's 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: Additional information may be obtained from the Office of Engineering (HNG-33).

BRIDGES ON FEDERAL DAMS

STATUS: CONTINUING USE OF HIGHWAY FUNDS. Although there have been no recent appropriations of funds for bridges on Federal dams, provisions for continuation remain in 23 U.S.C. 320.

APPROPRIATION CODE: 072

FEDERAL PARTICIPATION: 100%

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, is generally for projects earmarked by Congress to reimburse Federal dam building agencies (TVA, DOD, BOR) for the costs of designing and constructing certain dams to support public highway bridges and public highway bridges upon and across these dams.

BACKGROWND:

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 (TVA, DOD, BOR) 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 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 have earmarked funds for specific projects through direct references in the law or in conference reports.

ISTEA PROVISIONS:

There were no provisions in the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) relative to the Bridges on Federal Dams Program. Hence, the provisions of 23 U.S.C. 320 remain in place.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

CARPOOL AND VANPOOL PROJECTS

STATUS: CONTINUING USE OF HIGHWAY FUNDS. Projects may be initiated with NHS, STP, and CMAQ funds.

APPROPRIATION CODES: Same as source funds.

FEDERAL PARTICIPATION: 80%. The Federal share may be increased up to 100% for carpool and Vanpool projects as set forth in 23 U.S.C. 120(c).

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. 146.

CFR REFERENCE: 23 CFR 656.

ELIGIBILITY:

The following types of projects and work are eligible for carpool/vanpool funding:

Systems for locating potential participants in Carpools and informing them of the opportunities for participation. Eligible costs may include use or rental of computer hardware, costs of software, installation costs, and costs of daily operations--marketing, matching, brokering, evaluation.

Specialized procedures to provide carpooling opportunities to elderly or handicapped persons.

The costs of acquiring vanpool vehicles and actual financial losses that occur when the operation of any vanpool is aborted before the scheduled termination date because its continuation is no longer productive.

Work necessary to designate existing highway lanes as preferential carpool lanes or bus and carpool lanes. Eligible work may include preliminary engineering to determine traffic flow and design criteria, signing, pavement markings, traffic control devices, and minor physical modifications to permit the use of designated

lanes as preferential carpool lanes or bus and carpool lanes. Such improvements on any public road may be approved if they facilitate more efficient use of any Federal-aid highway. Eligible costs may also include costs of initial inspection or monitoring of use, including special equipment, to ensure that the high occupancy vehicle (HOV) lanes designation is effective and that the project is fully developed and operating properly.

Signing of and modifications to existing facilities to provide preferential parking for Carpools inside or outside the central business district. Eligible costs may include trail blazers, on-site signs designating highway interchange areas or other existing publicly or privately owned facilities as preferential parking for carpool participants, and initial or renewal costs for leasing parking space or acquisition or easements or restrictions, as, for example, at shopping centers and public or private parking facilities.

Construction of carpool parking facilities outside the central business district. Eligible costs may include acquisition of land and normal construction activities, including installation of lighting and fencing, trail blazers, on-site signing, and passenger shelters.

Reasonable public information and promotion expenses, including personnel costs, incurred in connection with any of the other eligible items mentioned herein.

More detailed information may be found in 23 CFR 656 (Carpool and Vanpool Projects) and in the FHWA's publication titled "Federal-Aid Highway Construction Funds for Ridesharing," FHWA-SA-88-016.

BACKGROUND:

The Emergency Highway Energy Conservation Act of 1974 established a Carpool Demonstration program to encourage SHA's to use Federal-aid Primary, Secondary and Urban system funds for demonstration projects that would increase the use of Carpools in urban areas.

Section 126(a) of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) changed the program from a demonstration program to an on-going Federal-aid program. Under the revised program, which was codified as 23 U.S.C. 146, projects which promoted ridesharing programs did not need to be located on, but had to serve, a Federal-aid system to be eligible for Federal-aid Primary, Secondary, or Urban system funds. The Federal share was established at 75%, the same as the source funds.

Section 123 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424) provided that carpool and vanpool projects funded out of the Primary, Secondary, and Urban system apportionments could be authorized at a Federal share of up to 100%.

ISTEA PROVISIONS:

No changes were made to 23 U.S.C. 146 by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). Hence, carpool and vanpool projects may continue to be initiated with 23 U.S.C. 104(b)(1) and (b)(2) funds, which are now National Highway System (NHS) and Congestion Mitigation & Air Quality Improvement (CMAQ) funds.

Section 1006 of the 1991 ISTEA amends 23 U.S.C. 103. In so doing, it is indicated in 23 U.S.C. 103(i)(10) that carpool and vanpool projects are eligible NHS items. Related to this, 23 U.S.C. 103(i)(9) indicated that fringe and corridor parking facilities are also eligible for NHS funding.

Section 1007 of the 1991 ISTEA adds 23 U.S.C. 133. This new section relates to the Surface Transportation Program (STP). In 23 U.S.C. 133(b)(3) it is indicated that carpool projects and fringe and corridor parking facilities and programs are eligible for STP funding.

ADDITIONAL INFORMATION: Additional information and the above mentioned report may be obtained from the Traffic Operations Division (HTV-30).

COMBINED ROAD PLAN

STATUS: Continuing only until funds made available in FY 1991 and previous fiscal years are obligated, transferred, or lapsed.

APPROPRIATION CODES:

CR1 -- CRP-Secondary, Urban, Non-Primary Bridge Pooled Fund
CG1 -- CRP-Pooled Fund, 100%
EC1 -- CRP-Minimum Allocation
EC2 -- CRP-Excess Interstate 1/2 Percent Minimum Apportionment
EC3 -- CRP-Interstate Substitution, Apportioned
EC4 -- CRP-Interstate Substitution, Discretionary
EG1 -- CRP-Minimum Allocation, 100%, 23 U.S.C. 120(d)
EG2 -- CRP-Excess Interstate 1/2 Percent Minimum Apportionment, 100%

FEDERAL PARTICIPATION: 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: Remaining funds may be used in the five States selected by the FHWA--Minnesota, Texas, Rhode Island, New York, and California--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 Briage 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. The five States involved in the demonstration are Minnesota, Texas, Rhode Island, New York, and California.

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 (Appn. Code CR1).

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.

ISTEA PROVISIONS:

No new funding was provided for the Combined Road Plan demonstration in the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), but unobligated funds from the sources mentioned above may continue to be used for CRP purposes.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-20).

COMMERCIAL DRIVER'S LICENSE

STATUS: Continuing only until funds made available in FY 1991 and previous fiscal years are obligated, transferred, or lapsed.

APPROPRIATION CODES:

21A -- Basic Grant (FY's 1987-1991).
21B -- Supplemental Grant (FY's 1989-1991).
21c -- Clearinghouse Grant (FY's 1989-1991).
708 -- Supplemental Grant (FY's 1987-1988).
709 -- Information System Grant (FY's 1987-1989).

FEDERAL PARTICIPATION: 100%

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: 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. The funds are handled as a central allotment to the Associate Administrator for Program Development.

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 authorizes the following four categories of grants:

Basic grants, available in FY's 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 FY's 1987-1991, In FY's 1987-1989, funds were available on a discretionary basis. In FY's 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 FY's 1987-1989 on a discretionary basis. The total funding was \$2 million per year.

Clearinghouse grants, available in FY's 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 FY's 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.

ISTEA PROVISIONS:

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 may continue to be used for the purposes of this program.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-20) and from Motor Carrier's Office of Program Management Support (HPS-1).

CONSOLIDATED PRIMARY

STATUS: Continuing only until funds apportioned in FY 1991 and previous fiscal years are obligated, transferred, or lapsed.
Title 23 provisions relative to the Federal-aid Primary 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--the National Highway System (NHS) and the Interstate System, which is a component of the NHS. Unobligated funds apportioned to a State for the Primary System remain available for obligation under the old rules set forth below or may be transferred to the NHS or Surface Transportation Program (STP) programs.

APPROPRIATION CODE:

010 -- Consolidated Primary
01B -- Consolidated Primary, Priority, Section 149(k) of Public Law 100-17
01E -- Consolidated Primary, Temporary Matching Fund Waiver
184 -- Consolidated Primary, Alaska Highway
196 -- Consolidated Primary, I-4R
A04 -- Consolidated Primary, PR
A06 -- Consolidated Primary, Economic Growth Center, 95%
A09 -- Consolidated Primary, Economic Growth Center, Temporary Matching Fund Waiver
A14 -- Consolidated Primary, 100%
A45 -- Consolidated Primary, Great River Road
A61 -- Consolidated Primary, Bicycle & Pedestrian
A75 -- Consolidated Primary, Access to Lakes
A85 -- Consolidated Primary, Energy Impacted Roads
A86 -- Consolidated Primary, 20% Mandatory Energy Roads
A87 -- Consolidated Primary, Energy Impacted Roads, Temporary Matching Fund Waiver
x14 -- Consolidated Primary, NHI
x15 -- Consolidated Primary, 1/4 % NHI
33D -- STP-State Flexible

FEDERAL PARTICIPATION: 75% normal pro-rata share. The Federal share may be increased up to 95% in States with large areas of public lands. The non-Federal share may be increased if the State desires, so as to reduce the normal Federal pro-rata share.

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). Section 108 of the 1982 STAA (Public Law 97-424).

CFR REFERENCE: 23 CFR 470A

ELIGIBILITY: Unobligated funds apportioned to a State for the Primary System remain available for obligation under the pre-ISTEA rules or may be transferred to the NHS or STP programs. These funds may be used 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% 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% 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 FY 1983-1986 primary authorizations. Section 107 of the 1987 STURAA continued the use of this procedure for FY's 1987-1991.

Funds apportioned under this program could be transferred to the Rural Secondary and Urban System programs.

The 1987 STURAA authorized about \$2.3 million per fiscal year for each of FY's 1987-1991.

ISTEA PROVISIONS:

The Federal-aid Primary System was abolished when Sections 103(a)&(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. Unobligated funds apportioned to a State for the Primary System, as set forth in Section 1100(c) of the 1991 ISTEA, remain

available for obligation under the old rules or may be transferred to the NHS or STP programs. Funds transferred into the STP are not subject to sub-allocation and will be transferred into the State flexible appropriation code, 33D. The last apportionments of funds for the Primary System were for FY 1991.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Office of Engineering (HNG-12).

CONTROL OF OUTDOOR ADVERTISING

STATUS: CONTINUING USE OF HIGHWAY FUNDS, 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.

APPROPRIATION CODES:

646 -- FY 1966
647 -- FY 1967
649 -- FY 1970-1973 & FY 1975
688 -- FY 1977-1982
699 -- Bonus claims
64A -- Bonus claims and new projects with funds that were deobligated subsequent to 12/18/85.

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

FEDERAL PARTICIPATION: Same as source funds. Prior to the 1991 ISTEA, the normal pro-rata share was 75%.

PERIOD AVAILABLE: Same as source funds. Prior to the 1991 ISTEA, 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 Trust Fund. Prior to the 1991 ISTEA, funding came from the General Fund.

FUND DISTRIBUTION METHOD: NA. 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. Prior to the 1991 ISTEA, 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. Section 1046 of the 1991 ISTEA (Public Law 102-240).

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

ELIGIBILITY: A State may use any funds regularly 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 FY's 1966-1967 (Appropriation Codes 646 and 647). Authorizations were made later for FY's 1970-1973 and for FY 1975 (Appropriation Code 649), with obligational authority available for FY's 1969-1977.

The Federal-aid Highway Act of 1976 (Public Law 94-280) authorized funds for FY's 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 FY's 1979-1982. 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 FY's 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 the Associate Administrator for ROW and Environment 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 lapsed 649 funds which were deobligated prior to December 19, 1985.

Bonus claims (Appropriation Code 699) were available for a while for the purpose of increasing the Federal share of Interstate projects for States in conformity with national outdoor advertising control standards under the provisions of 23 CFR 750A. 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 may still possibly be 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.

ISTEA PROVISIONS:

Section 1046 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) provides that:

States may now use highway funds regularly 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 Direct Emergency Supplemental Appropriations Act of 1992 (Public Law 102-302), these funds are only available to the State for making such payments to the extent that the State expends its own funds for such a payment.

Outdoor advertising controls apply to the Interstate System, roads that were on the Federal-aid Primary System as it existed on June 1, 1991, and any highway which is not included above but which is on the NHS.

States not maintaining effective control of outdoor advertising as defined by the program requirements continue to be subject to a 10% reduction of 23 U.S.C. 104 funds.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Right-of-Way (HRW-10).

DEFENSE ACCESS ROADS

STATUS: CONTINUING USE OF HIGHWAY FUNDS.

APPROPRIATION CODES: 724-729, 733-739, 73A, 73C, 748-749, 74A, 751-755, 766, 781, 785, 788-789, 78A, 790, 797, 834, 836, 851-852 (Recode No. 300).

FEDERAL PARTICIPATION: up to 100%.

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:

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 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 Federal Lands Highway Program Administrator. Funds and the authority to obligate are allocated to the Federal Lands Highways Divisions or to a State through the Regional/Division offices by the Federal Lands Highway Program Administrator. Allocations are project specific; therefore, underruns cannot be used on other projects and must be returned to the Washington office. Unobligated balances remaining after the period of availability lapse. Overruns can be covered only by specific requests for additional allocations.

Regular Federal-aid procedures apply in the administration of this program. However, the FHWA will be involved in PS&E approval, concurrence in award, and appropriate construction monitoring on all projects involving Defense Access Road funding. Project numbers are assigned by the Washington Headquarters. Numerous appropriation codes have been assigned to these funds under Recode No. 300, "Military Construction".

ADDITIONAL INFORMATION: Additional information may be obtained from the Federal Lands Highway Office (HFL-13).

DISADVANTAGED BUSINESS ENTERPRISES

STATUS: CONTINUING USE OF HIGHWAY FUNDS.

APPROPRIATION CODES: N/A

FEDERAL PARTICIPATION: N/A

PERIOD AVAILABLE: N/A

FUND: N/A

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 1003(b) of the 1991 ISTEA.

CFR REFERENCE: None

ELIGIBILITY: At least 10 percent of the amounts authorized to be appropriated for Title 23 highway projects, transit projects, intermodal transportation, and transportation research must be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

BACKGROUND AND ISTEA PROVISIONS:

Section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) requires that at least 10 percent of the amounts authorized to be appropriated under the provisions of Titles I (Part A), III, V, and VI (for Title 23 highway projects, transit projects, intermodal transportation, and transportation research, respectively) must be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

Each State must annually 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.

The Secretary of Transportation is required to establish minimum uniform criteria for State governments to use in certifying whether or not a small business concern qualifies as a disadvantaged business enterprise (DBE).

The Comptroller General is required to conduct a study of the FHWA's DBE program and report to Congress not later than December 18, 1992. The study is to include information about graduation, out-of-State contracting, program adjustments, success rates, performance and financial capabilities, enforcement mechanisms, additional costs, effect on industry, certification, and goals.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Civil Rights (HCR-1).

ECONOMIC GROWTH CENTER HIGHWAYS

STATUS: CONTINUING USE OF HIGHWAY FUNDS. Categorical funds are no longer available, but regularly apportioned highway construction funds (other than Interstate) may be used for economic growth center projects.

APPROPRIATION CODE: 106 for categorical funds. Same as source funds for regular funds.

FEDERAL PARTICIPATION:
75% for categorical funds. Same as source funds for regular funds (95% prior to the 1991 ISTEA), except engineering and economic surveys and other investigations necessary for planning and design may be funded at 100%.

PERIOD AVAILABLE: FY + 3 years; however, categorical funds are no longer available because they expired at the end of FY 1986.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation for categorical funds and apportionment for regular funds.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes. Same as source funds for regular funds.

STATUTORY REFERENCE: 23 U.S.C. 143

CFR REFERENCE: 23 CFR 490A

ELIGIBILITY: Economic growth center projects may be initiated under the provisions of 23 U.S.C. 143 using funds regularly apportioned under the provisions of 23 U.S.C. 104 (other than Interstate funds).

BACKGROUND:

This program was established by the Federal-aid Highway Act of 1970 (Public Law 91-605) as a "demonstration" program, but was changed by the Section 122 of the Federal-aid Highway Act of 1973 (Public Law 93-87) to a continuing element of the overall Federal-aid highway program. It was codified 23 U.S.C. 143. The 1973 Act opened the program to projects on all Federal-aid systems, except the Interstate. Federal participation for this categorical program was based on the Federal share payable for any other project on the Federal-aid system (excluding the Interstate system) on which the development highway was located, generally 75%.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) provided a final authorization of categorical funds for FY 1983. These funds expired at the end of FY 1986. Section 117(c) of the 1982 STAA also established an incentive by providing a 95% share for projects on economic growth center highways financed with funds apportioned for use on any system. This provision, which was codified 23 U.S.C. 120(k), was interpreted to apply to primary, secondary, urban system, and 1/2% minimum Interstate funds.

ISTEA PROVISIONS:

Section 1021(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) deleted Section 120(k). Even so, economic growth center projects may still be initiated under the provisions of 23 U.S.C. 143 with regular Federal-aid construction funds (i.e., funds apportioned under the provisions of 23 U.S.C. 104), other than Interstate funds: however, such projects are subject to the Federal share appropriate for the source funds, except that engineering and economic surveys and other investigations necessary for the planning and design of economic growth center development highways may be funded at 100%.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

ELIMINATION OF ROADSIDE OBSTACLES

STATUS: INACTIVE. Incorporated into the High-Hazard Locations/Elimination of Roadside Obstacles Program by the Highway Safety Act of 1976.

APPROPRIATION CODE: 144

FEDERAL PARTICIPATION: 90%

PERIOD AVAILABLE: FY + 3 years. Availability expired on 9/30/79.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

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 FY's 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 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: Additional information may be obtained from the Office of Highway Safety (HHS-20) or the Office of Engineering (HNG-12).

ENERGY IMPACTED ROADS

STATUS: CONTINUING USE OF HIGHWAY FUNDS. Priority may be given to projects for the reconstruction, resurfacing, restoration, and rehabilitation of energy impacted roads.

APPROPRIATION CODES:

A85, A86 -- Consolidated Primary funds for energy impacted roads.
B85, B86 -- Rural Secondary funds for energy impacted roads.
N85 -- Minimum Allocation funds for energy impacted roads.
R85, R86 -- HBRRP funds for energy impacted roads.
W85, W86 -- Urban funds for energy impacted roads.

FEDERAL PARTICIPATION: Same as source funds.

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(h)

CFR REFERENCE: None

ELIGIBILITY: Projects may be initiated using funds regularly apportioned under the provisions of 23 U.S.C. 104, and priority may be given, to projects for the reconstruction, resurfacing, restoration, and rehabilitation of energy impacted roads under the provisions of 23 U.S.C. 105(h).

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% 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) clearly be in need of 4R type improvements to restore safety, capacity, and/or mobility.

ISTEA PROVISIONS:

Section 1021(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) deleted Section 120(l). Even so, priority may continue to be given to projects for the reconstruction, resurfacing, restoration, and rehabilitation of energy impacted roads under the provisions of 23 U.S.C. 105(h).

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

FLORIDA COMMUTER RAIL PROJECT

STATUS: CONTINUING USE OF HIGHWAY FUNDS. Remaining unexpended obligated I-4R funds that were earmarked for the Florida Commuter Rail project and FTA Section 9 funds may be used for operating expenses.

APPROPRIATION CODE: Same as source funds for I-4R funds.
Unknown for FTA funds.

FEDERAL PARTICIPATION: 90% for I-4R funds. 80% for FTA funds.

PERIOD AVAILABLE: Same as source funds for I-4R. FY + 3 years for FTA funds.

FUND: Highway Trust Fund for I-4R. Highway Trust Fund (Mass Transit Account) for FTA funds.

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes for I-4R funds. No for FTA funds.

STATUTORY REFERENCE: Section 334 of the FY 1987 DOT appropriations act (Public Law 99-591) and section 322 of the FY 1988 DOT appropriations act (Public Law 100-202). Section 3014 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Remaining I-4R funds, earmarked for the Florida Commuter Rail, which have been obligated but not expended, and FTA Section 9 funds may be used for operating expenses for this specific commuter rail project.

BACKGROUND:

Section 334 of the FY 1987 DOT appropriations act (Public Law 99-591) authorized the use, in FY 1987 only, of up to \$4 million of Florida's Interstate 4R funds for operating expenses of the Tri-County Commuter Rail Project in the area of Dade, Broward, and Palm Beach Counties. The commuter rail project is part of a transportation management plan to help alleviate congestion in the area during the reconstruction of I-95.

Section 322 of the FY 1988 DOT appropriations act (Public Law 100-202) expanded the 1987 act by allowing the use of up to \$4 million of Florida's Interstate 4R funds during each of the fiscal years that I-95 is being reconstructed in the area. General Provisions' Sections 321 of the FY 1989 DOT

appropriations act (Public Law 100-457) and 320 of the 1990 DOT appropriations act (Public Law 101-164) provided identical provisions. The I-95 reconstruction work covers about 40 miles, so will be underway for a number of years.

In addition to the above, section 329 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) provided for the use of UMTA Section 9 funding for operating assistance for the commuter rail service as a maintenance of traffic measure during the period in which major on-site reconstruction is underway.

ISTEA PROVISIONS:

Section 3014 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) revised section 329 of the 1987 STURAA so as to provide continued assistance for the commuter rail project under the provisions of the Federal Transit Administration (FTA, formerly UMTA) Section 9 program.

The Interstate 4R Program was replaced in the 1991 ISTEA by the Interstate Maintenance (IM) Program and the National Highway System (NHS) Program. No specific provisions were included for continuation of funding for the Florida Commuter Rail.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

FOREST HIGHWAYS

STATUS: Continuing only until funds apportioned in FY 1991 and previous fiscal years for the Forest Highways Program, which the 1991 ISTEA has now incorporated into the Public Lands Program, are obligated, transferred, or lapsed.

APPROPRIATION CODES:

- 151 - FY's 1972-1983 (1st Qtr.) apportioned FH funds
- 181 - FY 1983 allocated FH funds.
- 191 - FY 1984-1991 allocated FH funds.
- 19A - Forest Highways, FY 1992 and Subsequent Years

FEDERAL PARTICIPATION: 100%

PERIOD AVAILABLE: FY + 3 years.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Authorized amounts are subject to the obligation limitation, but are excluded from the State-by-State distribution.

STATUTORY REFERENCE: 23 U.S.C. 202, 203, 204. Sections 1032 & 1003 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: 23 CFR 660A, 23 CFR 667

ELIGIBILITY: Remaining Forest Highways funds may continue to be used on previously eligible Forest Highways roads for the following purposes:

- Planning, Research, Engineering, and Construction,
- Transportation planning for programs to enhance tourism and recreational development,
- Adjacent vehicular parking areas,
- Interpretative signage,
- Acquisition of necessary scenic easements and scenic or historic sites,
- Provisions for pedestrians and bicycles,
- Construction and reconstruction of roadside rest areas, including sanitary and water facilities, and
- Other appropriate facilities such as visitor centers.

BACKGROUND:

Section 126 of the Surface Transportation Assistance Act of 1982 (1982 STAA), Public Law 97-424, established a coordinated Federal Lands Highways Program (FLHP) consisting of the following funding categories:

- Forest Highways
- Public Lands Highways
- Parkways and Park Roads
- Indian Reservation Roads

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA), Public Law 100-17, continued the FLHP with these 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 the Public Lands Program and the Forest Highways Program into one Public Lands Highways category as shown below:

- Public Lands Highways
 - + Forest Highways
 - + Public Lands Highways
- Parkways and Park Roads
- Indian Reservation Roads

Information about the new Public Lands Program, which includes Forest Highways, may be found in a previous section of this guide under the heading "Public Lands Highways."

Congress created National Forests in 1891. The 1916 Federal-Aid Road Act provided funds for roads and trails in these National Forests. The Federal-Aid Highway Act of 1921 initiated the Forest Highways program. Forest highways are public roads that are owned by State or local agencies and serve a 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 highway and local agencies and with the Forest Service.

Section 105(a)(5) of the Federal-aid Highway Act of 1970 (Public Law 91-605) changed the original program funding from the General Fund to the Highway Trust Fund. The last General Fund authorization was for FY 1971. The first Trust Fund authorization was for FY 1972 (code 151). These funds were apportioned to the States.

A 1977 General Accounting Office (GAO) report directed the FHWA and the Forest Service to jointly revise procedures to assure that transportation needs of the National Forest system are adequately considered when projects are 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 amended FH regulations, 23 CFR 660, in 1982.

Section 126 of the 1982 STAA (Public Law 97-424) established a coordinated Federal Lands Highway Program and provided for allocating funds instead of apportioning funds to the States. The final apportionment was for the first quarter of FY 1983. The 1982 STAA authorized \$50,000,000 for forest highways (reduced by the amount authorized by the Federal-aid Highway Act of 1982, Public Law 97-327) for FY 1983 (code 181) and \$50,000,000 for each of FY's 1984-1986 (code 191). The 1987 STURAA (Public Law 100-17) authorized \$55,000,000 for forest highways for each of FY's 1987-1991. The funding level set forth in the 1991 ISTEA for FY's 1992-1997 is shown above.

The Forest Highways portion of the new Public Lands Program set forth in the 1991 ISTEA is to be administered as follows:

- The designated FH network of roads is to be updated by early FY 1993.
- Funds for FH will be allocated under the present FH procedures.
- The planning and selection of the program of projects will follow the same procedures provided in 23 CFR 660A, but the criteria may be adjusted to improve the process. However, the criteria adopted must ensure that the transportation needs of the National Forest system are met in accordance with the 1977 GAO report.
- The proposed program of projects funded with PLH discretionary and other funds should be considered and planned as part of the overall program plan.
- The administration of the actual design and construction program (whether administered by Federal Lands Highway Divisions or the SHA or other public authority) will follow present procedures.

ADDITIONAL INFORMATION: Additional information may be obtained from the Federal Lands Highway Office (HFL-1).

“G” FUNDS

STATUS: CONTINUING USE OF HIGHWAY FUNDS. States may use up to 10% of their total Federal-aid apportionments for any fiscal year at a 100% Federal share for certain safety activities.

APPROPRIATION CODES: See comments.

FEDERAL PARTICIPATION: Up to 100% for construction, but no more than 75% 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) and 130(a-c).

CFR REFERENCE: None

ELIGIBILITY: The States may use up to 10% of their total Federal-aid systems apportionments under 23 U.S.C. 104 at a 100% Federal share for traffic control signalization, pavement marking, commuter carpooling and vanpooling, traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier end treatments, breakaway utility poles, or priority control systems for emergency vehicles at signalized intersections.

BACKGROUND:

Section 5 of the Federal-aid Highway Act of 1944 (Public Law 78-521), which allowed States to use up to 10% of their total Federal-aid systems apportionments at a 100% Federal share for the elimination of hazards at rail-highway crossings. It was codified in 23 U.S.C. 120(d) and 130(a-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 is being utilized. No separate "G" fund appropriations were made. Instead, States could use funds apportioned in accordance with 23 U.S.C. 104 (i.e., primary, secondary, urban, etc.).

ISTEA PROVISIONS:

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% of their total Federal-aid systems apportionments under Section 104 at a 100% Federal share for traffic control signalization, pavement marking, commuter carpooling and vanpooling, traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier end treatments, breakaway utility poles, or priority control systems for emergency vehicles at signalized intersections.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Highway Safety (HHS-20), the Office of Traffic Operations and Intelligent Vehicle/Highway Systems (HTV-31), or the Office of Engineering (HNG-12).

GREAT RIVER ROAD

STATUS: CONTINUING USE OF HIGHWAY FUNDS. Categorical funds are no longer available, but regularly apportioned highway construction funds may be used for Great River Road projects.

APPROPRIATION CODES:

615 - Categorical funds used in FY 1981 and prior years.
135 - Categorical funds used in FY 1982 and subsequent years.
A35 & A45 - Consolidated Primary funds for the Great River Road.
B35 & B45 - Rural Secondary funds for the Great River Road.
W35 & W38 - Urban funds for the Great River Road.

FEDERAL PARTICIPATION: 75% for categorical funds. Same as source funds for regular funds (75-95% prior to the 1991 ISTEA).

PERIOD AVAILABLE: FY + 3 years for categorical funds (obligation authority was for one year only but unobligated balances could be withdrawn for redistribution yearly). Same as source funds for regular funds.

FUND: Highway Trust Fund for categorical on-system projects and General Fund 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 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

CFR REFERENCE: 23 CFR 661

ELIGIBILITY: Remaining unexpended, obligated categorical Great River Road funds and regular Federal-aid construction funds apportioned under the provisions of 23 U.S.C. 104 (other than Interstate funds) may continue to be used for Great River Road projects.

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 it 23 U.S.C. 148, and provided funds from (a) the Highway Trust Fund 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 criss-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 minimum 95% Federal share under the provisions of 23 U.S.C. 120(k) 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(k) 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% if requested by a State, but not less than 75%.

All available categorical funds (codes 135 and 615) 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.

ISTEA PROVISIONS:

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). Even so, Great River Road projects may still be initiated under the provisions of 23 U.S.C. 148 with regular Federal-aid construction funds (i.e., funds apportioned under the provisions of 23 U.S.C. 104), other than Interstate funds: however, such projects are subject to the Federal share appropriate for the source funds.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

HAZARD ELIMINATION

STATUS: Continuing only until funds apportioned in FY 1991 and previous fiscal years are obligated, transferred, or lapsed. Even though the categorical funds are no longer available, regular Federal-aid construction funds can be used for hazard elimination activities. In particular, 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). More information about the 10% STP set-aside program can be found in Part I of this guide under the heading "STP Set-Aside for Safety Improvements."

APPROPRIATION CODE:

141 -- Hazard Elimination, FY 1991 and prior years
33P -- STP, Hazard Elimination Program
332 -- STP, Hazard Elimination Program, 100 % for Safety

FEDERAL PARTICIPATION: Same as source funds, but can be increased to as much as 100% under the provisions of 23 U.S.C. 120(c). The old rules apply to unobligated categorical funds. Prior to the 1991 ISTEA, the normal pro-rata share was 90%.

PERIOD AVAILABLE: Same as source funds. The old rules apply to unobligated categorical funds. Prior to the 1991 ISTEA, the availability period was FY + 3 years.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Same as source funds. Prior to the 1991 ISTEA, apportionments for the categorical program were based upon the statutory formula in 23 U.S.C. 152(e).

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 152. Section 1007 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: 23 CFR 924

ELIGIBILITY: Regular Federal-aid highway construction funds (i.e., those funds apportioned under 23 U.S.C. 104) may be used to carry out the Hazard Elimination program set forth in 23 U.S.C. 152. In addition, a portion of the STP funds apportioned to a State must be used for hazard elimination purposes.

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. [Highway safety improvement projects are defined in 23 U.S.C. 101(a)]. The Hazard Elimination program was codified 23 U.S.C. 152. The 1978 STAA authorized \$125,000,000 for FY 1979, \$150,000,000 for FY's 1980-1981, and \$200,000,000 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 \$200,000,000 per fiscal year for FY 1983 (reduced by the amount authorized by the Federal-aid Highway Act of 1982) and for FY's 1984-1986.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) authorized \$170,000,000 per fiscal year for each of FY's 1987-1991 for projects for the elimination of hazards under 23 U.S.C. 152.

ISTEA PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) does not provide earmarked funds subsequent to FY 1991 for the Hazard Elimination Program. However, the 1991 ISTEA does do the following:

- 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) continue to be considered eligible for the elimination of roadside hazards.
- Stipulates in Section 1007 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).

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12) or the Office of Highway Safety (HHS-20).

HIGH-HAZARD LOCATIONS

STATUS: INACTIVE. Incorporated into the High-Hazard Locations/Elimination of Roadside Obstacles program by the Highway Safety Act of 1976.

APPROPRIATION CODE: 142

FEDERAL PARTICIPATION: 90%

PERIOD AVAILABLE: FY + 3 years. Availability expired on 9/30/79

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 FY's 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 replace the combined program with a new program called the Hazard Elimination Program.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Highway Safety (HHS-20) or the Office of Engineering (HNG-12).

HIGH-HAZARD LOCATIONS/ELIMINATION OF ROADSIDE OBSTACLES

STATUS: INACTIVE. Replaced by the Hazard Elimination program under provisions of the 1978 STAA.

APPROPRIATION CODES:

145 - High Hazard Locations.

146 - Elimination of Roadside Obstacles.

FEDERAL PARTICIPATION: 90%

PERIOD AVAILABLE: FY + 3 years. Availability expired on 9/30/81.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 152 & 153

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 FY's 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: Additional information may be obtained from the Office of Highway Safety (HHS-20) or the Office of Engineering (HNG-12).

HIGHWAYS CROSSING FEDERAL PROJECTS

STATUS : INACTIVE. Repealed by 1987 STURAA.

APPROPRIATION CODES:

643 - Construction.

582 - Washington HQs Use Only (Reappropriated Funds).

FEDERAL PARTICIPATION: 100%

PERIOD AVAILABLE: FY + 2 years. Availability has expired.

FUND: General Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: 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 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).

No further appropriations or allocations are anticipated for this program.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

INNOVATIVE TECHNOLOGIES

STATUS: CONTINUING USE OF HIGHWAY FUNDS. The original program has expired, but innovative technology activities continue under other programs.

APPROPRIATION CODE: Same as source funds.

FEDERAL PARTICIPATION: Normal Federal share plus 5% - 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-aid share increase of 5% for projects utilizing significant amounts of these materials. This was provided in Section 142 of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424).

The Federal share increase for such projects was for FY's 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% increase was over and above the pro-rata share spelled out in the law. The total Federal share could not, however, exceed 100%. 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. Funds were only eligible for obligation from January 6, 1983 (the date of the 1982 STAA) through the end of FY 1985. However, Section 117(f) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) provided for a 5% increase in the Federal share (not to exceed 95%) for each of FY's 1987-1991 for any highway or bridge construction project in which materials produced from coal ash are used in significant amounts.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

INTERSTATE 4R

STATUS: Continuing only until funds apportioned in FY 1991 and previous fiscal years for the Interstate 4R (I-4R) Program, which the 1991 ISTEA has now replaced with the Interstate Maintenance (IM) Program for resurfacing, rehabilitation, and restoration, and by the National Highway System (NHS) Program for reconstruction, are obligated, transferred, or lapsed.

APPROPRIATION CODE: 044

FEDERAL PARTICIPATION: 90% normal pro-rata share. The Federal share may be increased up to 95% in States with large areas of public lands. The non-Federal share may be increased if the State desires, so as to reduce the normal Federal pro-rata share.

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: Until remaining Interstate 4R funds are obligated, transferred, or lapsed, they may be used for the resurfacing, rehabilitation, restoration, and reconstruction of the Interstate System.

BACKGROUND:

The Interstate 4R 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. Authorizations were made for FY's 1978 and 1979.

Section I16 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 3R pavement 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 toll roads, but could be used on Interstate toll roads in use for more than five years 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 appropriation code 055.

Federal participation for the Interstate 4R Program oscillated with various legislative actions. The Federal share was 90% prior to 11/6/78; 75% from 11/6/78 to 12/28/81; and 90% from 12/29/81 to the present.

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 FY's 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, permitted a State to transfer up to 20% 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.

ISTEA PROVISIONS:

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 of the I-4R Program was replaced by the NHS Program under provisions in the 1991 ISTEA. A discussion of the provisions of the new program may be found in this guide under the heading "Interstate Maintenance Program."

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-13).

INTERSTATE GAP CLOSING

STATUS: INACTIVE. Only applicable to FY 1978 & 1979 Interstate apportionments.

APPROPRIATION CODE: 045

FEDERAL PARTICIPATION: 90%

PERIOD AVAILABLE: 2 years (1 year prior to the FY and the FY itself). However, availability expired on 9/30/79.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A -30% deduction from 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% of the Interstate apportionment made to each State for FY's 1978 and 1979 be expended for the construction of intercity portions which would close essential gaps.

No specific Interstate Gap Closing appropriation was made but funds used for this purpose were identified by appropriation code 045.

Subsequent highway legislation has made no provisions for continuation of the gap closing requirement.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-13).

INTERSTATE 1/2 PERCENT MINIMUM APPORTIONMENT

STATUS: INACTIVE. Discontinued effective October 1, 1991, under provisions contained in Section 1001(h) of the 1991 ISTEA.

APPROPRIATION CODE: 050

FEDERAL PARTICIPATION: 75% normal pro-rata share when funds were used for primary, secondary, or urban system work. 90% normal pro-rata share when funds were used for I-4R or hazard elimination work. The Federal share could be increased up to 95% in States with large areas of public lands.

PERIOD AVAILABLE: Apportionments prior to 10/1/89 were available for 2 years (one year prior to the FY designation and the FY itself). Apportionments on or after 10/1/89 but ending before 10/1/91 are available until expended.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A - 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 would receive a minimum of one-half of one percent (1/2 percent) of the total Interstate apportionments for each of FY's 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 FY's 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, and 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 Additional information may be obtained from the Office of Engineering (HNG-13).

JUNKYARD CONTROL

STATUS: INACTIVE. Remaining unexpended, obligated categorical funds are still be available for junkyard control, but 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.

APPROPRIATION CODES:

656 -- FY 1966 funds
657 -- FY 1967 funds
659 -- FY's 1970-1973 and 1975 funds
689 -- FY 1977 and subsequent year funds
65A -- Deobligated and recovered 659 funds

FEDERAL PARTICIPATION: Same as source funds. Was 75% 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 Fund 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 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: N/A

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 one year authorizations for FY's 1966 (code 656) and 1967 (code 657). Authorizations were later made for FY's 1970-1973 and 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 FY's 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: Additional information may be obtained from the Office of Right-of-Way (HRW-10).

LANDSCAPING AND SCENIC ENHANCEMENT

STATUS: CONTINUING USE OF HIGHWAY FUNDS. Categorical funds are no longer available, but regular Federal-aid highway construction funds can be used for landscaping and roadside development in conjunction with the construction of Federal-aid highways.

APPROPRIATION CODES:

666 -- FY 1966
667 -- FY 1967
669 -- FY's 1970-1973, and for FY 1975
Same as Source Funds -- 1976-Present

FEDERAL PARTICIPATION: Same as source funds. Was 75% for categorical projects.

PERIOD AVAILABLE: Same as source funds. Was FY + 3 years for categorical funds, but availability lapsed on 9/30/78.

FUND: Highway Trust Fund. Categorical funds came from the General Fund.

FUND DISTRIBUTION METHOD: N/A. Categorical funds were allocated.

TYPE OF AUTHORITY: Contract Authority, same as source funds. Categorical funds were under Budget Authority.

STATUTORY REFERENCE: 23 U.S.C. 319

CFR REFERENCE: 23 CFR 752

ELIGIBILITY: The Secretary may approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways.

BACKGROUND:

The categorical Landscaping and Scenic Enhancement Program was established by the Highway Beautification Act of 1965 (Title III of Public Law 89-285), which provided one year authorizations for FY's 1966 (code 666) and 1967 (code 667). Authorizations were made later for FY's 1970-1973, and for FY 1975 (all appropriation code 669). Obligational authority for the 669 funds was available from FY 1969 through and including FY 1977.

The Federal-aid Highway Act of 1976 (Public Law 94-280) extended this obligational authority by changing the period of availability to the FY and three years thereafter. Therefore, the 669 funds lapsed at the end of FY 1978.

No funds were authorized for landscaping by the 1976 Act, nor have such categorical funds been authorized in any subsequent acts. However, section 136(a) of the 1976 Act did amend 23 U.S.C. 319 to make regular Federal-aid highway construction funds eligible for the costs of landscaping and roadside development.

Section 130 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) amended 23 U.S.C. 319 to require that at least 1/4 of 1% of any funds expended for a landscaping project on a Federal-aid system be used for planting native wildflower seeds or seedlings on such a project. This requirement can be waived if a State certifies that native wildflowers cannot be grown satisfactorily or that planting areas are limited or otherwise used for agricultural purposes.

ISTEA PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) made no changes to 23 U.S.C. 319. Hence, the existing provisions of 23 U.S.C. 319 remain in place.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-42).

LOCAL PUBLIC WORKS GRANTS (ECONOMIC DEVELOPMENT ASSOCIATION)

STATUS: INACTIVE. Funds for this program were only available during FY 1977.

APPROPRIATION CODE: 855

FEDERAL PARTICIPATION: up to 100% - See comments.

PERIOD AVAILABLE: The 855 funds were only available during FY 1977. These funds have now lapsed. There are no other appropriation codes on record for this program.

FUND: Agency Transfer.

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: N/A

STATUTORY REFERENCE: Local Public Works Capital Development and Investment Act of 1976 (42 U.S.C. 7601) and Public Works Employment Act of 1977 (Public Law 95-28).

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND:

Title I of the Local Public Works Capital Development and Investment Act of 1976 authorized grants to any State or local government for local public works projects that would stimulate employment. The types of grants available under this program were:

- o Direct Grants - 100% grants for local public works projects.
- o Supplemental Grants - Grants to supplement other Federally funded public works projects, in the amount necessary to make the Federal share 100% of the project cost, and grants to provide all or part of the required State or a local share (but not both shares) of the (but not both shares) of the project cost.

FHWA entered into an agreement with the Economic Development Administration (EDA) on September 26, 1977 to establish procedures for handling the grants.

ADDITIONAL INFORMATION: Additional information about this program may be obtained from the Office of Engineering (HNG-12).

LONG-TERM PAVEMENT MONITORING

STATUS: CONTINUING USE OF HIGHWAY FUNDS. 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.

APPROPRIATION CODE: Same as source funds. 943 for categorical funds.

FEDERAL PARTICIPATION: Same as source funds. 100% 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. 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 & Research (SPR) funds may be used for long-term pavement monitoring activities.

BACKGROUND:

The Long-Term Pavement Monitoring 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: Additional information about this program may be obtained from the Office of Highway Operations (HHO-10).

MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP)

STATUS: CONTINUING PROGRAM.

APPROPRIATION CODES:

190 - Motor Carrier Safety Grants, FY 1984-1987
198 - Motor Carrier Safety Grants, FY 1985-1988
210 - Motor Carrier Safety Grants, FY 1986-1989
211 - Motor Carrier Safety Grants, FY 1987-1989
212 - Motor Carrier Safety Grants Contract Authority

FEDERAL PARTICIPATION: 80%

PERIOD AVAILABLE: See comments.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: A portion of the annual authorization is earmarked for grants. The remaining funds are allocated by formula based in equal proportion on (a) road mileage (all highways), (b) vehicle miles travelled (all vehicles), (c) number of commercial vehicles over 10,000 pounds, (d) population (most current census), and (e) special fuel consumption.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes, but a separate obligation ceiling.

STATUTORY REFERENCE: Sections 401-404 of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424). Section 12014 of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570). Section 4001 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: 49 CFR 350, 355.

ELIGIBILITY:

MCSAP funds may be used:

For enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific geographical locations (such as steep grades or mountainous terrains) where the weight of a commercial motor vehicle can significantly affect the safe operation of such vehicle, or at seaports where intermodal shipping containers enter and exit the United States.

For detecting the unlawful presence of a controlled substance in a commercial motor vehicle or on the person of any occupant (including the operator) of such a vehicle.

For enforcement of State traffic laws and regulations designed to promote safe operation of commercial motor vehicles.

Such activities must be carried out in conjunction with an appropriate type of inspection of the commercial motor vehicle for enforcement of Federal or State commercial motor vehicle safety regulations.

BACKGROUND:

The objective of the Motor Carrier Safety Assistance Program (MCSAP), which is a categorical Federal assistance program, is to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles by substantially increasing the level of enforcement activity.

Sections 401-404 of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) created MCSAP and authorized five years of funding beginning with \$10 million in FY 1984 and increasing incrementally \$10 million per year to a maximum of \$50 million in FY 1988. Section 402 of the 1982 STAA authorizes the Secretary of Transportation to make grants available to States for development or implementation of motor carrier safety programs. Grants are approved for a period of one year upon annual application by a State. Funds are centrally allotted to the Associate Administrator for Motor Carriers.

The Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570) increased and extended MCSAP funding through FY 1991, gave the program contract authority, and earmarked a portion of the annual authorizations for grants.

ISTEA PROVISIONS:

Title IV (Sections 4001-4014) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) increases and extends MCSAP funding through FY 1997. The Act also sets forth eligibility criteria, establishes dates for States to participate in the International Registration Plan (IRP) and the International Fuel Tax Agreement (IFTA), directs the Interstate Commerce Commission (ICC) to establish a new program for motor carriers with ICC operating authority to register with the States, and imposes a freeze on State requirements and limitations on the operation of trucks with double and triple trailers that weigh more than 80,000 pounds.

Section 4002(e) of the 1991 ISTEA authorizes the following amounts to be appropriated for MCSAP: \$65 million for FY 1992, \$76 million for FY 1993, \$80 million for FY 1994, \$83 million for FY 1995, \$85 million for FY 1996, \$90 million for FY 1997.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Motor Carrier Field Operations (HFO-1).

NATIONAL HIGHWAY INSTITUTE

STATUS: CONTINUING USE OF HIGHWAY FUNDS.

APPROPRIATION CODES:

- x12 - Primary Highways, 1/2 % NHI
- x13 - Priority Primary Routes, 1/2 % NHI
- x14 - Consolidated Primary Fund, 1/2 % NHI
- x15 - Consolidated Primary Highways, 1/4 % NHI
- x22 - Secondary Highways, 1/2 % NHI
- x30 - Urban System Highways, 1/2 % NHI
- x32 - Urban Highways, 1/2 % NHI
- x42 - Interstate Construction 1/4 % NHI
- x44 - Interstate 4R, 1/4 % NHI
- x73 - Primary Highways Exclusive of Extensions in Urban Areas, 1/2 % NHI
- x75 - Secondary Highways Exclusive of Extensions in Urban Areas, 1/2 % NHI
- x77 - Traffic Operation Projects in Urban Areas, 1/2 % NHI

FEDERAL PARTICIPATION: 80% (75% prior to the 1991 ISTEA)

PERIOD AVAILABLE: Same as source funds.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Same as source funds.

STATUTORY REFERENCE: 23 U.S.C. 321. Section 6002 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: 23 CFR 260D

ELIGIBILITY: See Below

BACKGROUND:

The National Highway Institute (NHI), a staff office to the FHWA Associate Administrator for Research and Development, 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 SHAs and the Rural Transportation Assistance

Program (RTAP) 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 one-fourth percent (1/4%) of its apportioned Interstate Construction, Interstate 4R, and Primary funds [previously a State could use up to 1/2% of Primary, Secondary, and Urban funds] for payment of up to 75% 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.

ISTEA PROVISIONS:

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 one-sixteenth percent (1/16 of 1%) of all funds apportioned to a State for the Surface Transportation Program (STP) for payment of up to 80% 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 NHI funds are available for training obtained through contracts with public and private agencies, institutions, individuals, and the National Highway Institute (NHI). The NHI must provide education and training, in selected cases, to State and local highway employees at no cost to the States and local governments for subject areas that are a Federal program responsibility.

ADDITIONAL INFORMATION: Additional information may be obtained from the National Highway Institute (NHI-20).

NATIONAL MAXIMUM SPEED LIMIT COMPLIANCE PROGRAM

STATUS: CONTINUING ACTIVITY.

APPROPRIATION CODE: N/A

FEDERAL PARTICIPATION: N/A

PERIOD AVAILABLE: N/A

FUND: N/A

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: N/A

STATUTORY REFERENCE: 23 U.S.C. 154. Section 1029 of the 1991 ISTEA.

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND AND ISTEA PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amended the national speed limit law so as to:

Make permanent the law allowing 65 mph speed limit on some non-Interstate highways that are constructed to Interstate standards.

Provide for data collection on roads posted at 65 mph as well as 55 mph.

Require regulations for a new speed limit monitoring and compliance program that will take into account different types of roads and the degree to which the speed limit is exceeded.

Transfer of funds as determined through rulemaking will be required if the States fail to enforce the speed limit. However, an enforcement moratorium is provided for failure to comply, in FY's 1990 and 1991, with the speed limit requirements in effect before the 1991 ISTEA.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Highway Safety (HHS-30).

NATIONAL, RIDESHARING DEMONSTRATION

STATUS: INACTIVE. Very limited funds may be approved for obligation by UMTA as deemed appropriate by the Office of Traffic Operations (HTO-32), but for all practical purposes this categorical program has ended.

APPROPRIATION CODES:

944 - FHWA GOE funds.

244 - UMTA Section 6 funds.

FEDERAL PARTICIPATION: See comments.

PERIOD AVAILABLE: The 944 funds were available only during FY 1979. The 244 funds were available only during FY's 1979-1981.

FUND: Highway Trust Fund / General Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: 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% or 25%) were committed to the project.

Demonstration funds generally did not exceed \$250,000 per project.

The 944 funds were derived from the Trust Fund and were available for obligation during FY 1979 only. The 244 funds were derived from the General Fund and were available for obligation during FY's 1979-1981.

Also, not to be confused with the National Ridesharing Demonstration Program, a National Ridesharing Discretionary Program provided funds for carpool and vanpool projects under appropriation codes 171, 172, 174, and 175.

ADDITIONAL INFORMATION: Additional information may be obtained from the Traffic Operations Division (HTV-30).

NATIONAL RIDESHARING DISCRETIONARY PROGRAM

STATUS INACTIVE. Very limited funds remain available for obligation as deemed appropriate by the Office of Traffic Operations and Intelligent Vehicles/Highway Systems (HTV-30), but for all practical purposes this categorical program has ended.

APPROPRIATION CODES:

172 and 174 - Grants and loans.
171 and 175 - Technical assistance.

FEDERAL PARTICIPATION: 75%

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: Budget

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 126 of the 1978 STAA (Public Law 95-599).

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 & 172) and another \$3 million in July 1980 (codes 174 & 175). Projects were submitted to, selected by, and administered by FHWA Headquarters. A limited amount of the 174 funds remains available for obligation as deemed appropriate by the Office of Traffic Operations and Intelligent Vehicle/Highway Systems (HTV-30).

The current funding status may be obtained through the Fiscal Management Information System (FMIS) and/or from the Office of Traffic Operations (HTO-32).

In addition to the discretionary funds, eligible carpool and vanpool projects can be funded with primary, secondary, urban, and Interstate 4R (in conjunction with reconstruction) funds. (23 U.S.C. 137, 142, and 146). Federal participation is based on the Federal share payable for any other project on the Federal-aid system which benefits from the carpool or vanpool project, but can be as much as 100 percent. (23 U.S.C. 120(d)).

ADDITIONAL INFORMATION: Additional information may be obtained from the Traffic Operations Division (HTV-30).

NEW COMMUNITY ASSISTANCE GRANTS

STATUS: INACTIVE.

APPROPRIATION CODE: 819

FEDERAL PARTICIPATION: See comments.

PERIOD AVAILABLE: As specified by HUD when funds are granted.

FUND: Agency Transfer.

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: N/A

FHPM/CFR REFERENCE: None

STATUTORY REFERENCE: Section 718 of the Urban Growth and New Community Development Act of 1970.

ELIGIBILITY: N/A

BACKGROUND:

This was a supplementary grant program under the authority of Section 718 of the Urban Growth and New Community Development Act of 1970.

The Department of Housing and Urban Development transferred funds to the FHWA to supplement the funding of projects in (a) Maumelle, Arkansas and (b) North Carolina.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

NON-URBANIZED PUBLIC TRANSPORTATION

STATUS: INACTIVE. Transferred to UMTA effective 10/1/83.

APPROPRIATION CODES:

- 770 - 1981 & Subsequent Years, General Fund, Non-operating and Operating Expenses
- 771 - 1981 & Subsequent Years, General Fund, Program Administration and Technical Assistance
- 786 - 1983, HTF, Non-operating Expenses
- 787 - 1983, HTF, Program Administration and Technical Assistance
- 881 - 1980 & Prior Years, General Fund, Non-operating and Operating Expenses
- 882 - 1980 & Prior Years, General Fund, Program Administration and Technical Assistance

FEDERAL PARTICIPATION: 80% for construction and 50% for operating expenses for codes 770 and 881; 100% (limited to 15% of apportionment) for codes 771, 787, and 882; and 80% for construction for code 786.

PERIOD AVAILABLE: FY + 2 years (lapsed funds reapportioned among other States).

FUND: General Fund 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: Budget

STATUTORY REFERENCE: Section 313 of the 1978 STAA (Public Law 95-599).

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% 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 & project), and operating expenses.

This program, jointly implemented by FHWA and 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 Fund. The 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% of the apportionment could be used for administration and technical assistance was continued. New appropriation codes (786 and 787) were established to account for the trust fund appropriations. General fund appropriations continued to be controlled by codes 770 and 771.

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 10/01/83.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

OFF-SYSTEM ROADS

STATUS: INACTIVE. Merged into the Safer Off-System Roads program by the Federal-aid Highway Act of 1976.

APPROPRIATION CODE: 627

FEDERAL PARTICIPATION: 75%

PERIOD AVAILABLE: FY + 3 years. Availability expired on 9/30/79.

FUND: General Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 219 (See comments).

CFR REFERENCE: 23 CFR 922.

ELIGIBILITY: N/A

BACKGROUND:

Section 122 of the Federal-aid Highway Amendments of 1974 (Public Law 93-643) established the Off-System Roads program. It was codified 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 (FHWA Notice N 4510.63, Paragraph 3a). The period of availability for the Off-System Roads funds expired 9/30/79; therefore, unobligated funds lapsed. Funds released (deobligated) from a project could only be used to cover overruns on other projects. They could not be used for new authorizations or changes in scope on other projects.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Highway Safety (HHS-20) or the Office of Engineering (HNG-12).

PAVEMENT MARKING DEMONSTRATION PROGRAM

STATUS: CONTINUING USE OF HIGHWAY FUNDS. The categorical Pavement Marking Demonstration Program (PMDP) was repealed by the 1987 STURAA, but regular Federal-aid construction funds may still be used for PMDP purposes.

APPROPRIATION CODE: 140 for categorical funds. Same as source funds for regular funds.

FEDERAL PARTICIPATION: 100%

PERIOD AVAILABLE: FY + 3 years for categorical funds (availability expired on 9/30/84). Same as source funds for regular funds.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation for categorical funds. Same as source funds for regular funds.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 151 (Repealed).

CFR REFERENCE: 23 CFR 920

ELIGIBILITY: Funds appropriated under 23 U.S.C. 104 may be used at up to a 100% Federal share for any activities related to pavement marking.

BACKGROUND:

The Pavement Marking Demonstration Program was established by Section 205 of the Highway Safety Act of 1973 (Title II of Public Law 93-87) and codified 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 FY's 1974-1976.

The Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) authorized funds for FY's 1979-1981. This Act amended the pavement marking program 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 this program by permitting a Federal share of up to 100% 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 pavement marking demonstration program.

ISTEA PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) retained the provision in 23 U.S.C. 120(c) [formerly 120(d)] permitting funds appropriated under 23 U.S.C. 104 to be used at up to a 100% Federal share for pavement markings.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Highway Safety (HHS-20) or the Office of Engineering (HNG-12).

PLANNING AND RESEARCH (PR)

STATUS: Continuing only until unobligated source funds apportioned in FY 1991 and previous fiscal years are obligated, transferred, or lapsed.

APPROPRIATION CODES:

A01 -- PR-Priority Primary
A04 -- PR-Consolidated Primary
A07 -- PR-Primary
A08 -- PR-Primary, Exclusive of Extensions in Urban Areas
B07 -- PR-Secondary
B08 -- PR-Secondary, Exclusive of Extensions in Urban Areas
co7 -- PR-Urban
C08 -- PR-Traffic Operation Projects in Urban Areas
wo7 -- PR-Urban System
W08 -- PR-Urban System

FEDERAL PARTICIPATION: 85% normal pro-rata share. The Federal share may be increased up to 95% in States with large areas of public lands.

PERIOD AVAILABLE: FY + 3 years (same as for source funds).

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A - 1/2% may be earmarked from certain funds apportioned to each State if requested by a State.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 307(c)(3) --Prior to passage of the 1991 ISTEA (See Section 6001 of the 1991 ISTEA).

CFR REFERENCE: 23 CFR 420

ELIGIBILITY: Remaining funds may be used for engineering and economic surveys and investigations; for the planning of future highway programs and local public transportation systems and for planning for the financing thereof; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; for research and development, necessary in connection with the planning, design, construction, and maintenance of highways and highway systems; and for study, research and training on engineering standards and construction materials, including evaluation and accreditation of inspection and testing, and the regulation and taxation of their use.

BACKGROUND:

Planning and Research (PR) funds were established by the Federal-aid Highway Act of 1962 (Public Law 87-866) as an optional 1/2% of non-Interstate system funds for planning and research over and above the 1 1/2% Highway Planning and Research (HPR) amount that the Act changed from optional to exclusive.

PR funds were set up from available balances as requested by a State highway agency (SHA). They retained their source identity. Attributable urban system funds could be obligated for PR projects in accordance with the provisions of 23 U.S.C. 307(c)(3). States obligating urban system funds for PR projects had to spread the deductions equitably over the attributable and non-attributable portions of the urban system apportionments.

Prior to the enactment of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424), the Federal participating share was the same as that established for the source of funds. Effective with the 1982 STAA the Federal share became 85%, except for public lands States which could use the sliding scale rates up to a maximum 95%.

Source funds for 1/2% PR projects came from the Priority Primary, Consolidated Primary, Primary System (exclusive of extensions in urban areas), Secondary System (exclusive of extensions in urban areas), Urban System, and TOPICS programs.

ISTEA PROVISIONS:

Section 6001 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amended 23 U.S.C. 307(c) and deleted provisions for the PR Program.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Environment and Planning (HEP-20).

PRIORITY PRIMARY

STATUS: CONTINUING USE OF HIGHWAY FUNDS. Incorporated into the Consolidated Primary Program. To continue the intent of the program, regular Federal-aid system funds were available for use for priority primary projects designated in Congressional legislative history, but the 1991 ISTEA repealed this provision.

APPROPRIATION CODE: A12

FEDERAL PARTICIPATION: 75%

PERIOD AVAILABLE: FY + 3 years; however, availability expired on 9-30-79.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 147.

CFR REFERENCE: 23 CFR 120(k)& 470.

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 FY's 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".

At the same time, discretionary funds were made available for priority primary routes by sections 105(c)(1&2) of the 1976 Act, which provided that \$50 million of the sums authorized for each of FY's 1977-1978 for use on 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. 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 FY's 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. 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.

Earmarked funds were discontinued after FY 1983. However, to continue the development of certain priority primary routes, Section 117(c) of the 1982 Act added a new section, 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% 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 were eligible for a 95% Federal share 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.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Office of Engineering (HNG-12).

PRIORITY PRIMARY DISCRETIONARY

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, prior to the 1991 ISTEA, for priority primary projects designated in Congressional legislative history. The 1991 ISTEA repealed this provision.

APPROPRIATION CODE: 071

FEDERAL PARTICIPATION: 75%

PERIOD AVAILABLE: FY + 3 years; however, availability expired on 9/30/86.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 120(k) & 147

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 FY's 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&2) of the 1976 Act, which provided that \$50 million of the sums authorized for each of FY's 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 FY's 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.

Earmarked funds were not been 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% 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 at least 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.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Office of Engineering (HNG-12).

PRIMARY SYSTEM 3R/4R

STATUS: INACTIVE. The 1987 STURAA did not continue the 40% 4R requirement for FY's 1987-1991.

APPROPRIATION CODES:

110 - For FY 1979-82 funds.

010 - Same as source funds for FY 1984-86 funds.

FEDERAL PARTICIPATION: 75%

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A - deduction from Primary System funds.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: Section 105(d) of the 1982 STAA (Public Law 97-424).

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND:

Section 104(d)(1) of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) added a new requirement that 20% or more of a State's primary apportionment for each of FY's 1979-1982 had to be obligated for 3R type projects (i.e., resurfacing, restoration, and rehabilitation) on the Federal-aid Primary System (including extensions in urban areas and priority primary routes). Funds used for this purpose were identified with a separate appropriation code (110) to ensure effective fund control.

The FY 1983 funds were unencumbered with a percentage set aside for 3R or 4R.

Section 105(d) of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) changed the 20% to 40% and added a fourth R, reconstruction, applicable to funds apportioned for FY's 1984-1986. The 40% requirement was not identified with a separate appropriation code.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) did not continue the 40% 4R requirement for FY 1987-1991 Primary System funds.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Office of Engineering (HNG-12).

RAIL CROSSINGS DEMONSTRATION (NORTHEAST CORRIDOR)

STATUS: INACTIVE. All work has essentially been completed.

APPROPRIATION 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 PARTICIPATION: 100%

PERIOD AVAILABLE: Until expended

FUND: General Fund and Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: 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 Northeast Corridor 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 Fund.

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 Federal share payable for these projects was originally set at 80% Federal, 10% State, and 10% Railroad for projects not on a

Federal-aid system, and 90% Federal, 10% 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%.

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 Northeast Corridor. The 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 SHA'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.

Authorization and appropriation information is provided on the next page.

Rail Crossings Demonstration
(Northeast Corridor And Greenwood, SC)

STATUS OF 23 U.S.C. 322 FUNDING
(Appropriation Code 693)

<u>FISCAL YEAR</u>	<u>AUTHORIZATION</u>	<u>APPROPRIATIONS</u>	
		<u>GENERAL FUND</u>	<u>TRUST FUND</u>
1971	\$31,000,000	---	---
1972	---	\$7,000,000	\$3,000,000
1973	---	1,400,000	600,000
1974	---	9,800,000	4,200,000
1975	730,000	965,000	1,930,000
1982	---	2,835,000*	
	<u>\$31,730,000</u>	<u>\$22,000,000</u>	<u>\$9,730,000</u>

* This appropriation was specifically for the Greenwood, SC, project.

STATUS OF FRA TRANSFERS TO FHWA
(Appropriation Codes 824 & 853)

<u>FISCAL YEAR</u>	<u>FRA FUNDS TRANS- FERRED TO FHWA</u>	<u>REFERENCE</u>
1978	\$12,000,000	4R Act
1979	35,000,000	1978 STAA, 1979 Supp. Approp. Act
1980	31,000,000	1978 STAA, 1980 DOT Approp. Act
1981	<u>(2,000,000)**</u>	
	\$76,000,000	

** On January 9, 1981, FHWA returned \$2 million to FRA so that it could, working through its existing signal contracts, provide for the needed warning devices and associated track circuitry items for the at-grade crossings.

ADDITIONAL INFORMATION: Additional information may be found in the Office of Engineering's annual report entitled "FHWA Demonstration, Priority Primary, and Special Projects Status Report," and/or may be obtained from the Office of Engineering (HNG-12).

RAIL-HIGHWAY CROSSINGS PROGRAM

STATUS: Continuing only until funds apportioned in FY 1991 and previous fiscal years are obligated, transferred, or lapsed. Even though the categorical funds are no longer available, regular Federal-aid construction funds can be used for the elimination of rail-highway crossing hazards. In particular, 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).

APPROPRIATION CODES:

138 -- Elimination of Hazards, FY 1991 and Prior Years
139 -- Protective Devices, FY 1991 and Prior Years
33M -- STP, Rail-Highway Crossings, Protective Devices
33N -- STP, Rail-Highway Crossings, Elimination of Hazards
33x -- STP, Rail-Highway Crossings, Protective Devices,
100% for Safety
33Y -- STP, Rail-Highway Crossings, Elimination of Hazards,
100% for Safety

FEDERAL PARTICIPATION: Same as source funds, but can be increased to as much as 100% under the provisions of 23 U.S.C. 120(c). The old rules apply to unobligated categorical funds. Prior to the 1991 ISTEA, the normal pro-rata share was 90%.

PERIOD AVAILABLE: Same as source funds. The old rules apply to unobligated categorical funds. Prior to the 1991 ISTEA, the availability period was FY + 3 years.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: NA. Prior to the 1991 ISTEA, apportionments were 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). Section 1007 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: 23 CFR 646B

ELIGIBILITY: Remaining categorical funds and regular Federal-aid highway construction funds apportioned under 23 U.S.C. 104 may be 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 is limited to public crossings located on Federal-aid highways.

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 FY's 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) and that the remaining funds had to be used for the elimination of hazards at rail-highway grade crossings (code 138).

The Highway Safety Act of 1976 (Public Law 94-280) continued the program by authorizing funding for FY's 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 FY's 1979-1982. Funds were totally from the 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 FY's 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 FY's 1987-1991, codified the program 23 U.S.C. 130(d-h), and repealed Section 203 of the 1973 and subsequent highway Acts. In addition to, but separate from the categorical rail-highway crossings program, 23 U.S.C. 130(a-c) made provisions for the use of regular Federal-aid highway construction funds, such as primary, secondary, and urban funds, for elimination of the hazards of rail-highway crossings.

ISTEA PROVISIONS:

The Inter-modal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) does not provide earmarked funds subsequent to FY 1991 for the Rail-Highway Crossings Program. However, the 1991 ISTEA does do the following:

- In not revising 23 U.S.C. 130(a-c), provisions continue for the use of regular Federal-aid highway construction funds (i.e., those funds apportioned under 23 U.S.C. 104) for the elimination of hazards of rail-highway crossings at public crossings located on Federal-aid highways.
- Stipulates in Section 1007 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).

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12) or the Office of Highway Safety (HHS-20).

RAIL-HIGHWAY CROSSINGS-OFF-SYSTEM

STATUS: INACTIVE. Incorporated into the categorical on-system program by the STAA of 1978 (Public Law 95-599).

APPROPRIATION CODES:

685 - Elimination of Hazards.
686 - Protective Devices.

FEDERAL PARTICIPATION: 90%

PERIOD AVAILABLE: FY + 3 years. Availability expired on 9/30/81.

FUND: General Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: Section 203 of the Highway Safety Act of 1976 (Public Law 94-280).

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 FY's 1977 and 1978.

At least 50% 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) incorporated this off-system program into 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: Additional information may be obtained from the Office of Engineering (HNG-12) or the Office of Highway Safety (HHS-20).

REGIONAL DEVELOPMENT

STATUS: INACTIVE

APPROPRIATION CODE: 808

FEDERAL PARTICIPATION: See comments.

PERIOD AVAILABLE: 7/1/70 - 9/30/81 (funds have lapsed).

FUND: Agency Transfer.

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: N/A

TITLE 23 REFERENCE: None

STATUTORY REFERENCE: Public Works and Economic Development Act of 1965.

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND:

Title V of the Public Works and Economic Development Act of 1965 authorized the Secretary of Commerce to designate economic development regions and to establish appropriate regional commissions. From time to time, the Title V Commissions awarded supplemental grants to assist in the construction of highway and bridge projects. The original purpose of the Title V Commissions was to reduce unemployment through increased economic development within the region. Although the Commissions were authorized substantial funding, appropriations were limited, and much of the Commissions' activity centered on review and coordination of economic development plans prepared by State and local governments. On a limited basis, the Commissions also awarded supplemental grants for projects eligible under various Federal grant-in-aid programs.

RESEARCH AND DEVELOPMENT ADMINISTRATIVE FUNDS

STATUS: INACTIVE. This program was replaced by a Research and Technology Program under provisions contained in Section 6001 of the 1991 ISTEA.

APPROPRIATION CODES: 248, 942, and 953 - See comments.

FEDERAL PARTICIPATION: 100%

PERIOD AVAILABLE: Until expended--unobligated balances at the end of a fiscal year may be reinstated for use in the next fiscal year.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 104(a). 23 U.S.C. 307(a)&(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)&(b). These administrative funds were provided to the Associate Administrator for Research, Development, and Technology (HRD-1), who in turn allocated either a lump sum amount to each Region for use during the fiscal year or provided a separate authorization of funds to cover each activity as it occurred.

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)&(b) and in so doing replaced this program with an expanded Research and Technology Program.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Research and Development Operations and Support (HRD-10).

RIGHT-OF-WAY REVOLVING FUND (ADVANCE ACQUISITION OF RIGHTS-OF-WAY)

STATUS: CONTINUING USE *OF* HIGHWAY FUNDS.

APPROPRIATION CODE: 102

FEDERAL PARTICIPATION: Same as source funds.

PERIOD AVAILABLE: Until Expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Annual DOT appropriations acts limit the amount of loans that can be made in a given fiscal year.

STATUTORY REFERENCE: 23 U.S.C. 108. Section 1017 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: 23 CFR 130D & 712G.

ELIGIBILITY: Funds apportioned to a State under Title 23 may be used to participate in the payment *of* costs incurred by a State for the advance acquisition of rights-of-way if the rights-of-way are subsequently incorporated into a project eligible for Surface Transportation Program (STP) funds.

BACKGROUND:

The Advance Acquisition of Rights-of-Way Program was established by section 110(a) of the Federal-aid Highway Act of 1956 (Public Law 84-627). Since then it has been amended by various Acts to its current status, especially Section 7 of the Federal-aid Highway Act of 1968 (Public Law 90-495), which established the revolving fund feature. The Right-Of-Way Revolving Fund was authorized for the purpose of advancing money to the States to facilitate the acquisition of rights-of-way on any Federal-aid system. This legislation is codified 23 U.S.C. 108.

Sums authorized to be appropriated to the Revolving Fund were to 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 had to begin not less than 2 years nor more than 10 years after the advance of funds, unless an earlier or later termination date was approved by the Division Administrator.

Funds from the Revolving Fund were originally apportioned in accordance with section 7(d) of the 1968 Highway Act, but are now allocated on a discretionary basis, based on a consideration of each State's need for and ability to use such advances.

ISTEA PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued the program for advance acquisition of rights-of-way but amended 23 U.S.C. 108 as follows:

- Actual construction of a highway on right-of-way acquired by the Revolving Fund must begin not less than 2 years nor more than 20 years after the advance of funds, unless an earlier or later termination date is approved by the Division Administrator.
- Funds apportioned to a State under Title 23 may be used to participate in the payment of costs incurred by a State for the advance acquisition of rights-of-way if the rights-of-way are subsequently incorporated into a project eligible for Surface Transportation Program (STP) funds.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Right-of-Way (HRW-10).

RURAL PRIMARY

STATUS: INACTIVE. Incorporated into the Consolidated Primary Program.

APPROPRIATION CODE: 073

FEDERAL PARTICIPATION: 75%

PERIOD AVAILABLE: FY + 3 years; however, availability expired on 9/30/79.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: Section 104(a)(1) of the Federal-aid Highway Act of 1973 (Public Law 93-87).

CFR REFERENCE: 23 CFR 470A

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 FY's 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: Additional information may be obtained from the Office of Office of Engineering (HNG-12).

RURAL SECONDARY

STATUS: Continuing only until funds apportioned in FY 1991 and previous fiscal years are obligated, transferred, or lapsed.
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 are two systems--National Highway System (NHS) and Interstate System, which is a component of the NHS. Unobligated funds apportioned to a State for the Secondary System remain available for obligation under the old rules set forth below or may be transferred to the STP program.

APPROPRIATION CODE:

075 -- Rural Secondary
33D -- STP-State Flexible

FEDERAL PARTICIPATION: 75%

PERIOD AVAILABLE: FY + 3 years

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), 104(b)(2), and 117(f).

CFR REFERENCE: 23 CFR 470A

ELIGIBILITY: Unobligated funds apportioned to a State for the Secondary System remain available for obligation under the pre-ISTEA rules or may be transferred to the STP program. These funds may be used planning, engineering, construction, and other related activities.

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 (1982 STAA, Public Law 97-424) provided that 40% 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 (1987 STURAA, Public Law 100-17).

The normal Federal share for Rural Secondary projects is 75%. However, in accordance with section 117(c) of the 1982 STAA, as amended by Section 117(d&e) of the 1987 STURAA, if Secondary funds are used for Economic Growth Center and Access Highways to Public Recreation Areas on Certain Lakes projects, the Federal share may be up to 95%, unless a higher pro-rata matching share is authorized by law; if Secondary funds are used for Great River Road projects, the Federal share may be 75 to 95%; and if Secondary funds are used for Federal Lands projects the Federal share may be up to 100 percent.

The 1987 STURAA authorized \$600,000,000 per fiscal year for each of FY's 1987-1991 for projects on the Federal-aid Secondary System in rural areas.

ISTEA PROVISIONS:

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, remain available for obligation under the old rules or may be transferred to the STP program. Transferred funds are not subject to sub-allocation and will be transferred into the State flexible appropriation code, 33D. The last apportionments of funds for the Secondary System were for FY 1991.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Office of Engineering (HNG-12).

RURAL TECHNICAL ASSISTANCE PROGRAM (RTAP)

STATUS : CONTINUING USE OF HIGHWAY FUNDS.

APPROPRIATION CODES: 945, 946, and 94A.

FEDERAL PARTICIPATION: 50% (100% for FHWA initiated technical projects) - See comments.

PERIOD AVAILABLE: Until expended.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation - See comments.

TYPE OF AUTHORITY: Contract (Part of annual GOE budget).

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 104(a) and the DOT and Related Agencies Appropriation Act, 1982.

CFR REFERENCE: None

ELIGIBILITY: Congress has appropriated funds for the FHWA to use to provide training and technical assistance to rural and small urban governments on roads, bridges, and public transportation.

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 RTAP, Congress, in FY 1983, directed that the funding be used to develop a program and implementation schedule setting forth the special needs of rural transportation and to identify how the RTAP program could help meet these needs. This program was to be implemented under the provisions of 23 U.S.C. 104(a).

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.

The initial funds for FY 1982 were included in the limitation on General Operating Expenses (GOE) and were to remain available

until expended. Since FY 1982, the FHWA has continued to include funding for RTAP, about \$4,000,000 per year, in its annual GOE budget. Funds are allocated by the FHWA Headquarters Office to the Regional offices.

The RTAP goals are to:

- Provide rural local agencies access to modern highway technology.

- Assist rural local agencies to develop and expand their expertise in roads and transportation areas.

- Assist rural local agencies to improve roads and bridges, and to enhance programs for the movement of passengers and freight.

- Assist rural local agencies to deal effectively with specific road related problems.

- Promote effective networking and cooperation among Federal, State, local, and technology transfer (T2) centers.

To accomplish these goals, the FHWA, in cooperation with State highway agencies (SHA's) and universities, has established a nationwide system of T2 centers in the 50 States and Puerto Rico. These T2 centers provide essential training to counties, small cities, and towns, and distribute a wide range of new technology to local agencies. Annual funding for T2 centers is 50% Federal RTAP funds up to \$100,000 and 50% or more matching funds obtained from (a) State, university, and local funds, (b) contributed resources and services, (c) training funds, (d) HPR funds, and (e) safety funds. FHWA initiated activities are funded at 100% Federal funds. The centers operate under agreements with their respective SHA's which, in turn, have Federal-aid agreements with the FHWA. In most cases the centers receive assistance from SHA's 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.

ISTEA PROVISIONS:

Section 6004 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continues and expands 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.
- 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.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Technology Applications (HTA-12).

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION

STATUS: INACTIVE. Closed on 9/30/85.

APPROPRIATION CODE: 616

FEDERAL PARTICIPATION: 100%

PERIOD AVAILABLE: Until expended. Program was closed on 9/30/85.

FUND: Trust 2/3, General 1/3.

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Budget

STATUTORY REFERENCE: Section 147 of the Federal-aid Highway Act of 1973 (Public Law 93-87).

CFR REFERENCE: 23 CFR 820.

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 FY's 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: Additional information may be obtained from the Office of Engineering (HNG-12).

SAFER OFF-SYSTEM ROADS

STATUS: INACTIVE. The last appropriation was for FY 1980.

APPROPRIATION CODES:

679 -- Bridge Inventory (Off-system bridges)
680 -- Construction (SOS and sliding scale projects).

FEDERAL PARTICIPATION: 75%

PERIOD AVAILABLE: FY + 3 years. Availability expired on 9/30/83.

FUND: General Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Budget

STATUTORY REFERENCE: 23 U.S.C. 219 (Repealed).

CFR REFERENCE: 23 CFR 922

ELIGIBILITY: N/A

BACKGROUND:

The Safer Off-System Roads Program was established by Section 135 of the Federal-aid Highway Act of 1976 (Public Law 94-280), which combined the Off-System 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 FY's 1977-1981; however, only about \$360-million of this amount was ever appropriated by Congress. These funds came from the General Fund, rather than from the Highway Trust Fund, and hence were subject to specific Congressional appropriations each year. The last appropriation was for FY 1980; therefore, there is no obligation authority available for new authorizations and the program is now inactive.

The Safer Off-System 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% of the funds obligated in any fiscal year had to be obligated for highway safety construction projects.

Congressional guidance related to this fund indicated that it could be utilized by a State only after the State had fully committed its existing balances of FY 1976 Off-System (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. A separate appropriation code, 679, was established for reporting usage of these funds.

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: Additional information may be obtained from the Office of Highway Safety (HHS-20) or the Office of Engineering' (HNG-12).

SAFER ROADS DEMONSTRATION

STATUS: INACTIVE. Merged into the Safer Off-System Roads program by the Federal-aid Highway Act of 1976.

APPROPRIATION CODE: 148

FEDERAL PARTICIPATION: 90%

PERIOD AVAILABLE: FY + 3 years. Availability expired on 9/30/79.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 405 (Repealed)

CFR REFERENCE: 23 CFR 924

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 FY's 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: Additional information may be obtained from the Office of Highway Safety (HHS-20) or the Office of Engineering (HNG-12).

SECONDARY

STATUS: INACTIVE. Replaced by Rural Secondary Program.

APPROPRIATION CODE: 022

FEDERAL PARTICIPATION: 70%

PERIOD AVAILABLE: FY + 3 years; however, availability expired on 6/30/76.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 103(c) and 117(f).

CFR REFERENCE: 23 CFR 470A and 642.

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: Additional information may be obtained from the Office of Engineering (HNG-12).

SECONDARY 3R/4R

STATUS: INACTIVE. The 1987 STURAA did not continue the 40% 4R requirement for FY's 1987-1991.

APPROPRIATION CODES:

079 - For FY 1979-1982 funds.

075 - Same as source funds for FY 1984-1986 funds.

FEDERAL PARTICIPATION: 75%

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A - deduction from Secondary System funds.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 105(d) of the 1982 STAA (public Law 97-424).

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND:

Section 104(d)(2) of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) added a new requirement that 20% or more of a State's apportionment for the Secondary System in rural areas for each of FY's 1979-1982 must be obligated for 3R activities (i.e., resurfacing, restoration, and rehabilitation) on the Federal-aid Secondary System. Funds used for this purpose were identified with a separate appropriation code (079) to ensure effective fund control. The FY 1983 funds were unencumbered with a percentage setaside for 3R purposes.

Section 105(d) of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) expanded the 3R program to a 4R program by adding reconstruction and also required that 40% or more of the Rural Secondary apportionments for FY's 1984-86 were to be used for 4R purposes. The 40% requirement was not identified with a separate appropriation code.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) did not continue the 40% 4R requirement for FY 1987-1991 Secondary System funds.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Office of Engineering (HNG-12).

SLIDING SCALE RATES

STATUS: CONTINUING USE OF HIGHWAY FUNDS. The Federal share may be increased in States containing public lands in accordance with sliding scale rates determined by the FHWA.

APPROPRIATION CODE: Same as source funds.

FEDERAL PARTICIPATION: Varies. See the latest FI-IWA 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

FHPM/CFR REFERENCE: None

STATUTORY REFERENCE: 23 U.S.C. 120(a), 120(b)(1), & 120(b)(2)

ELIGIBILITY: The Federal share may be increased in States containing public lands in accordance with fluctuating rates determined by the FHWA and published periodically in the FHWA Notices in the 4540 series. More information is contained in the discussion below.

BACKGROUND:

The Federal share may be increased in States containing public 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 rates 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).

- 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% 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%.

23 U.S.C. 120(b) (1) provides rates for projects that are not on the Interstate System.

- 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% 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%.

23 U.S.C. 120(b) (2) also provides rates for projects that are not on the Interstate System.

- 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%.
- These rates are available for States that have signed agreements pursuant to 23 U.S.C. 120(b)(2).

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Fiscal Services (HFS-31).

SPECIAL URBAN HIGH DENSITY

STATUS: Continuing only until funds apportioned in FY's 1981 and 1987 are obligated.

APPROPRIATION CODES:

107 -- Funds authorized in the 1981 and 1987 Acts

134 -- Funds authorized in the 1973, 1976, & 1978 Acts

FEDERAL PARTICIPATION: 90%

PERIOD AVAILABLE: FY + 3 Years for 134 funds. Until expended for 107 funds.

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).

ELIGIBILITY: Remaining funds may be used for construction of the projects discussed below.

CFR REFERENCE: None

BACKGROUND:

Section 125(a) of the Federal-aid Highway Act of 1973 (Public Law 93-87) initiated this program, which was codified 23 U.S.C. 146, and authorized \$50 million for each of FY's 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 FY's 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 (190/84) 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 appropriation code 134. All 134 funds had a lapse date on or before September 30, 1982. The funds authorized in the 1981 and 1987 Acts are available until expended and have appropriation code 107.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

SUPPORTIVE SERVICES

STATUS: CONTINUING USE OF HIGHWAY FUNDS. Up to 1/4 of 1 percent of apportioned STP and HBRRP funds, not to exceed \$10 million per fiscal year, may be used for the skill training program described in 23 U.S.C. 140(b). Administrative funds deducted pursuant to 23 U.S.C. 104(a), up to \$10 million per fiscal year, may continue to be used for the DBE training program described in 23 U.S.C. 140(c).

APPROPRIATION CODES:

123 -- Skill training and DBE training, FY 1987 and Prior Years.
12B -- Skill training after FY 1987.
12c -- DBE training after FY 1987.

FEDERAL PARTICIPATION: 100% (State funds may be used to enhance or supplant supportive services allocations).

PERIOD AVAILABLE: See Below

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation - See Below

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: 23 U.S.C. 140. Sections 1003(b) and 1026 of the 1991 ISTEA.

CFR REFERENCE: 23 CFR 230.113, .117, .119 & .201.

ELIGIBILITY: Supportive Services funds are to be used to provide (a) skill training, and (b) disadvantaged business enterprise training and assistance for minority and women owned businesses.

BACKGROUND:

Supportive Services consists primarily of:

- Skill Training, and
- Disadvantaged Business Enterprise Training and Assistance for Minority and Women Owned Businesses.

Skill training funds were first authorized under Section 110 of the Federal-aid Highway Act of 1970 (Public Law 91-605), and subsequent amendments, and codified as 23 U.S.C. 140(b). These funds were to be used to increase the overall effectiveness of on-the-job (OJT) training programs in skills used in the highway

construction industry. This was intended to increase opportunities for minorities, women, and the disadvantaged in crafts in which they have been historically underrepresented. These supportive services could be, but were not usually a part of the actual OJT craft training. Rather, they were intended to provide such things as (a) services related to recruiting, counseling, etc., (b) services in connection with the administration of OJT training programs being sponsored by contractors or other groups, and (c) services designed to develop the capabilities of prospective trainees. Section 337 of the General Provisions in the FY 1990 DOT appropriations act (Public Law 101-164) provided that 1/4 of 1 percent of the States' apportionments of Interstate, Primary, Secondary, Urban, Bridge, Hazard Elimination, and Rail-Highway Crossing funds were available in FY's 1990-1991, at the State's discretion, for the 23 U.S.C. 140(b) skills training program.

Disadvantaged business enterprise (DBE) funds for training and assistance for minority and women owned businesses were first authorized under section 119(b) of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424), and codified as 23 U.S.C. 140(c). These administrative funds were to be used to provide training and technical assistance to DBE's to increase their access to contracting opportunities in the highway construction industry.

ISTEA PROVISIONS:

Section 1026(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amends 23 U.S.C. 140(b) and provides that up to 1/4 of 1 percent of apportioned Surface Transportation Program (STP) and Bridge Program (HBRRP) funds may be used for the skills training program described in 23 U.S.C. 140(b), up to a maximum of \$10 million per fiscal year.

No funding related changes were made to 23 U.S.C. 140(c); hence, the DBE training program continues at a funding level of \$10 million per fiscal year using administrative funds deducted pursuant to 23 U.S.C. 104(a).

The 1991 ISTEA also stipulates that States may implement a preference for the employment of Indians on Federal-aid projects carried out near Indian reservations.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Civil Rights (HCR-1).

TEMPORARY MATCHING FUND (FY's 1983-1984)

STATUS: INACTIVE. All actions authorized under this waiver provision have been completed.

APPROPRIATION CODES:

11R, 11V, 11W, 11Y -- Increased Federal share for HBRRP funding categories 114, 117, 118, & 119.
01L, A3T, 19T, 11L -- Increased Federal share for Consolidated Primary funding categories 101, A35, A12, & 110.
07M -- Increased Federal share for Discretionary Priority Primary funding category 071.
01U -- Increased Federal share for Economic Growth Center funding category 106.
13T -- Increased Federal share for Great River Road funding category 135.
14M -- Increased Federal share for Hazard Elimination funding category 141.
04N, 05R, 04R -- Increased Federal share for Interstate funding categories 042, 054, & 044.
17V, 17W -- Increased Federal share for Interstate funding categories 177 & 178.
16L -- Increased Federal share for Minimum Allocation funding category 160.
13W, 13Y -- Increased Federal share for Rail-Highway Crossings funding categories 138 & 139.
07T, 07Y -- Increased Federal share for Rural Secondary funding categories 075 & 079.
W3N, W3U -- Increased Federal share for Urban funding categories W32 & W36.

FEDERAL PARTICIPATION: up to 100%.

PERIOD AVAILABLE: January 6, 1983 - September 30, 1984.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: Section 145 of the Surface Transportation Assistance Act of 1982 (public Law 97-424).

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 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% 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 all matching fund waiver projects authorized from 1/6/83 to 9/30/84.

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 FY 1985 and FY 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: Additional information may be obtained from the Office of Fiscal Services (HFS-21).

TERRITORIAL HIGHWAYS

STATUS : CONTINUING USE OF HIGHWAY FUNDS. 1% NHS Set Aside.

APPROPRIATION CODES:

127, 622, 623, 624, 625, 626, 644, 645, and 660 for FY 1971-1982 General Funds.

Same as source funds for FY's 1983-1991 Highway Trust Funds.

31E -- NHS Funds for the Territories

31F -- HPR Funds for the Territories

FEDERAL PARTICIPATION: 100%

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: See Below

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 104(b)(1), 215, and 307(c).
Sections 1006(e) and 6001 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: The NHS funds earmarked for the Territories can be used for any activity defined in 23 U.S.C. 103(i). Funds transferred from the NHS to the STP can be used for any activity defined in 23 U.S.C. 133(b), which includes bridges and work activities as described in 23 U.S.C. 133(b)(3) and (4) on any public road.

BACKGROUND:

The Federal-aid Highway Act of 1970 (Public Law 91-605) created the Territorial Highway Program. It added 23 U.S.C. 215 and authorized assistance and funding in Guam, American Samoa, and the Virgin Islands. The Commonwealth of Northern Mariana Islands was added to the program in 1978.

Until 1978, the Federal share was 70%. The Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) increased the Federal share to 100% where it remains today.

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 FY's 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 1982 STAA (Public Law 97-424) authorized one-half percent (1/2%) of Federal-aid Primary (FAP) funds to be apportioned to the four Territories, considered together as one State, from FY 1983 through FY 1986. Section 107 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) extended this authorization through FY 1991. As in every State, Trust Funded FAP funds were made available to the Territories under contract authority. The Federal share, however, was 100 percent.

The FY 1983 apportionment to the Territories was allocated to each Territory in accordance with the following administrative formula: 1/3 for urban population greater than 5,000; 1/3 for rural population; 1/6 for public road mileage; and 1/6 for area. However, use of this formula was controversial. Several Territories contested the figures used for population, even though based on census data, and for public road mileage. To avoid further controversies, the Deputy Federal Highway Administrator decreed in a September 26, 1983, meeting that future allocations would be in accordance with the following ratios: 1/12 American Samoa; 5/12 Guam; 5/12 Virgin Islands; and 1/12 Northern Mariana Islands. These ratios were based on information in the 1978 STAA, the last Congressional guidance on how Territorial funds should be divided. Hence, FY 1984 and subsequent year apportionments have been allocated to the territories in accordance with this 1-5-5-1 formula.

ISTEA PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) left 23 U.S.C. 215 in place with no changes and only addressed the Territories by providing a portion of the NHS funds to them and by requiring that they functionally reclassify their highways. However, since the Territories are not required to have a NHS, no NHS mileage will be allocated to them.

Under 23 U.S.C. 215, each Territory must establish, with FHWA approval, a system of arterial and collector highways and interisland connectors, to be called the Federal-Aid Territorial Highway System (THS). When the THS is approved, Federal-aid funds can be used for improvements on all routes designated as part of the THS. In the interim, Federal-aid funds can be used for improvements on the pre-ISTEA primary system.

The ISTEA establishes NHS funds as the source of Federal-aid funds available to the Territories. The FHWA will continue to divide these funds among the Territories based upon an administrative formula. The existing 1-5-5-1 administrative formula is being reevaluated.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

TOLL PILOT PROGRAM

STATUS: CONTINUING PROGRAM.

APPROPRIATION CODE: Unknown

FEDERAL PARTICIPATION: 35-50 % (See Comments Below)

PERIOD AVAILABLE: Same as source funds

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Same as source funds

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 129(d). Section 1012 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY: Regular Federal-aid funds may be used for the construction of specific toll projects (highway, bridge, or tunnel projects) in the States listed below. Funds to be used should be those normally eligible for projects on the Federal-aid highway (except Interstate) of which the toll facility is a part. Projects may consist of either a new facility or reconstruction of an existing facility to expand its capacity; however, the facility has to be publicly owned and operated.

BACKGROUND:

Section 120 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) provided for a pilot program which would permit Federal participation in the construction of 7 toll facilities on the same basis and in the same manner as in the construction of free highways under Chapter 1 of Title 23. This provision was codified in 23 U.S.C. 129(j). The allowable number of toll facilities was increased to 9 by technical amendments in the FY 1988 and 1989 DOT appropriations acts.

Five States were specifically named in the 1987 STURAA:

- California, Orange County (The conference report stated that it was the conferees intention that the California project be selected by the Orange County Transportation Commission)
- Texas
- Florida
- Pennsylvania
- South Carolina

The selection of the other two States was left to the discretion of the Secretary. On July 15, 1987, the Secretary approved the selection of facilities in Delaware and Colorado.

The FY 1988 and the FY 1989 DOT appropriations acts (Public Law's 100-202 and 100-457, respectively) added Georgia and West Virginia.

The 1987 STURAA provided that (a) the Federal-aid funds to be used should be those normally eligible for projects on the Federal-aid system of which the toll facility is a part, (b) the Federal share could not exceed 35 percent of the cost of the project, (c) selected projects could not be located on the Interstate System, (d) the selected project could be a highway, bridge, or tunnel, (e) projects could consist of either a new facility or reconstruction of an existing facility to expand its capacity: however, the facility had to be publicly owned and operated, (f) prior to obligation of any Federal funds on a pilot toll facility, the State had to enter into an agreement with the Secretary covering the use of toll revenues, and (g) the selected pilot projects could not result in any increase in the States' apportionments.

ISTEA PROVISIONS:

Section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amended 23 U.S.C. 129 relative to toll roads, bridges, and tunnels. However, Section 129(d) [formerly 129(j)] retains the toll pilot program with no changes. For the nine designated projects, the States have the option of authorizing new work either:

- Under the provisions of 23 U.S.C. 129(d) at 35 percent Federal share, or
- Under the provisions of 23 U.S.C. 129(a) at 50 percent Federal share.

However, if the latter option is selected, prior to any authorization for work, the toll agreement with the FHWA will need to be modified and approved by the Federal Highway Administrator to reflect the provisions of Section 129(a).

Section 1065 of the 1991 ISTEA exempted certain lands from Section 4(f) requirements for the Orange County Toll Pilot projects.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12).

TOLL ROADS, BRIDGES, AND TUNNELS

STATUS: CONTINUING USE OF HIGHWAY FUNDS. States are provided much greater flexibility than in the past in using Federal-aid highway funds to participate in the construction of toll facilities.

APPROPRIATION CODE: Same as source funds.

FEDERAL PARTICIPATION: 50-80% (See Comments Below)

PERIOD AVAILABLE: N/A

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 129. Section 1012 of the 1991 ISTEA (Public Law 102-240).

CFR REFERENCE: None

ELIGIBILITY:

Toll activities eligible for Federal-aid highway funding include:

- Initial construction (except on the Interstate System) of toll highways, bridges, and tunnels, including approaches to these facilities.
- 4R work on existing toll facilities.
- Reconstruction or replacement of free bridges or tunnels and conversion to toll facilities.
- Reconstruction of a free highway (except on the Interstate System) and conversion to toll facilities.
- Preliminary studies to determine the feasibility of the above toll construction activities.

BACKGROUND AND ISTEA PROVISIONS:

Section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amended 23 U.S.C. 129 to allow a State much greater flexibility in using Federal-aid highway funds to participate in the construction of toll facilities.

For the first time private entities may own the toll facilities. However, Title 23 requirements must continue to be applied. A State may loan the Federal share of a project's cost to another public or a private agency constructing the project. Repaid funds may be used for any of the purposes under the original category from which the loans were made.

The Federal share for toll projects is generally 50 percent, but can be increased to 80 percent in some cases. Federal shares for the various categories of Federal-aid toll activities are illustrated on the attached chart.

ADDITIONAL INFORMATION: Fiscal mechanisms for accomplishing the above toll activities are the responsibility of the Office of Fiscal Services (HFS-20). Additional information may be obtained from the Office of Engineering (HNG-12).

FEDERAL-AID TOLL ACTIVITIES

TYPE OF WORK (ACTIVITY)	FEDERAL-AID HIGHWAY ELIGIBILITY/FEDERAL SHARE (PERCENT)			
	INTERSTATE		Non-INTERSTATE	
	ROADS	BRIDGES /TUNNELS	ROADS	BRIDGES /TUNNELS
Initial Construction [23 USC 129(a)(1)(A)]	NO	NO	YES/50	YES/80
Reconstructing (4th R) a Toll Facility [23 USC 129(a)(1)(B)]	YES/50	YES/80	YES/50	YES/80
Resurfacing, restoring, and rehabilitating (3R work) on a Toll Facility [23 USC 129(a)(1)(B)]	YES/50	YES/50	YES/50	YES/50
Reconstructing (4th R) a Toll Facility with an existing Section 119 or Section 129 Agreement under Title 23 U.S.C. [23 USC 129(a)(1)(B)]	YES/80 ¹	YES/80 ¹	YES/80 ¹	YES/80 ¹
3R work on a Toll Facility with an existing Section 119 or Section 129 Agreement under Title 23 U.S.C. [23 USC 129(a)(1)(B)]	YES/80 ¹	YES/80 ¹	YES/80 ¹	YES/80 ¹
Reconstruction or Replacement and Conversion of a Toll Free Bridge or Tunnel [23 USC 129(a)(1)(C)]	----	YES/80	----	YES/80
Reconstruction/Conversion of a Toll Free Highway [23 USC 129(a)(1)(D)]	NO	----	YES/50	----
Preliminary Feasibility Studies [23 USC 129(a)(1)(E)]	YES/50	YES/50	YES/50	YES/50

¹In the case of a toll facility subject to an agreement under section 119 or 129, the Federal share payable on any project for resurfacing, restoring, rehabilitating, or reconstructing such facility is 80% until the scheduled expiration of such agreement.

TRAFFIC CONTROL SIGNALIZATION DEMONSTRATION

STATUS: CONTINUING USE OF HIGHWAY FUNDS. Categorical funds are no longer available, but regular Federal-aid highway construction funds can now be used at up to a 100% Federal share for eligible traffic control signalization activities.

APPROPRIATION CODE: 137 for categorical funds. Same as source funds for regular funds.

FEDERAL PARTICIPATION: 100% for categorical funds. Same as source funds at up to 100% for regular funds.

PERIOD AVAILABLE: FY + 3 years for categorical funds (Availability expired on 9/30/81). Same as source funds for regular funds.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Budget for categorical funds. Same as source funds for regular funds.

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% 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% Federal funds in accordance with the provisions of 23 U.S.C. 120(d) for this purpose.

ISTEA PROVISIONS:

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) retained the provision in 23 U.S.C. 120(c) [formerly 120(d)] permitting funds appropriated under 23 U.S.C. 104 to be used at up to a 100% Federal share for traffic control signalization.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Traffic Operations and Intelligent Vehicle/Highway Systems (HTV-31).

TRAFFIC OPERATIONS PROGRAM TO INCREASE CAPACITY AND SAFETY (TOPICS)

STATUS: CONTINUING USE OF HIGHWAY FUNDS. Categorical TOPICS funds are no longer available, but regular Federal-aid construction funds can now be used for eligible TOPICS type improvements.

APPROPRIATION CODE: 077 for categorical funds. Same as source funds for regular funds.

FEDERAL PARTICIPATION: 70% for categorical funds. Same as source funds for regular funds.

PERIOD AVAILABLE: FY + 2 years for categorical funds (availability expired on 6/30/75). Same as source funds for regular funds.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Statutory formula for categorical funds. Same as source funds for regular funds.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 135.

CFR REFERENCE: 23 CFR 655A

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 FY's 1970-1971. The Federal-aid Highway Act of 1970 (Public Law 91-605) provided authorizations for FY's 1972-1973. Funding was discontinued after FY 1973; hence, all unobligated funds lapsed on 6/30/75. Funds released from projects subsequent to 6/30/75 could be used to cover overruns, but could not be used for new projects or for changes in the scope of other projects. Unobligated balances as of the end of any fiscal year were withdrawn.

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." Hence, rural roads are now eligible for TOPICS-type improvements using regular Federal-aid highway construction funds.

While TOPICS does not continue as an independent fund, funds from other programs may be used for TOPICS-type projects as follows:

- o Eligible traffic operation improvements may be financed from funds available for the specific roadway on which the improvement is made or the system which directly benefits from the improvement.
- o Improvements on any public road which will 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 are eligible as projects.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Traffic Operations and Intelligent Vehicle/Highway Systems (HTV-31).

TRANSITION QUARTER

STATUS: INACTIVE. All funds for this program have now lapsed.

APPROPRIATION CODES: 124 - Non-Interstate. 125 - Interstate.

FEDERAL PARTICIPATION: Same as that normally applicable to Interstate and non-Interstate projects.

PERIOD AVAILABLE: Until September 30, 1980.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: Section 104 of the Federal-aid Highway Act of 1976 (Public Law 94-280).

CFR REFERENCE: None

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: Additional information may be obtained from the Office of Fiscal Services (HFS-21).

TRANSPORTATION SYSTEMS MANAGEMENT DEMONSTRATION

STATUS: INACTIVE. Very limited funds remain available for obligation as deemed appropriate by the Office of Traffic Operations and Intelligent Vehicle/Highway Systems (HTV-31), but for all practical purposes this categorical program has ended.

APPROPRIATION CODE: 780

FEDERAL PARTICIPATION: 100% - See comments.

PERIOD AVAILABLE: Until expended.

FUND: General and Transfer - See comments.

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: FY 1981 DOT Appropriations Act (Public Law 96-400).

CFR REFERENCE: None

BACKGROUND:

The Department of Transportation Appropriations Act for 1981 (Public Law 96-400) provided \$15 million of discretionary funds (\$10 million from NHTSA State and Community Highway Safety funds and \$5 million from UMTA urban discretionary grants) for a joint FHWA, UMTA, NHTSA program to accomplish energy conservation, air quality, and related objectives. FHWA has the lead administrative responsibility for the program.

The funds are centrally controlled by FHWA Headquarters (HTV-31), and all of the funds have been earmarked for specific projects. Amounts awarded for subelements of each project can be reallocated within the project, but Regional and Headquarters' concurrence is required. Total project amounts may be changed only in unusual circumstances and only with Regional and Headquarter's concurrence.

No explicit local match is required for this program; however, DOT expects significant evidence of an applicant's commitment to support and continue the activities of this program. A suggested minimum commitment is two-thirds local funds, with the remaining one-third to be Federal funds.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Traffic Operations and Intelligent Vehicle/Highway Systems (HTV-31).

URBAN SYSTEM

STATUS: Continuing only until funds apportioned in FY 1991 and previous fiscal years are obligated, transferred, or lapsed. 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. Unobligated funds apportioned to a State for the Urban System remain available for obligation under the old rules set forth below or may be transferred to the STP program.

APPROPRIATION CODES:

W32 -- FAUS, Non-Attributable

W36 -- FAUS, Attributable to Urbanized Areas >200,000 Population

33D -- STP-State Flexible

FEDERAL PARTICIPATION: 75% normal pro-rata share. The Federal share may be increased up to 95% in States with large areas of public lands. The non-Federal share may be increased if the State desires, so as to reduce the normal Federal pro-rata share.

PERIOD AVAILABLE: FY + 3 years

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), 137, 142(a)(2), 142(c), 146, and 150.

CFR REFERENCE: 23 CFR 470A

ELIGIBILITY: Unobligated funds apportioned to a State for the Urban System, both attributable and non-attributable, remain available for obligation under the pre-ISTEA rules or may be transferred to the STP program. These funds may be used planning, engineering, construction, and other related activities.

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 (W36) and non-attributable (W32), 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.

At the request of the Governor and upon approval of the appropriate local officials of the area and the Secretary, attributable funds could be transferred between attributable areas or to non-attributable areas. (23 U.S.C. 150). Loans (temporary transfers) of attributable allocations between attributable areas were permissible but had to be restored from the same legislative authorization. Attributable or non-attributable funds could be transferred to the Federal-aid primary program subject to the limitations of 23 U.S.C. 104(c&d).

An urban system PR apportionment-type account was established in FHWA records for those States that elected to obligate FAUS funds

for planning and research under the 1/2 percent limitation provided by 23 U.S.C. 307(c)(3). Appropriation Code W08 was used for this account.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) required that 40% or more of the FAUS apportionments for FY's 1984-86 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 FY 1987-1991 apportionments.

The 1987 STURAA authorized \$750,000,000 per fiscal year for each of FY's 1987-1991 for projects on the Federal-aid Urban System.

ISTEA PROVISIONS:

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, remain available for obligation under the old rules or may be transferred to the STP program. As required by 23 U.S.C. 150, the appropriate MPO must approve the transfer of attributable funds. Funds transferred to the STP are not subject to sub-allocation and will be transferred into the State flexible appropriation code, 33D. The last apportionments of funds for the Urban System were for FY 1991.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Office of Engineering (HNG-12).

URBAN EXTENSIONS

STATUS: INACTIVE. Incorporated into the Consolidated Primary Program.

APPROPRIATION CODE: 032

FEDERAL PARTICIPATION: 75%

PERIOD AVAILABLE: FY + 3 years. However, availability expired on 9/30/79.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 103(b)&(c)

CFR REFERENCE: 23 CFR 470A

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: Additional information may be obtained from the Office of Office of Engineering (HNG-12).

URBAN SYSTEM 3R/4R

STATUS: INACTIVE. The 1987 STURAA did not continue the 40% 4R requirement for FY's 1987-1991.

APPROPRIATION CODE: Same as source funds.

FEDERAL PARTICIPATION: 75%

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A - deduction from Urban System funds.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 105(d) of the STAA of 1982 (Public Law 97-424).

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND:

Section 105(d) of the 1982 STAA (Public Law 97-424) added a new requirement that 40% or more of a State's urban apportionment for each of FY's 1984-1986 had to be obligated for resurfacing, restoring, rehabilitating, and reconstructing existing highways on the Urban System. The 40% requirement was not identified with a separate appropriation code.

The 1987 STURAA did not continue the 40% 4R requirement for FY 1987-1991 urban funds.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Office of Engineering (HNG-12).

UTILITIES

STATUS: CONTINUING USE OF HIGHWAY FUNDS.

APPROPRIATION CODE: N/A

FEDERAL PARTICIPATION: Same as source funds

PERIOD AVAILABLE: Same as source funds

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 109(1) & 123

CFR REFERENCE: 23 CFR 645

ELIGIBILITY: It is considered to be in the public interest for utility facilities to jointly use the right-of-way of public roads and streets when such use and occupancy does not interfere with the primary purposes of the highway. Utility relocation and adjustment work necessitated by Federal-aid highway projects is generally eligible for Federal-aid participation as a construction cost item to the extent that the State is obligated to pay for such work.

BACKGROUND:

It has been recognized that it is in the public interest for utility facilities to jointly use the right-of-way of public roads and streets when such use and occupancy does not interfere with the primary purpose of the highway. The opportunity for such joint use avoids the additional cost of acquiring separate right-of-way for the exclusive accommodation of utilities. As a result, the right-of-way of highways, particularly local roads and streets, is often used to provide public services to abutting residents as well as to serve conventional highway needs.

Since the initiation of the Federal-aid highway program in 1916, utility relocation and adjustment work has been eligible for Federal-aid participation as a construction cost item to the extent that the State was obligated to pay for such work. During the early years, the use of Federal-aid funds for utility relocations or adjustments was quite limited; however, with the advent of the Interstate Program in the 1950s, it became a much more common practice for the States to use their highway funds to reimburse utilities for adjustment costs.

Hence, most utility considerations involve the following:

- Accommodation of utility facilities and private lines on the right-of-way of Federal-aid highway projects.
- Use of Federal-aid highway funds for the relocation and adjustment of utility facilities.

Two sections of the law deal specifically with utilities:

- One section, 23 U.S.C. 109(l) deals with the accommodation of utilities on Federal-aid right-of-way.
- The other section, 23 U.S.C. 123 deals with reimbursement for utility adjustments.

Utility facilities, unlike most other fixed objects which may be present within the highway environment, are not owned nor are their operations directly controlled by State or local highway agencies. Because of this, highway authorities have developed policies and practices which govern when and how utilities may use public highway right-of-way. The FHWA utility accommodation regulations have been developed to reflect this situation.

Present FHWA regulations, policies, and practices dealing with utility relocation and accommodation matters have evolved from basic principles established decades ago, with many of the policies remaining unchanged. The present regulations are found primarily in the Part 645 of the Code of Federal Regulations (23 CFR 645). Subpart A (23 CFR 645A) deals with utility relocations, adjustments, and reimbursement. Subpart B (23 CFR 645B) deals with the accommodation of utilities.

The last major rewrite of the FHWA's utility regulations occurred on May 15, 1985, when a final rule was published in the Federal Register. The only significant changes since then occurred as follows:

- On July 1, 1988, an amendment to the regulation was published in the Federal Register clarifying that costs incurred by highway agencies in implementing projects solely for safety corrective measures to reduce the hazards of utilities to highway users were eligible for Federal-aid participation.
- On February 2, 1988, when an amendment to the regulation was published in the Federal Register, stipulating that each State must decide, as part of its utility relocation plan, whether or not to allow longitudinal utility installations within the access control limits of freeways and under what circumstances. The FHWA retained the authority to approve each State's freeway utility accommodation plan. The State

then operates under its plan and decides whether to permit specific utility installations along freeways.

ISTEA PROVISIONS:

No significant changes were made to Title 23 in the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991. Hence, utility accommodation and reimbursement procedures will remain essentially the same as in the past.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Engineering (HNG-12) and/or from their October 1990 publication entitled, "Program Guide, Utility Adjustments and Accommodation on Federal-Aid Highway Projects" (Publication No. FHWA-PD-01-001).