

A GUIDE TO FEDERAL-AID PROGRAMS AND PROJECTS

NOTE TO READER:

THIS IS A LARGE DOCUMENT

Due to its large size, this document has been segmented into multiple files. All files separate from this main document file are accessible from links ([blue type](#)) in the [table of contents](#) or the body of the document.



U.S. Department
of Transportation
**Federal Highway
Administration**

A Guide To Federal-Aid Programs And Projects



**Federal Highway Administration
Office of Program Administration**

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This document provides information on Federal-aid highway funding for various programs and projects. It is not intended to represent official policy or guidance. It is suggested that the reader contact the program offices listed with each entry for the latest official policy or guidance.

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AND PROJECTS**

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INTRODUCTION

Federal-aid highway funds are authorized by Congress to assist the States in providing for construction, reconstruction, and improvement of highways and bridges on eligible Federal-aid highway routes and for other special purpose programs and projects. The Interstate System is a component of the NHS. Through the Federal Lands Highway Program, funding is provided for improving access to and within National Forests, National Parks, Indian Lands and other public lands.

The principal statutes establishing the Federal-aid highway program are found in Title 23, United States Code (23 U.S.C.). Regulatory requirements are generally found in Title 23, Highways, of the Code of Federal Regulations (23 CFR).

This guide provides basic information about the Federal-aid programs, projects, and other program characteristics. Much of the information provided in this guide was included in the FHWA's 1992 publication entitled "A Guide to Federal-Aid Programs, Projects, and Other Uses of Highway Funds." This publication updates information from the past document and includes information resulting from the latest multi-year Federal-aid authorizing legislative act, the Transportation Equity Act of the 21st Century (TEA-21, Public Law 105-178).

PURPOSE OF GUIDE

The guide is intended to provide basic information for FHWA and State staff persons involved in the administration of the Federal-aid highway program. It is not intended to be an eligibility guide, but contains basic descriptions of the core programs and historical information on others.

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 other program characteristics. In addition to basic information, sources of additional information are provided.

DEFINITIONS USED IN THIS GUIDE

The following terms are defined as used in this guide:

"program" - The term 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, Surface Transportation Program), or they may exist for special purposes (e.g., Congestion Mitigation and Air Quality Improvement Program, Highway Bridge Replacement and Rehabilitation Program).

"project" - The term 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 Priority Projects).

"program characteristics" - The term refers to activities or funding techniques. These activities are applied as part of a project or program. Funds are not always specifically earmarked for these activities; rather, program or project funds may be used for the activities. Advance Construction and Bond Financing are examples of funding techniques.

HOW TO USE THIS REPORT

The guide contains information sheets on Federal-aid highway programs, projects, and other program characteristics. These sheets provide fiscal information, statutory and regulatory references, general eligibility and background information, and program office contacts.

Information is provided for most Federal-aid highway activities that have current appropriation codes. To correlate appropriation codes to Federal-aid highway activities, a listing has been provided in the Table of Contents.

The guide contains four parts:

Part I - Current Programs and Projects

This part covers programs and projects authorized by the TEA-21. This includes core programs such as the National Highway System, Interstate Maintenance, Bridge, Surface Transportation Program and Congestion Mitigation and Air Quality Improvement.

Part II - Other Active Programs and Projects

This part covers programs and projects authorized by legislation prior to 1998 which remain active due to significant funding still being available at the time this document was published. However, some will only remain active until remaining available funds are utilized or lapse.

Part III - Other Program Characteristics

This part covers 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.

Part IV - Inactive Programs and Projects

This part covers inactive programs, projects, and program characteristics that have existed in recent time. Although no longer active, some of these were the bases for current programs and projects. Hence, being of possible historic interest, they are included in this guide.

This guide is available electronically on the FHWA home page (URL: <http://www.fhwa.dot.gov>).

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PART I

**CURRENT PROGRAMS
AND
PROJECTS**

NATIONAL HIGHWAY SYSTEM (NHS)

STATUS: ACTIVE

APPROPRIATION CODES:

- 315 -- NHS-National Highway System
- 31A -- NHS-100 percent Federal Participation for Safety Improvements
- 31B -- NHS-Discretionary
- 31D -- NHS-Discretionary, 100 percent Federal Participation for Safety Improvements
- 31E -- NHS-Territories
- 0AC -- NHS-Advance Construction

FEDERAL PARTICIPATION: 80 percent. 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.

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 103 and 23 U.S.C. 104(b)(1)

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 and 135,
- Highway research and planning in accordance with Chapter 5 of Title 23, United States Code,

- Highway related technology transfer activities,
- Capital and operating costs for traffic monitoring, management, and control facilities and programs,
- 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,
- Natural habitat and wetlands mitigation efforts related to Title 23 projects,
- Publicly-owned intracity or intercity bus terminals,
- Infrastructure-based intelligent transportation systems capital improvements, and
- In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for STP funds, any airport and any seaport.

BACKGROUND: The NHS as authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) was designated by law in Section 101(a) of the National Highway System Designation Act of 1995 (1995 NHSDA, Public Law 104-59).

The purpose of the NHS is to provide an interconnected system of principal arterial routes which 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. As of January 1999, the NHS contained 161,653 miles of highways, including all Interstate routes, a large percentage of urban and rural principal arterials, the defense strategic highway network, and major strategic highway connectors.

The 1991 ISTEA authorized \$21.0 billion to be appropriated out of the Highway Trust Fund for FYs 1992-1997. These funds were apportioned to the States based on a State's percentage share of apportionments for FYs 1987-1991.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) authorized \$28.5 billion for FYs 1998-2003 for this program. After deducting \$36.4 million per fiscal year for the Territories and \$18.8 million per fiscal year for the Alaska Highway, the remainder is apportioned:

- 25 percent in the ratio of mileage of principal arterials (excluding Interstate) in each State bears to total mileage of principal arterials (excluding Interstate) in all States.
- 35 percent in the ratio that total vehicle miles of travel on principal arterials (excluding Interstate) in each State bears to total vehicle miles of travel on principal arterials (excluding Interstate) in all States.
- 30 percent in the ratio that the total diesel fuel used on highways in each State bears to the total diesel fuel used on highways in all States.
- 10 percent in the ratio that the quotient from dividing total mileage of principal arterials in a State by the total population in a State bears to the quotient from dividing total mileage of principal arterials in all States by total population in all States.

Each State is to receive $\frac{1}{2}$ percent as a minimum.

The TEA-21 provided that the maximum mileage of the NHS is 178,250 miles. It also provided authority for the Secretary to approve modifications to the NHS if the modification meets criteria in 23 U.S.C. and enhances the NHS.

ADDITIONAL INFORMATION: Contact the Office of Intermodal and Statewide Programs (HESP) and/or the Office of Program Administration (HIPA).

INTERSTATE MAINTENANCE (IM)

STATUS: ACTIVE

APPROPRIATION CODES:

Q01 -- Interstate Maintenance

Q41 -- Interstate Maintenance

Q44 -- Interstate Maintenance, 100 percent for Safety Improvements

0AB -- Interstate Maintenance, Advance Construction

FEDERAL PARTICIPATION: 90 percent

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 104(b)(4) and 23 U.S.C. 119

CFR REFERENCE: None

ELIGIBILITY: Types of work eligible for IM funding include:

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

BACKGROUND: The Interstate Maintenance Program was established by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). It replaced the 3R portions of the I-4R Program, whereas the National Highway System (NHS) funding addressed the reconstruction (fourth "R") portion of the Interstate 4R Program. The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) expanded the IM program to include the fourth "R" - reconstruction.

The 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 FYs 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 Interstate 3R 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 Interstate toll roads, but could be used on Interstate toll roads in use for more than 5 years if an agreement was reached between the State and the Secretary 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 the 1976 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 ½ percent of the total Interstate apportionment for FY 1983, where necessary in order to fully utilize Interstate System funds apportioned through FY 1982.

Federal participation for this program was changed by various legislative actions. The Federal share was 90 percent prior to November 6, 1978; 75 percent from November 6, 1978 to December 28, 1981; and 90 percent from December 29, 1981, to the present.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) provided for the I-4R Discretionary program which is mentioned in the Interstate Maintenance Discretionary (IMD) section of this publication.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) reduced the availability period for I-4R funds from 4 years to 3 years (i.e., the FY for which funds were authorized, 1 year before, and 1 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 percent 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, and (c) codified toll agreement language in 23 U.S.C. 119.

The 1991 ISTEA established the IM Program which replaced the 3R portions of the superseded I-4R Program. The NHS funding was intended to address the fourth “R”.

The 1991 ISTEA modified 23 U.S.C. 104(b)(5)(B) to provide a new apportionment formula utilizing the same lane-mile (55 percent) and vehicular miles of travel (45 percent) factors, but including 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. Each State was guaranteed at least ½ percent of the total IM funds apportioned annually. It also amended 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 routes designated prior to March 9, 1984, under 23 U.S.C. 139(a) and (b).

The 1991 ISTEA also amended 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 would cost-effectively extend the Interstate pavement life. It further modified 23 U.S.C. 119(f) to allow a State to unconditionally transfer up to 20 percent of its IM apportionment to its NHS or Surface Transportation Program. Amounts in excess of 20 percent may also be transferred if a State (a) certified that the sums to be transferred were in excess of its needs for Interstate 3R work, and (b) certified that it was adequately maintaining the Interstate System.

The TEA-21 expanded the IM program to include reconstruction which allows IM funding to be used for new interchanges, new rest areas, additional noise walls, etc. The TEA-21 also extended IM fund usage to the following routes:

- routes on the Interstate System designated under 23 U.S.C. 103(c)(1) and in Alaska and Puerto Rico, under 23 U.S.C. 103(c)(4)(A),
- routes on the Interstate System designated before June 9, 1998, under subsections 139 (a) and (b) (as in effect before enactment of TEA-21), and
- segments that become part of the Interstate System under Section 1105(e)(5) of the ISTEA.

- toll roads, if subject to a 23 U.S.C. 129 agreement with the Secretary or continued in effect by Section 1012(d) of the 1991 ISTEA and not voided by the Secretary under Section 120(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

The TEA-21 also authorized \$23.8 billion for FYs 1998-2003 for the IM program. After deducting \$50 million in FY 1998 and \$100 million in each of FYs 1999-2003 for the Interstate Maintenance Discretionary Program, the remainder is apportioned:

- 33 and 1/3 percent based on each State's share of total lane miles all Interstate routes open to traffic,
- 33 and 1/3 percent based on each State's share of vehicle miles traveled on lanes on Interstate System routes open to traffic and
- 33 and 1/3 percent based on each State's share of annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles.

Prior to the TEA-21, IM fund eligibility was limited to 3R work (resurfacing, restoration and rehabilitation) plus reconstruction of bridges, interchanges and overpasses along existing Interstate routes, including acquisition of right-of-way where necessary, but eligibility did not include the construction of new travel lanes other than high occupancy vehicle (HOV) lanes or auxiliary lanes.

Section 1107(a) of the TEA-21 modified 23 U.S.C. 119 and expanded IM eligibility to include reconstruction, the fourth "R". As a result the construction of new interchanges and overpasses and the addition of new features, like rest areas, additional noise walls and etc., are now eligible for IM funding. The TEA-21 retained in 23 U.S.C. 119(d) the prohibition against funding added capacity. Therefore, the construction of new travel lanes other than HOV lanes or auxiliary lanes continue to be ineligible for IM funding.

The TEA-21 repealed provisions of 23 USC 119 dealing with preventive maintenance. However, preventive maintenance activities for all features of an Interstate highway are eligible for IM funding under the general eligibility provisions for preventive maintenance established in 23 U.S.C. 116(d).

The Uniform Transferability provisions of TEA-21, Section 1310, permit the transfer of no more than 50 percent of a State's IM apportionment without the certification required in ISTEA.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

INTERSTATE MAINTENANCE DISCRETIONARY (IMD)

STATUS: ACTIVE

APPROPRIATION CODES:

056 -- Prior to the 1991 ISTEA
31B -- Subsequent to the 1991 ISTEA
31D -- Subsequent to the 1991 ISTEA, 100 percent for Safety Improvements
Q02 -- Subsequent to the 1998 TEA-21

FEDERAL PARTICIPATION: 90 percent

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

CFR REFERENCE: None

ELIGIBILITY: IMD funds may be allocated to the States for resurfacing, restoring, rehabilitating, and reconstructing most existing routes or portions thereof on the Interstate System, including providing additional Interstate capacity.

BACKGROUND: The IMD Program continues the I-4R Discretionary Program which was established by Section 115(a) of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424). Funds for the initial I-4R Discretionary Program were derived from lapsed I-4R apportionments and were available to States that (a) had obligated all their I-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 1 year of the date they were 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 FYs 1988-1992 from the I-4R authorization for continuation of the I-4R Discretionary Program and provided criteria/factors to be used in distributing the discretionary funds.

Section 1020 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) provided funds for the continuation of the I-4R Discretionary Program. These funds were set-asides from the National Highway System funds.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) continued this program by authorizing set-asides from the IM funds of \$50 million in FY 1998 and \$100 million in each of FYs 1999-2003. These funds are provided for resurfacing, restoration, rehabilitation and reconstruction of any route or portion thereof on the Interstate System (other than a route designated under 23 U.S.C. 139 as in effect before the enactment of TEA-21 and any toll road on the Interstate not subject to a Secretarial agreement under 23 U.S.C. 119(e) as in effect on December 17, 1991.

The funds could be used by any State that had:

- Obligated or demonstrated that it would obligate in the fiscal year all its Interstate Maintenance 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 had been submitted for approval, and
- Indicated it was willing and able to obligate the funds within 1 year of the date they were made available, apply them to a ready to commence project, and, for construction work, begin work within 90 days of obligation.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

SURFACE TRANSPORTATION PROGRAM (STP)

STATUS: ACTIVE

APPROPRIATION CODES:

3AA -- STP-Other Than 200,000 Population
3AC -- STP-Areas Under 200,000 Population, 100 percent Federal Participation
3AD -- STP-1/4 percent Skill Training
3AE -- STP-TMFW Rail-Highway Crossings/Protective Devices
3AF -- STP-TMFW Rail-Highway Crossings/Hazard Elimination
3AG -- STP-TMFW-1/16 percent NHI Skill Training
3AH -- STP-TMFW Hazard Elimination Program
3AJ -- STP-TMFW 1/4 percent 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
3AT -- 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 percent Skill Training (23 U.S.C. 321(b), NHI)
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 percent
33R -- STP-Transportation Enhancement, 100 percent for Safety
33S -- STP-Urbanized Areas With Populations >200,000, 100 percent for Safety
33T -- STP-State Flexible, 100 percent for Safety
33W -- STP-Mandatory Amount for Non-Urban Areas, 100 percent for Safety
33X -- STP-Rail-Highway Crossings, Protective Devices, 100 percent for Safety
33Y -- STP-Rail-Highway Crossings, Elimination of Hazards, 100 percent for Safety
33Z -- STP-Hazard Elimination Program, 100 percent for Safety

FEDERAL PARTICIPATION: 80 percent. 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.

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 133, 23 U.S.C. 104(b)(3)

CFR REFERENCE: None

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

- Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements for highways including Interstate highways and 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, sodium acetate formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions on bridges and approaches thereto and other elevated structures, mitigation of damage to wildlife, habitat, and ecosystems caused by a transportation project funded under Title 23, United States Code,
- Capital costs for transit projects eligible for assistance under chapter 53 of Title 49, United States Code, including vehicles and facilities, whether publicly or privately owned that are used to provide intercity passenger service by bus,
- Carpool projects, fringe and corridor parking facilities and programs, bicycle and pedestrian facilities (off-road or on-road, including modification of walkways) on any public roads in accordance with 23 U.S.C. 217 and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.),
- Highway and transit safety infrastructure improvements and programs, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings,
- 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 clause xvi) of the Clean Air Act (42 U.S.C. 7407(d),
- Development and establishment of management systems under 23 U.S.C. 303,
- Habitat and wetlands mitigation efforts related to Title 23 projects,
- Infrastructure based intelligent transportation systems capital improvements, and
- Environmental restoration and pollution abatement projects to address water pollution or environmental degradation caused or contributed to by transportation facilities, which projects shall be carried out when the transportation facilities are undergoing reconstruction, rehabilitation, resurfacing,

or restoration; except that the cost of such environmental restoration or pollution abatement shall not exceed 20 percent of the cost of the 4R project.

BACKGROUND: The STP was established by Section 1007 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) which added Section 133 to Title 23, United States Code. The 1991 ISTEA authorized \$23.9 billion to be appropriated out of the Highway Trust Fund for the 6-years FYs 1992-1997. These funds were apportioned to the States based on a State's percentage share of apportionments for FYs 1987-1991.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178), enacted on June 9, 1998, authorized from the Highway Trust Fund \$4.8 billion for FY 1998, \$5.5 billion for FY 1999, \$5.6 billion for FY 2000, \$5.7 billion for FY 2001, \$5.8 billion for FY 2002, and \$5.9 billion for FY 2003 for the STP. The authorized amounts are subject to deductions of \$500,000 each year for Operation Lifesaver, and \$5,250,000 each year for elimination of hazards at railway-highway crossings in high speed rail corridors.

The TEA-21 also provided a formula for apportionment of STP funds to the States as follows:

- 25 percent in the ratio that total lane miles of Federal-aid highways in a State bears to total lane miles of Federal-aid highways in all States.
- 40 percent in the ratio that total vehicle miles of travel on lanes on Federal-aid highways in a State bears to the total vehicle miles of travel on lanes on such highways in all States, and
- 35 percent in the ratio the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year bears to the total of such payments in all the States.

Each State is to receive a minimum of ½ percent of the funds apportioned. In addition, a portion of a State's Minimum Guarantee program funds is added to its STP apportionment.

Each State's apportioned STP funds are suballocated in the following manner:

- Ten percent of each State's apportionment is set-a-side for safety construction activities (i.e., hazard elimination and rail-highway crossings),
- Another 10 percent is set-a-side 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 is divided between urbanized areas over 200,000 in population 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. This provision is not applicable to Alaska and Hawaii.),

- The remaining 30 percent (37.5 percent of the remaining 80 percent) can be used in any area of the State. (This provision is not applicable to Alaska and Hawaii.),
- Areas of less than 5,000 population are guaranteed an amount that is not less than 110 percent of a State's FY 1991 pre-ISTEA secondary road program apportionment. For FYs 1998-2003, up to 15 percent of the funds for areas less than 5,000 population may be used on roads functionally classified as rural minor collectors,
- For the period FYs 1992-1997, a State with STP funds suballocated to urbanized areas over 200,000 population must make obligation authority available over this 6-year period to each of these areas at the same percent that obligation authority was made available to the State over this period. The TEA-21 changed this provision to require that such obligation authority be made available over each of two 3-year periods, FYs 1998-2000 and FYs 2001-2003, and
- If a State or local government has failed to comply substantially with any provision of 23 U.S.C. 133 and the State fails to take corrective action within 60 days from the date of receipt of notification of noncompliance, future STP apportionments will be withheld until appropriate corrective action has been taken.

ADDITIONAL INFORMATION: Contact the Office of Metropolitan Planning and Programs (HEMP) or the Office of Program Administration (HIPA).

STP FUNDS SUBALLOCATED TO URBANIZED AREAS WITH OVER 200,000 POPULATION

STATUS: ACTIVE

APPROPRIATION CODES:

3AK -- STP-Flexed to FTA Urbanized Areas >200,000 Population

33C -- STP-Urbanized Areas With Populations >200,000

33S -- STP-Urbanized Areas With Populations >200,000, 100 percent for Safety

FEDERAL PARTICIPATION: Same as STP

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Except for Alaska and Hawaii, 50 percent of the Surface Transportation Program (STP) funds (62.5 percent of the remaining 80 percent after the 10 percent set-a-sides for the safety improvement and transportation enhancement programs) apportioned to a State is divided between urbanized areas over 200,000 and the remaining areas of the State in proportion to their relative share of the State's population. Funds for urbanized areas over 200,000 population are further suballocated to such areas based on each area's share of population in areas over 200,000 population in the State.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 133(d)(3) and 133(f)

CFR REFERENCE: None

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

BACKGROUND: The 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 in 23 U.S.C. 133. STP funds 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 collectively referred to as Federal-aid highways.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) continued the suballocation of STP funds to urbanized areas of more than 200,000 population.

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 urbanized areas over 200,000 population and the remaining areas of the State. The funds that are suballocated for 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.
- For the period FYs 1992-1997, a State with STP funds suballocated to urbanized areas over 200,000 population must make obligation authority available over this 6-year period to each of these areas at the same percent that obligation authority was made available to the State over this period. The TEA-21 changed this provision to require that such obligation authority be made available over each of two 3-year periods, FYs 1998-2000 and FYs 2001-2003.

ADDITIONAL INFORMATION: Contact the Office of Metropolitan Planning and Programs (HEMP) or the Office of Program Administration (HIPA).

STP SET-ASIDE FOR SAFETY IMPROVEMENTS

STATUS: ACTIVE

APPROPRIATION CODES:

QB2 -- STP-FTA Optional Safety
QB7 -- STP-FTA Rail-Highway Crossings, Protective Devices
QB8 -- STP-FTA Rail-Highway Crossings, Elimination of Hazards
QB9 -- STP-FTA Hazard Elimination Program
Q21 -- STP-Optional Safety
Q26 -- STP-Rail-Highway Crossings, Protective Devices
Q27 -- STP-Rail-Highway Crossings, Elimination of Hazards
Q28 -- STP-Hazard Elimination Program
Q33 -- STP-Optional Safety, 100 percent
Q38 -- STP-Rail-Highway Crossings, Protective Devices, 100 percent for Safety
Q39 -- STP-Rail-Highway Crossings, Elimination of Hazards, 100 percent for Safety
Q43 -- STP-Hazard Elimination Program, 100 percent for Safety

FEDERAL PARTICIPATION: The Federal share of Surface Transportation Program (STP) funds set-aside for safety can be determined under either of the following two approaches:

- 23 U.S.C. 120. This section allows use of the Federal share used for other STP funded improvements including adjustment for sliding scale. Section 120(c) allows up to 100 percent Federal share for certain designated types of work.
- 23 U.S.C. 130/152. These sections allow the Federal share to be 90 percent (with no adjustments for sliding scale) for the types of work covered by these safety programs.

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Earmarked 10 percent of STP apportionments.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 133(d)(1)

CFR REFERENCE: None

ELIGIBILITY: STP funds set aside for safety may be used on any public road for any of the activities set forth in 23 U.S.C. 130 and 152 (rail-highway crossings and hazard elimination activities, respectively).

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) amended 23 U.S.C. 152 to allow funding of safety improvements at public transportation facilities and public pedestrian and bicycle pathways and trails.

BACKGROUND: The Surface Transportation Program (STP) was established by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). It is codified in 23 U.S.C. 133. 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 and 152 (rail-highway crossings and hazard elimination activities, respectively).

Of the 10 percent 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 those purposes in FY 1991. Any additional funds remaining in a State after those 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 are reduced proportionately.

TEA-21 continued the set-aside for safety improvements.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HMHS) or the Office of Program Administration (HIPA).

STP SET ASIDE FOR TRANSPORTATION ENHANCEMENTS

STATUS: ACTIVE

APPROPRIATION CODES:

3AM -- STP-FTA Transportation Enhancement
33B -- STP-Transportation Enhancement
33R -- STP-Transportation Enhancement, 100 percent for Safety

FEDERAL PARTICIPATION: Same as STP

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Earmarked 10 percent of STP Apportionments

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 133(d)(2)

CFR REFERENCE: None

ELIGIBILITY: The Surface Transportation Program (STP) transportation enhancement funds may be used for any of the following activities:

- provision of facilities for pedestrians and bicycles (off-road or on-road facilities, including modification of existing public sidewalks to comply with the requirements of the Americans with Disabilities Act),
- provision of safety and educational activities for pedestrians and bicyclists,
- acquisition of scenic easements and scenic or historic sites,
- scenic or historic highway programs (including the provisions of tourist and welcome center facilities),
- 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, and
- environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and
- establishment of transportation museums.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) amended the cost sharing requirements for transportation enhancements activities to provide for:

- An average annual programmatic non-Federal share.
- Funds from other Federal agencies and the value of other contributions to be credited towards the non-Federal share yielding an effective Federal share of up to 100 percent on an individual project.
- The non-Federal share to be calculated on a project, multi-project or program basis, providing that the Federal share of an individual project can be up to 100 percent.

BACKGROUND: The STP was established by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) on December 18, 1991. In accordance with 23 U.S.C. 133(d)(2), 10 percent of the STP funds apportioned to a State each fiscal year may only be used for transportation enhancement activities.

Section 1201 of the TEA-21 amended 23 U.S.C. 101(a) to change the definition of "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 (and only those activities) described above in the "Eligibility" section.

ADDITIONAL INFORMATION: Contact the Office of Human Environment (HEHE).

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM (HBRRP)

STATUS: ACTIVE

APPROPRIATION CODES:

114 -- HBRRP-Apportioned, Optional 20 percent On/Off F-A Highways

117 -- HBRRP-Apportioned, Mandatory 15 percent Off F-A Highways

118 -- HBRRP-Apportioned, Mandatory 65 percent On F-A Highways

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 144

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, and
- Bridge painting, seismic retrofitting, calcium magnesium acetate applications, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures.

Deficient highway bridges eligible for replacement or rehabilitation must 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 Federal-aid Highway Act of 1970 (Public Law 91-605) established a "Special Bridge Replacement Program" which was codified in 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 percent of the State's apportionments for FYs 1979-1982, nor more than 35 percent were to be spent off-system. The optional 20 percent of these funds, the portion between 15-35 percent, 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 percent 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) continued the 15-20-65 percent spending requirements, (b) allowed States, beginning with the FY 1987 apportionments, to use bridge funds to replace ferryboat operations in existence on January 1, 1984, to replace bridges destroyed before 1965, for low-water crossings, and for bridges made obsolete by COE flood control or channelization projects and not rebuilt with COE funds, (c) provided States that carry out bridge improvement projects with State funding on noncontroversial off-system bridges eligible for HBRRP funding to apply 80 percent of the cost of such projects expended after April 2, 1987, as a credit for the non-Federal share of other HBRRP projects carried out by the State, and (d) made the availability period for apportioned bridge funds the fiscal year plus 3 years with lapsed funds to be reapportioned to the other States.

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

The 1991 ISTEA also contained the following provisions:

- Not less than 15 percent of a State's apportionment, nor more than 35 percent, was to be spent on bridges off of Federal-aid highways (i.e., bridges on local

roads and rural minor collectors). The remaining 65 percent, up to a maximum of 85 percent, of the apportionment was to be spent for bridges on Federal-aid highways,

- It allowed Federal participation in bridge painting, seismic retrofitting, calcium magnesium acetate applications. [Section 1028(b)],
- The bridge discretionary program was continued at a substantially lower funding level, and with a new timber bridge component. [Sections 1028(d) and 1039],
- Up to 40 percent of a State's HBRRP apportionment (i.e., mandatory 65 percent and optional 20 percent funds) could be transferred to the National Highway System (NHS) or the Surface Transportation Program (STP). Transferred amounts were not subject to the STP set-asides and sub-State distribution requirements. [Section 1028(g)], and
- New requirements were established concerning Indian reservation road (IRR) bridges. Each fiscal year, not less than 1 percent of the amount apportioned to each State which had an Indian reservation within its boundaries was transferred to the Secretary of the Interior. These funds were to be expended to replace, rehabilitate, paint, or apply calcium magnesium acetate to deficient highway bridges located on Indian reservation roads. [Section 1028(f)].

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) authorized \$20.4 billion for FYs 1998-2003 for the HBRRP. It also continued the HBRRP discretionary program component and authorized the set-aside of \$100 million for each of FYs 1999-2003 for discretionary allocation by the Secretary for major bridges with the provision that not to exceed \$25 million would be available only for seismic retrofit of bridges, including projects in the New Madrid fault region. It also authorized set-aside of \$25 million for FY 1998 for seismic retrofit of the Golden Gate bridge.

TEA-21 changed the HBRRP eligible work activities to include: sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures. Also, the IRR and timber bridge set-asides were eliminated.

ADDITIONAL INFORMATION: Contact the Office of Bridge Technology (HIBT).

INNOVATIVE BRIDGE RESEARCH AND CONSTRUCTION

STATUS: ACTIVE

APPROPRIATION CODES: QT9

FEDERAL PARTICIPATION: Up to 100 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocations, Cooperative Agreements and Contracts

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 USC 503(b) added by Section 5103 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: The program is to provide for the demonstration of innovative material technology application in the construction of bridges and other structures. The program has seven goals and emphasizes new materials to reduce maintenance and life-cycle costs.

The research portion of the program allows for grants to States, other Federal agencies, universities and colleges, private sector entities, and non-profit organizations to pay the Federal share of the cost of research and development, and technology transfer concerning innovative materials.

Under the construction portion, the program allows for cooperative agreements and contracts with the States to pay for the Federal share of the cost of bridge repair, rehabilitation, replacement, and new construction to demonstrate the application of innovative materials. The FHWA annually solicits candidates from State highway agencies. An FHWA panel determines whether candidate projects meet TEA-21 goals. Bridges on all public roads, including State and locally funded projects, are eligible. Additionally, funds may be used for preliminary engineering and the costs of evaluation of the innovative material performance over a reasonable time period.

BACKGROUND: Section 5001 (c)(2)(A) of the TEA-21, set aside \$1 million for each of FYs 1998-2003 for the research portion of the Innovative Bridge Research and Construction Program. Section 5001 (c)(2)(B) authorized to be appropriated \$10 million for FY 1998, \$15 million for FY 1999, \$17 million for FY 2000, and \$20 million for FYs 2001-2003 for the construction portion of the Innovative Bridge Research and Construction Program.

ADDITIONAL INFORMATION: Contact the FHWA Office of Bridge Technology (HIBT).

BRIDGE DISCRETIONARY PROGRAM

STATUS: ACTIVE

APPROPRIATION CODES:

119 -- Discretionary, On Federal-Aid Highways

FEDERAL PARTICIPATION: 80 percent

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

CFR REFERENCE: 23 CFR 650G

ELIGIBILITY: Highway Bridge Replacement and Rehabilitation Program (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, discretionary bridge projects must be on a Federal-aid highway.

BACKGROUND: Section 124 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) established the 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 HBRRP apportionment for each of FYs 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.

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, discretionary bridge projects must be on a Federal-aid highway.

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

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued the Bridge Discretionary Program with a new timber bridge component. Section 1028 (d) of the 1991 ISTEA amended 23 U.S.C. 144(g)(1) and authorized \$400 million to be set-aside over a 6-year period from the HBRRP.

Of the above discretionary amounts, Section 1039 of the 1991 ISTEA required that \$8 million in FY 1992 and \$8.5 million in each of FYs 1993-1997 be made available for the construction of highway timber bridges on all public roads. Of these amounts, \$1 million in each of FYs 1992-1997 was available for timber bridge research grants, and for technology and information transfer, and \$7 million was available in FY 1992 and \$7.5 million was available in each of FYs 1993-1997 for construction grants related to timber bridges.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) authorized \$25 million in FY 1998 for the seismic retrofit of the Golden Gate Bridge. It also authorized \$100 million for FYs 1999-2003 for the discretionary bridge program, provided that not to exceed \$25 million would be available only for seismic retrofit of bridges, including those in the New Madrid fault region. It did not authorize timber bridges.

ADDITIONAL INFORMATION: Contact the Office of Bridge Technology (HIBT).

NATIONAL HISTORIC COVERED BRIDGE PRESERVATION

STATUS: ACTIVE (If future appropriations are provided.)

APPROPRIATION CODES:

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Sec. 1224 of the TEA-21, as amended

CFR REFERENCE: None

ELIGIBILITY: Projects are to provide for rehabilitation or repair of a historic covered bridge (listed or eligible for listing on the National Register of Historic Places); and for preservation of an historic covered bridge by installation of a fire protection system, including a fireproofing or fire detection and sprinklers. Projects may also include installation of a system to prevent vandalism and arson, or relocation of a bridge to a preservation site.

Additionally, funds may be used to collect and disseminate information concerning historic covered bridges, to foster educational programs relating to the history and construction techniques of such structures, conduct research on their history, and conduct research and study techniques on protecting them from rot, fire, natural disaster or weight-related damage.

Projects must be carried out in the most historically appropriate manner and preserve the existing structure. Projects must also provide for replacement of wooden components with wooden components unless the use of wood is impractical for safety reasons.

BACKGROUND: Section 1224 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178), as amended, authorized to be appropriated \$10 million for each of FYs 1999-2003 for a National Historic Covered Bridge Preservation Program. Funding will only be available if future appropriations are made by Congress under the budget authority established for this program by TEA-21.

ADDITIONAL INFORMATION: Contact the Office of Bridge Technology (HIBT).

BRIDGES ON INDIAN RESERVATION ROADS (IRR)

STATUS: ACTIVE Continuing only until funds apportioned in FY 1997 and previous fiscal years are obligated, transferred back to States or lapsed. This set-aside was eliminated under the TEA 21 Restoration Act. This set-aside was replaced by a Nationwide Priority Program for Improving Deficient Indian Reservation Road Bridges under Section 1115 of TEA-21 funded by a set-aside from the Indian Reservation Roads Program (see the program with that title for details).

APPROPRIATION CODE:

11T, 11U, 11Z -- until pre-FY 1998 obligated

FEDERAL PARTICIPATION: 80 percent. Indian Reservation Road funds can be used to increase the Federal share to 100 percent.

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Set-aside from HBRRP apportionments are 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)

CFR REFERENCE: None

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

Section 9002 eliminated the 1 percent HBRRP set-aside for IRR bridges. However, Section 1115 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) established a new nationwide priority program for improving Indian Reservation Road bridges and codified it under 23 U.S.C. 202 of the Federal Lands Highways program.

ADDITIONAL INFORMATION: Contact the Office of Program Development (HFPD) or the Office of Bridge Technology (HIBT).

CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM (CMAQ)

STATUS: ACTIVE

APPROPRIATION CODES:

320 -- CMAQ

32A -- CMAQ, Federal share is 100 percent for carpool/vanpool projects, priority control systems for emergency vehicles and transit vehicles, and traffic control signalization

3AZ -- CMAQ-FTA

0AD -- CMAQ, Advance Construction

FEDERAL PARTICIPATION: 80 percent (90 percent if used on the Interstate System).

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 149

CFR REFERENCE: None

ELIGIBILITY: Eligible projects/programs include:

- transportation activities in an approved State Implementation Plan,
- transportation control measures to assist areas designated as nonattainment under the Clean Air Act Amendments (CAAA) of 1990,
- pedestrian/bicycles off-road or on-road facilities including modification of existing public walkways to comply with the Americans with Disabilities Act,
- ISTEAs management and monitoring systems,
- traffic management/monitoring/congestion relief strategies,
- transit (new system/service expansion or operations),
- alternative fuel projects (including vehicle refueling infrastructure),
- public/private partnerships and initiatives,
- inspection and maintenance (I/M) programs,

- intermodal freight ,
- alternative fuels (including clean fuel fleet programs and conversions),
- telecommunications,
- travel demand management,
- project development activities for new services and programs with air quality benefits,
- public education and outreach activities,
- rideshare programs,
- establishing/contracting with transportation management associations (TMAs),
- fare/fee subsidy programs,
- experimental pilot projects/innovative financing, and
- other Transportation projects with air quality benefits.

Ineligible projects include:

- Construction of projects which add new capacity for single-occupancy vehicles.

BACKGROUND: The CMAQ was established by the Intermodal Surface Transportation Act of 1991 (1991 ISTEA, Public Law 102-240) and has been continued by the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) under 23 U.S.C. 149. The new TEA-21 CMAQ program is 35 percent larger than ISTEA's program with funding authorized at \$8.1 billion over six years, FYs 1998-2003.

Under 23 U.S.C. 104(b)(2)(B), each State is apportioned funding based on county populations residing within ozone and carbon monoxide (CO) nonattainment and maintenance areas and the severity of the areas air quality problems. Extra weighting is given to nonattainment or maintenance areas with both ozone and CO problems. CO maintenance and nonattainment areas are also apportioned funding even if no ozone problems exist under TEA-21.

In addition, under the TEA-21 the eligibility of CMAQ is expanded to include public/private initiatives and allows States to fund projects that may include privately

owned alternative fuel vehicles or vehicle fleets (CMAQ may be used to fund the costs of refueling infrastructure). In fact, the TEA-21 allows a metropolitan planning organization or State to enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded under the CMAQ program. If a State has no ozone or carbon monoxide nonattainment or maintenance areas, the funds may be used for Surface Transportation Program eligible or CMAQ eligible purposes. The TEA-21 allows States the option to transfer up to 50 percent of its increase in CMAQ funds compared to what it would have received if the CMAQ program were funded at \$1.35 billion nationwide. The funds may be transferred to other Federal-aid programs, but can only be utilized for projects located within nonattainment and maintenance areas.

ADDITIONAL INFORMATION: Contact the Office of Natural Environment (HENE).

APPALACHIAN DEVELOPMENT HIGHWAY PROGRAM

STATUS: ACTIVE Funds provided to the Appalachian Regional Commission (ARC) for projects to complete the Appalachian Development Highway System (ADHS) are transferred to and administered by the FHWA. In addition, funds have been appropriated directly to the FHWA for the ADHS or for demonstration projects on the ADHS.

APPROPRIATION CODES:

54C, 638, 641, 795, Q98 - ARC funded Appalachian Development Highways
639, 642, 796 - ARC funded Local Access Roads
Q9A - TEA-21 funded Local Access Roads
Same as source funds for FHWA funded projects

FEDERAL PARTICIPATION: See below

PERIOD AVAILABLE: FY + 3 years for ARC funded projects. Until expended for Highway Trust Fund (HTF) authorized in TEA-21.

FUND: Agency Transfer (ARC to FHWA) for ARC funded projects. HTF or General Funds for FHWA funded projects.

FUND DISTRIBUTION METHOD: Apportionment FY 1999 and subsequent years, previously funds were allocated.

TYPE OF AUTHORITY: Appropriated Budget for ARC funded projects. Contract for FHWA funded projects.

SUBJECT TO OBLIGATION LIMITATION: No for ARC funded projects. Varies for FHWA funded projects.

STATUTORY REFERENCE: Section 201 of the Appalachian Regional Development Act of 1965

CFR REFERENCE: 23 CFR 633B

ELIGIBILITY: The ARC and FHWA funds may be used for the construction, reconstruction, or improvement of highways on the designated 3,025 mile ADHS.

BACKGROUND: The ADHS 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 original amount authorized for the ARC highway program in 1965 was \$840 million for FYs 1965-1971. By the end of FY 1997, Congress had raised the total authorization, generally through annual ARC appropriations, to almost \$5 billion.

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. The ARC funded projects have been administered in accordance with Title 23. Currently, they are administered in the same manner as projects on the National Highway System (NHS).

During the initial years the Federal share for ARC funded projects was 50 percent, but it was later raised by legislation to 80 percent.

Various DOT appropriation acts, Section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17) and Sections 1105, 1106 and 1107 of Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) provided over \$1.2 billion for designated highway demonstration projects on the ADHS. The Federal share for these demonstration projects varies from 80 to 100 percent. The funds are available until expended. Most of the funds are not subject to obligation limitation.

Section 5503 of the Omnibus Appropriations Act of 1997 (Public Law 104-208) made \$30 million available for ADHS projects. The Federal share is 100 percent. The funds are subject to obligation limitation and are available until expended.

The Department of Transportation and Related Agencies Appropriations Act of 1998 (Public Law 105-66) provided an additional \$300 million for the ADHS. The Federal share is 80 percent. The funds are not subject to obligation limitation and are available until expended.

Additionally, regular Federal-aid funds, including NHS and Surface Transportation Program funds, are available for projects on Federal-aid highways that also are on the ADHS system if appropriate criteria for use of the highway funds are met. The Federal share, obligation limitation and period of availability, are those appropriate for the funding source used.

The Transportation Equity Act for the 21st Century (TEA-21, P.L. 105-178) authorized \$450 million out of the Highway Trust Fund for each of FYs 1999-2003 for the ADHS.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

INDIAN RESERVATION ROADS (IRR)

STATUS: ACTIVE

APPROPRIATION CODES:

163 - Prior to FY 1998
411 - FY 1998 and subsequent years
412 - FY 1998 and subsequent years
825 - Prior to FY 1983.

FEDERAL PARTICIPATION: 100 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: FY 1999 allocation by administrative formula. Starting in FY 2000 a new relative need formula developed under a negotiated rule making with Indian tribal governments.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 101, 202, 203 and 204

CFR REFERENCE: None

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

- IRR and appropriated Bureau of Indian Affairs (BIA) funds can be used as State/local share for projects funded under 23 U.S.C. 104,
- planning, research, engineering, and construction,
- road sealing (using up to 15 percent of funds allocated for IRR),
- Indian local technical assistance program centers,
- transportation planning for programs to enhance tourism and recreational development,
- adjacent vehicular parking areas,
- interpretive signs,
- acquisition of necessary scenic easements and scenic or historic sites,

- pedestrian/bicycles off-road or on-road facilities including modification of existing public walkways to comply with the Americans with Disabilities Act,
- construction and reconstruction of roadside rest areas, including sanitary and water facilities
- transit facilities within public lands, national parks, and Indian reservations, and
- other appropriate facilities such as visitor centers.

BACKGROUND: The IRR Program was established on May 26, 1928, by Public Law 520 (Codified at 25 U.S.C. 318(a)). The act authorized appropriations for survey, improvement, construction, and maintenance of IRR not otherwise eligible for Federal-aid highway funding. The partnership with the BIA and the FHWA began in 1930 when the Secretary of Agriculture was authorized to cooperate with the State highway agencies and the Department of the Interior (DOI) in the survey, construction, reconstruction, and maintenance of IRR serving Indian lands.

Between 1930 and 1982, Congress appropriated funds for IRR in the DOI appropriation acts. The Federal-aid Highway Act of 1936, Public Law 686, Section 6, required that FHWA approve the location, type, and design of all IRR bridges to be constructed using BIA funds. This requirement was also contained in Section 102 of the Federal-aid Highway Act of 1944, Public Law 521. The first BIA/FHWA Memorandum of Agreement was executed in 1948. In 1958, the laws related to highways were revised, codified, and reenacted as Title 23, U.S.C. by Public Law 85-767. The new title contained a definition of IRR and bridges and a section on IRR.

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 1982 STAA changed the funding source from General Funds to the Highway Trust Fund. With this change, contract authority was established. The 1982 STAA also authorized \$75 million for FY 1983 and \$100 million for each of FYs 1984-1986 (Appropriation Code 163). On May 24, 1983, the BIA and the FHWA Memorandum of Agreement was executed to carry out 1982 STAA provisions.

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. The 1987 STURAA authorized \$80 million for each of FYs 1987-1991. 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 Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) continued the FLHP, but increased the funding categories from three to four by adding a new program category for refuge roads.

The FHWA's Federal Lands Highway Office co-administers the IRR Program with the 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 25,000 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 eligible (mainly local roads). 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. The IRR funds can be used on these State and local roads as a supplement to (but not in lieu of) regular Federal-aid construction funds apportioned under 23 U.S.C. 104 or 23 U.S.C. 144.

A "Relative Needs" formula was used for FY 1999 to allocate IRR funds among the 12 BIA Area Offices. The formula was 20 percent population, 30 percent vehicle miles traveled (average daily traffic multiplied by mileage), 50 percent cost-to-improve (the cost it would take to bring the road up to a given standard). Funds are to be allocated in FY 2000 and beyond using a new relative need allocation formula developed under a negotiated rule making with Indian tribal governments.

The tribal governments develop and submit a priority list of projects to the BIA Area Office accompanied with the tribal government's letter of approval (resolution). The BIA and Tribal governments then develop a multi-year transportation improvement program (TIP) within available funding levels.

The IRR program must comply with the Buy Indian Act of 1916 and Section 7(b) of the Indian Self Determination and Education Assistance Act, Public Law 93-638 referenced under 23 U.S.C. 204(e). Both of these direct the employment of Indians on IRR funded projects. Also, the provisions of PL 93-638 (as amended) provides for tribes to apply to the Secretary of Interior to undertake IRR projects or portions of the IRR Program including contractible functions traditionally performed in the BIA Area Office, 23 U.S.C. 202(d)(3).

Up to 2 percent of the funds made available each fiscal year for IRR must be allocated to Indian tribal governments applying for transportation planning assistance 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 TIP that includes all IRR projects proposed for funding. Projects must be selected by the Indian tribal government from the TIP and are subject to the approval of the BIA and FHWA. The planning of all regionally significant IRR projects will be part of the

continuing, cooperative and comprehensive planning process used to develop the Transportation Improvement Program.

Section 9002(i)(3) of the TEA-21 Restoration Act (IRS Restructuring and Reform Act of 1998, Title IX, TEA-21 Restoration Act) deleted 23 U.S.C. 144(g)(4) set-aside of apportioned Highway Bridge Replacement and Rehabilitation Program funds and added a nationwide priority program for improving deficient IRR bridges using a set-aside of \$13 million of IRR funds per year. All IRR bridges are to be inventoried and rated, and a priority set for replacement or rehabilitation of deficient bridges, 23 U.S.C. 144(c)(3).

Section 1115(b) of the TEA-21, codified as 23 U.S.C. 203, allows IRR funds to be obligated when engineering and related activities are approved for construction contracts prior to contract award after the plans, specifications, and estimates are approved.

The TEA-21, authorized \$1.66 billion appropriated out of the Highway Trust Fund over a 6 year period and continued the IRR program and authorized \$225 million for FY 1998 and \$275 million for each of FYs 1999-2003.

Section 1115(b) of the TEA-21, codified as 23 U.S.C. 202(d)(2), require IRR program procedures be developed under a negotiated rule making with Indian tribal governments by April 1, 1999.

Section 1115(d) of the TEA-21, codified as 23 U.S.C. 204(a)(2) 23 U.S.C. 204(a)(6), added the requirement that Transportation planning procedures and bridge, congestion, pavement and safety management systems as appropriate be implemented by regulation.

23 U.S.C. 204(f) requires that all regulations and agreements dealing with IRR funding shall be jointly approved by the FHWA and the BIA.

Funds allocated for IRR may also be used for the purpose of funding road projects on roads of tribally controlled post secondary vocational institutions.

Section 1214(d) of the TEA-21 provides \$1.5 million from the Highway Trust Fund for each FYs 1998-2003 for the maintenance of county maintained public roads serving as a school or Headstart bus route that are within, adjacent to, or provides access to the Navajo Indian Reservation. These funds are allocated equally to the States of Arizona, New Mexico and Utah.

ADDITIONAL INFORMATION: Contact the Federal Lands Highway Office of Program Development (HFPD).

NATIONWIDE PRIORITY PROGRAM FOR IMPROVING DEFICIENT INDIAN RESERVATION ROAD (IRR) BRIDGES

STATUS: ACTIVE Set-aside from the Indian Reservation Road funds

APPROPRIATION CODE: 412 -- FY 1998 and subsequent years

FEDERAL PARTICIPATION: 100 percent Federal share

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Set-aside from the Indian Reservation Road funds are 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. 202(d)(4)

CFR REFERENCE: None

ELIGIBILITY: IRR Bridge funds set aside for deficient Indian Reservation Road Bridge may be obligated for eligible projects to replace, rehabilitate, seismically retrofit, paint, or apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing composition, or install scour countermeasures for deficient highway bridges, including multiple pipe culverts located on Indian reservation roads.

To be eligible to receive funding a bridge must: a) have an opening of 20 feet or more, b) be on an Indian reservation road, c) be unsafe because of structural deficiencies, physical deterioration, or functional obsolescence, d) be recorded in the national bridge inventory. Funds to carry out IRR bridge projects shall be made available only on approval of plans, specifications and estimates by the Secretary.

BACKGROUND: Section 1115(b)(4)(C) of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178), contained requirements concerning Indian reservation bridges which was previously covered under Section 1028(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). Under ISTEA, funds for deficient IRR bridges were State specific and were set-aside from Highway Bridge Replacement and Rehabilitation Program. Under TEA-21, a nationwide priority program is established and does not restrict expenditures in a specific State, but funds can be spent on deficient IRR bridges regardless of the State in which the bridge is located. 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. Also, the TEA-21 also authorized a set-aside of \$13 million per fiscal year from Indian Reservation Road funds for this program. Project selection/fund allocation procedures for uniform application of the legislation is being developed.

ADDITIONAL INFORMATION: Contact the Federal Lands Highway Office of Program Development (HFPD).

PUBLIC LANDS HIGHWAYS - DISCRETIONARY AND FOREST HIGHWAYS

STATUS: ACTIVE Prior to the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) , Forest Highways(FH) and Public Lands Highways (PLH) were separate categories under the Federal Lands Highway Program (FLHP). The 1991 ISTEA combined the Forest Highways and PLH discretionary categories into one category. It provided for the combined PLH category to be administered under coordinated, but different procedures. The Transportation Equity Act for the 21st Century (TEA-21) continued the combined categories with no significant changes.

APPROPRIATION CODES:

151 -- FYs 1972-1983 (1st Qtr.) Apportioned FH Funds
153 -- Pre-FY 1983 PLH Discretionary Funds
181 -- FY 1983 Allocated FH Funds.
183 -- FYs 1983-1991 PLH Discretionary Funds
18E -- Public Lands, FY 1992 and Subsequent Years
18F -- PLH, FYs 1992 and Subsequent Years (FLH ONLY)
18G -- PLH, FYs 83 and Subsequent Years (23 USC 202(c)) (FLH ONLY)
191 -- FYs 1984-1991 Allocated FH Funds.
19A -- FY 1992 and Subsequent Years, Allocated PLH/FH Funds
413 -- PLH, FYs 1998 and Subsequent Years
414 -- PLH, FYs 1998 and Subsequent Years (23 USC 202(c)) (FLH ONLY)
415 -- FY 1998 and Subsequent Years, Allocated PLH/FH Funds

FEDERAL PARTICIPATION: 100 percent

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. 201, 202, 203 and 204

CFR REFERENCE: 23 CFR 660A

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

- planning, research, engineering, highway construction and highway reconstruction,
- transportation planning for programs to enhance tourism and recreational development,
- adjacent vehicular parking areas,
- interpretive signs,
- acquisition of necessary scenic easements and scenic or historic sites,

- pedestrian/bicycles off-road or on-road facilities including modification of existing public walkways to comply with the Americans with Disabilities Act,
- Construction and reconstruction of roadside rest areas, including sanitary and water facilities,
- Other appropriate facilities such as visitor centers, and
- A project to build a replacement of the Federally owned bridge over the Hoover Dam in the Lake Mead National Recreational Area between Nevada and Arizona.

BACKGROUND:

FLHP

Section 126 of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) established a coordinated 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 combining forest highways and discretionary public lands highways under public lands highways. The Transportation Equity Act for the 21st Century (1998 TEA-21, Public Law 105-178) continues the combined categories with no significant changes.

PLH - Discretionary

The PLH 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. The program has been continued with each highway or transportation act since then. Applications for funding are solicited annually from the States.

Under 23 U.S.C. 204(b), the PLH funds are available for any kind of transportation project eligible for assistance under Title 23, United States Code, that is within, adjacent to, or provides access to the areas served by the public lands highway. A "public lands highway" as defined in 23 U.S.C. 101 is a forest road or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations that is under the jurisdiction of and maintained by a public authority and open to public travel.

PLH - Forest Highway

Congress created National Forests in 1891. The 1916 Federal-Aid Road Act provided funds for forest roads and trails serving National Forests. The Federal-Aid Highway Act of 1921 divided forest roads and trails into a) Forest Highway and b) Forest Development roads and trails. Forest highways are public roads that are owned by State or local agencies and serve the 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 department of transportation and local agencies and with the Forest Service.

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 FH 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 FH funds according to relative needs of the National Forest system instead of apportioning FH funds to the States.

Relative to PLH, Section 1032(a) of the 1991 ISTEA stipulated in amended 23 U.S.C. 202 that:

- 66 percent of the allocated PLH funds shall be allocated for FH routes in accordance with the formula established in Section 134 of the 1987 STURAA with equal consideration given for funding roads providing access to and within the National Forest system determined by renewable resource and land use planning and the impact of such planning on transportation facilities. The conference report also directed that these funds be allocated by Forest Service Regions, and
- 34 percent of the allocated PLH funds shall be allocated 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).

Although the 1991 ISTEA combined FH and PLH into 1 category, it provided for the combined Public Lands Highways category to be administered under coordinated, but different procedures. The first procedure was to follow the present PLH discretionary

process. The second procedure was to follow the present FH allocation and program selection process. In both procedures, the State highway agency was to concur in the planning and selection of projects.

Section 1101 of the TEA-21 authorized over \$1.4 billion to be appropriated out of the Highway Trust Fund over a 6-year period for PLH, broken down as follows:

	<u>Total</u>	<u>FH</u>	<u>PLH Discretionary</u>
FY 1998	\$ 196 000,000	\$ 129,360,000	\$ 66,640,000
FY 1999-2003 (per each FY)	\$ 246,000,000	162,360,000	83,640,000

ADDITIONAL INFORMATION: Contact the Federal Lands Highway Office of Program Development (HFPD) for FH and/or the Office of Program Administration (HIPA) for the PLH Discretionary.

PARKWAYS AND PARK ROADS

STATUS: ACTIVE

APPROPRIATION CODES:

417 -- Park Roads and Parkways

FEDERAL PARTICIPATION: 100 percent

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. 101, 201, 202, 203, and 204

CFR REFERENCE: None

ELIGIBILITY: Parkways and Park Roads 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 travel that benefits recreational development,
- adjacent vehicular parking areas,
- interpretive signs,
- acquisition of necessary scenic easements and scenic or historic sites,
- pedestrian/bicycles off-road or on-road facilities including modification of existing public walkways to comply with the Americans with Disabilities Act,
- construction and reconstruction of roadside rest areas, including sanitary and water facilities,
- other appropriate public road facilities such as visitor centers, and
- transit facilities within public lands, national parks and Indian reservations.

Allocations are based on each project ranking on a servicewide priority list developed by the National Park Service and approved by the FHWA.

BACKGROUND: The FHWA began providing technical and engineering assistance in the early 1920's to the National Park Service. A formal interagency agreement has been in existence since 1926 under which the FHWA provides all highway engineering assistance. 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. Parkway are authorized by Congress and owned by the National Park Service. The FHWA's Federal Lands Highway Office administers the Parkways and Park Roads Program in cooperation with the National Park Service (NPS). A memorandum of agreement was executed on May 19, 1983 in accordance with 23 U.S.C. 204(f).

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 million for FY 1983 and \$100 million for each of FYs 1984-1986 for parkways and park roads. The 1987 STURAA authorized \$60 million for each of FYs 1987-1991 for parkways and park roads.

Section 1003 of the 1991 ISTEA authorized \$69 million to be appropriated out of the Highway Trust Fund over a 6-year period for parkways and park roads for FY 1992, \$83 million for each of FYs 1993-1995, and \$84 million for each of FYs 1996-1997. Additional funding for specific parkways and park roads projects is sometimes provided in DOT and DOI appropriations acts. Also several specific projects received funding under Sections 1069, 1104, 1105, and 1107 of the 1991 ISTEA.

The ISTEA amended 23 U.S.C. 144(c) to require all park road bridges to be inventoried, rated, have priority set to rehabilitate or replace deficient bridges and determine associated costs.

The Transportation Equity Act for the 21st Century (TEA-21, P.L. 105-178) authorized \$115 million for FY 1998 and \$165 million for each of FYs 1999-2003 out of the Highway Trust Fund for park roads and parkways.

ADDITIONAL INFORMATION: Contact the Federal Lands Highway Office of Program Development (HFPD).

REFUGE ROADS

STATUS: ACTIVE

APPROPRIATION CODES: 419

FEDERAL PARTICIPATION: 100 percent

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. 201, 202, 203 and 204

CFR REFERENCE: None

ELIGIBILITY: Limited to payment of costs for maintenance and improvements of refuge roads; maintenance and improvements of adjacent vehicular parking areas, maintenance and improvements of provisions for bicycles and pedestrians including modification of existing public sidewalks to comply with the requirements of the Americans with Disabilities Act, and maintenance and improvements of rest areas located in or adjacent to wildlife refuges, and administrative costs associated with such maintenance and improvements.

Allocations are based on a long range transportation improvement program developed by the U. S. Fish and Wildlife Service.

BACKGROUND: Section 1115(e) of the Transportation Equity Act for the 21st Century (TEA-21, P.L. 105-178) expanded the Federal Lands Highways Program to include Refuge Roads, those roads in the refuges of the National Wildlife Refuge System. It also provided that the funds are to be allocated according to the relative needs of the various refuges, and taking into account:

- S the comprehensive conservation plan for each refuge,
- S the need for access as identified through land use planning, and
- S the impact of land use planning on existing transportation facilities.

The TEA-21 also authorized \$20 million for each of FYs 1999-2003 out of the Highway Trust Fund for Refuge Roads.

ADDITIONAL INFORMATION: Contact the Federal Lands Highway Office of Program Development (HFPD).

METROPOLITAN PLANNING FUNDS

STATUS: ACTIVE

APPROPRIATION CODES:

085 -- PL-FYs 1992 - 1997

Q45 -- PL-FYs 1998 - 2003

3BM -- PL flexed to FTA for consolidated planning grant - 1992 - 1997

QA1 -- PL flexed to FTA for consolidated planning grant - 1998 - 2003

FEDERAL PARTICIPATION: 80 percent, 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: 1 percent deduction from funds authorized for certain Title 23 programs is apportioned to the States based on a ratio of urbanized population in individual States to the total nationwide urbanized area population. The minimum apportionment per State is ½ percent of the total nationwide apportionment. States must make all Metropolitan Planning (PL) funds authorized by 23 U.S.C. 104(f) available to the Metropolitan Planning Organizations (MPOs) in accordance with a formula developed by the State, in consultation with the MPOs, and approved by the FHWA. In developing the formula for distributing PL funds, the State must consider population, status of planning, attainment of air quality standards, metropolitan area transportation needs, and other factors necessary to provide for an appropriate distribution of funds to carry out the requirements of 23 U.S.C. 134 and other applicable requirements of Federal law. In addition to apportioned PL funds, any amount of National Highway System (NHS) and Surface Transportation Program (STP) funds may be used for PL activities if desired.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 104(f) and 134

CFR REFERENCE: 23 CFR 420 and 450

ELIGIBILITY: PL funds are available for MPOs to carry out the metropolitan transportation planning process required by 23 U.S.C. 134, including development of metropolitan area transportation plans and transportation improvement programs. Eligible activities 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 using such information to determine current and future

transportation needs. Under 23 U.S.C. 134, MPOs are 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. Both the plan and the TIP must be fiscally constrained. The TIP also must be prioritized, 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 (Title 49, U.S.C., Chapter 53) money.

BACKGROUND: Section 9 of the Federal-aid Highway Act of 1962 (Public Law 87-866) added Section 134 to Title 23, U.S.C., which required a continuing, comprehensive, and cooperative planning process in urban areas of 50,000 or more population. Prior to 1973, funding for this planning process was provided from existing programs. Section 112 of the Federal-aid Highway Act of 1973 (Public Law 93-87) added Section 104(f) to Title 23, to provide PL funds for MPOs to carry out the Section 134 process. One-half percent of certain categories of funds authorized under 23 U.S.C. 104 were deducted before apportionment and apportioned to the States for metropolitan planning based on each States share of population in urbanized areas. The optional use of 1/2 percent of minimum allocation 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). The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) increased the deduction for PL funds to 1 percent.

The Federal-aid Highway Act of 1976 (Public Law 94-280) amended 23 U.S.C. 104(f) to allow 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 area planning. In accordance with 23 U.S.C. 134(n), which was added by the 1991 ISTEA, any PL funds in any State that are not used for metropolitan planning under Section 134, may be made available by the MPO(s) to the State for statewide transportation planning under 23 U.S.C. 135.

The Federal share for the PL funds was initially administratively linked to the ratio for Highway Planning and Research (HPR) funds (now State Planning and Research funds). When the HPR Federal share was increased to 85 percent 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 percent. Prior to FY 1983, the PL ratio was generally 80 percent. 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. Section 6001 of the 1991 ISTEA changed the name of HPR funds to State Planning and Research (SPR) funds and set the SPR matching ratio at 80 percent without sliding scale. At the same time, Section 120(j) was removed from 23 U.S.C.;

thus the matching ratio for PL funds is now 80 percent with sliding scale in accordance with the general matching provisions of 23 U.S.C. 120(a).

The Transportation Equity Act for the 21st Century (TEA-21), did not alter the basic provisions for PL funds. However, with the restructuring of the Federal-aid highway program under the TEA-21, the categories of funds that PL funds are derived from has changed.

ADDITIONAL INFORMATION: Contact the Office of Metropolitan Planning (HEMP).

**NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM
(See also COORDINATED BORDER INFRASTRUCTURE PROGRAM)**

STATUS: ACTIVE

APPROPRIATION CODES:

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Sections 1101(a)(9) and 1118 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: Allocations are made to States and metropolitan planning organizations for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. Allocations may be made for conducting feasibility studies, comprehensive corridor planning and design, location and routing studies, multistate and intrastate coordination for corridors, and after review of a development and management plan for the corridor or a useable segment, environmental review and construction.

Eligible corridors consist of:

- high priority corridors identified in Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), and
- any other significant regional or multistate highway corridor selected after consideration of:
 - the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State has increased since NAFTA and is projected to increase,
 - the extent to which commercial vehicle traffic in each State has increased since NAFTA, and is projected to increase,
 - the extent to which international truck-borne commodities move through each State,
 - the reduction in travel time through major international gateway or port as a result of the proposed project,

- the extent of leveraging of Federal funds by innovative financing or other funds provided under Title 23, or other sources of funds,
- the extent of impact on value of commercial cargo due to border congestion, and
- encouragement of major multistate or regional mobility or economic growth in areas undeserved by existing infrastructure.

BACKGROUND: The TEA-21 authorized \$140 million for each of FYs 1999-2003 for the National Corridor Planning and Development and the Coordinated Border Infrastructure Programs. It provided eligibility criteria and a definition of Corridor Development and Management Plan.

ADDITIONAL INFORMATION: Contact the Office of Intermodal and Statewide Programs (HESP).

COORDINATED BORDER INFRASTRUCTURE PROGRAM

STATUS: ACTIVE

APPROPRIATION CODES:

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: FY + 3

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Sections 1101(a)(9) and 1119 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: Funds allocated to a State or metropolitan planning organization may be used in a border region for:

- improvements to existing transportation and supporting infrastructure that facilitate cross-border vehicle and cargo movements,
- construction of highways and related safety and safety enforcement facilities that will facilitate vehicle and cargo movements related to international trade,
- operational improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movement,
- modifications to regulatory procedures to expedite cross-border vehicle and cargo movements,
- international coordination of planning, programming, and border operation with Canada and Mexico relating to expediting cross-border vehicle and cargo movements, and
- activities of Federal inspection agencies.

BACKGROUND: Section 1101(a)(9) of TEA-21 authorized \$140 million for each of FYs 1999-2003 for the National Corridor Planning and Development and Coordinated Border Infrastructure Programs.

Section 1119 of TEA-21 provides that allocations shall be made on the basis of:

- expected reduction in commercial and other traffic travel time through international border crossing as a result of the project,

- improvements in vehicle and highway safety and cargo security related to cross-border movements,
- strategies to increase use of existing, under-utilized border crossing facilities and approaches,
- leveraging of Federal funds,
- degree of multinational involvement in the project and demonstrated coordination with other Federal agencies,
- improvements in vehicle and highway safety and cargo security,
- degree of demonstrated coordination with Federal inspection agencies,
- extent to which innovative techniques could be applicable at other crossings, and
- demonstrated local commitment to implement and sustain planning and improvement programs.

It also provided that up to \$10 million could be transferred to General Services Administration for construction of transportation infrastructure for law enforcement.

ADDITIONAL INFORMATION: Contact the Office of Intermodal and Statewide Programs (HESP).

STATE PLANNING AND RESEARCH (SPR)

STATUS: ACTIVE

APPROPRIATION CODES:

081 -- SPR, may be used either for planning or for Research, Development, and Technology Transfer (RD and T), FYs 1992-1997
086 -- SPR, mandatory 25 percent for RDandT activities, FYs 1992-1997
31F -- SPR, Territories NHS
Q55 -- SPR, may be used either for planning or for Research, Development, and Technology Transfer (RD and T), FY 1998-2003
Q56 -- SPR, mandatory 25 percent for RD and T activities, FY 1998-2003

FEDERAL PARTICIPATION: 80 percent, 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: These funds are a 2 percent set-a-side from certain Federal-aid funds apportioned to a State -- see below.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 505

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, and the planning of the financing of such programs and systems including metropolitan and 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 highways, public transportation, and intermodal transportation systems, and
- 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 optional use of 1 ½ percent of Federal-aid funds apportioned for several programs for surveys, planning, and engineering investigations for future highway improvements. This subsequently was broadened to a wider planning and research program. The Federal-aid Highway Act of 1962 (Public Law 87-866) changed the use of the 1 ½ percent amount from optional to exclusive and allowed an additional ½ percent of Primary, Secondary, and Urban System funds (PR funds) to be used at a State's option for planning and research purposes. Section 124 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) amended 23 U.S.C. 157(c) to allow the States to use up to 1 ½ percent of their minimum allocation funds for HPR activities. Also, States are allowed to contribute up to 5 ½ percent (4 ½ percent prior to FY 1989) of their annual HPR apportionment for research under the National Cooperative Highway Research Program (NCHRP). Prior to passage of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), HPR funds were derived from the sums apportioned for Interstate Construction, Interstate Substitute, Primary, Secondary, Interstate 4R, Urban, and Highway Bridge Replacement and Rehabilitation programs.

Prior to FY 1983 the maximum percentage for Federal participation was determined in accordance with clause (A) or (B) of 23 U.S.C. 120(a) and was based on the relative amounts of Interstate and non-Interstate funds apportioned for the year. Beginning in FY 1983, a standard Federal share of 85 percent was established 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 that the sliding scale rates for States with large areas of public lands were applicable to HPR.

The 1991 ISTEA continued the HPR program but renamed it State Planning and Research (SPR), increased the set-a-side to 2 percent, and changed the matching ratio to 80 percent for all States. Beginning in FY 1992, SPR funds were set-a-side from the sums apportioned to the States for the Interstate Construction (through FY 1996), Interstate Substitution (through FY 1996), Interstate Reimbursement (beginning in FY 1996), Interstate Maintenance (IM), National Highway System (NHS), Surface Transportation (STP) (including Hold Harmless and 90 percent of Payment Adjustment funds transferred to the STP), Congestion Mitigation and Air Quality Improvement (CMAQ), and Highway Bridge Replacement and Rehabilitation (HBRR) programs. In addition, up to 1 ½ percent of a State's Minimum Allocation (MA) and any amount of NHS and STP funds may be used for SPR activities.

With enactment of the Transportation Equity Act for the 21st Century (TEA-21), the SPR program was moved to section 505 of new Chapter 5 of Title 23 United States Code. Beginning in FY 1998, SPR funds are 2 percent of the funds apportioned/allocated to a State for the IM, NHS, STP, CMAQ, and HBRR programs

and the new Minimum Guarantee (MG) program which replaced the MA and other ISTEA equity programs. Eligible activities remain unchanged.

Beginning in FY 1992, at least 25 percent 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 percent of the amount of such funds and the FHWA concurs.

ADDITIONAL INFORMATION: Contact the Office of Intermodal and Statewide Programs (HESP) or the Office of Research and Development (HRDS).

COMMERCIAL VEHICLE INTELLIGENT TRANSPORTATION SYSTEMS (ITS) INFRASTRUCTURE DEPLOYMENT

STATUS: ACTIVE

APPROPRIATION CODES:

R72 & QT5 -- ITS Deployment - Northeast Corridor
R73 & QT6 -- ITS Deployment - Great Lakes Corridor
R74 -- ITS Deployment - Hazardous Materials Monitoring
R75 -- ITS Deployment - Translink (Texas Transportation Institute)

FEDERAL PARTICIPATION: 50 percent ITS funding. Total of 80 percent from all Federal sources.

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation for contracts and cooperative agreements

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 5209 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: Commercial Vehicle ITS Infrastructure Deployment funds may be used to advance the technological capability and promote deployment of ITS applications to commercial vehicle operations.

The priorities are established in Section 5209(c) of the TEA-21. ITS Deployment funds were earmarked for specific locations/projects as follows:

- \$2 million per year to Wisconsin for the Great Lakes Corridor
- \$5 million per year to States to continue ITS activities in the Interstate Route I-95 Corridor
- \$1.5 million per year for Hazardous Materials Monitoring Systems
- \$1.3 million in FYs 1999-2001 for Translink (Texas Transportation Institute)

BACKGROUND: Section 5001(a)(6) of the TEA-21 authorized \$679 million for FYs 1998-2003 for the ITS deployment program. Section 5001(c)(4)(B) directs the following amounts be made available to carry out Section 5209 relating to ITS

commercial vehicle infrastructure: \$25.5 million for FY 1998, \$27.2 million for FY 1999, \$30 million for FY 2000, \$32.2 million for FY 2001, \$33.5 million for FY 2002, and \$35.5 million for FY 2003.

TEA-21 seeks to advance the technological capability and promote the deployment of ITS applications to commercial vehicle operations. The programs's goals are to improve the safety and productivity of commercial vehicles and drivers, and to reduce costs associated with operating and regulating commercial vehicles in the United States.

These goals will be met by directing project funds toward the Commercial Vehicle Information Systems and Networks (CVISN) infrastructure. The CVISN infrastructure will enable States to provide:

- automated roadside inspections that target unsafe carriers,
- automated vehicle screening and weighting at international boarder crossings and weight stations, and
- electronic credentialing and automated tax reporting and filing.

TEA-21 sets the goal for the CVISN infrastructure to be deployed in a majority of States by September 30, 2003.

ADDITIONAL INFORMATION: Contact the Office of Intelligent Transportation Systems Joint Program Office (HOIT).

INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM

STATUS: ACTIVE

APPROPRIATION CODES:

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund (HTF)

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 506 and Section 5001 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: Activities carried out under this program may include:

- development, monitoring, assessment, and dissemination in the U.S. of information about highway transportation innovations in foreign countries that could significantly improve highway transportation in the U.S.,
- research, development, demonstration, training and other forms of technology transfer or exchange,
- informing foreign countries about the technical quality of U.S. highway transportation goods and services through participation in trade shows, seminars, expositions, and other such activities,
- offering technical services of the FHWA that cannot be readily obtained from U.S. private sector firms to be incorporated into the proposals of U.S. private sector firms undertaking highway transportation projects outside the U.S., if the costs of such services will be recovered under the terms of the project,
- conducting studies to assess the need for or feasibility of highway transportation improvements in countries that are not members of the Organization for

Economic Cooperation and Development, as of 12/18/91 and in Greece and Turkey, and

- gathering and disseminating information on foreign transportation markets and industries.

BACKGROUND: Section 5001(c) of the TEA-21 provided a set-aside of funds authorized in Section 5001(a)(1) of \$500,000 for each of FYs 1998-2003 to carry out international outreach.

23 U.S.C. 506 also enable States to use funds made available to carry out State Planning and Research (23 U.S.C. 505) for any international activity listed above. Such use of funds is at the discretion of the States and in coordination with the Secretary.

ADDITIONAL INFORMATION: Contact the Office of International Programs (HPIP).

INTELLIGENT TRANSPORTATION SYSTEMS (ITS) INTEGRATION

STATUS: ACTIVE

APPROPRIATION CODES:

R70 & QT3 -- ITS Deployment - Metropolitan Areas
R71 & QT4 -- ITS Deployment - Rural Areas

FEDERAL PARTICIPATION: 50 percent ITS funding. Total of 80 percent from all Federal sources.

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation for contracts and cooperative agreements

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Sections 5208 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: ITS integration funds may be used to accelerate ITS integration and interoperability in metropolitan and rural areas and must be selected through competitive solicitation and meet certain detailed criteria. In metropolitan areas, funding shall be used primarily for integration; for projects outside metropolitan areas, funding may also be used for installation costs.

BACKGROUND: Section 5001(a)(6) of the TEA-21 authorized \$679 million for FYs 1998-2003 for the ITS deployment program. Section 5001(c)(4)(A) directs the following amounts be made available to carry out Section 5208 relating to ITS integration: \$74 million for FY 1998, \$75 million for FY 1999, \$80 million for FY 2000, \$83 million for FY 2001, \$85 million for FY 2002, and \$85 million for FY 2003. It also stipulates that at least 10 percent of these funds will be directed toward rural areas.

In metropolitan areas, the funds may only be used for integrating existing (legacy) systems, or integrating new systems funded from other sources. Deployment of ITS infrastructure components are not eligible for metropolitan projects. In rural areas, the funds may be used for integrating legacy systems, as well as for deploying new ITS infrastructure components.

ADDITIONAL INFORMATION: Contact the Office of Intelligent Transportation Systems Joint Program Office (HOIT).

INTELLIGENT TRANSPORTATION SYSTEMS (ITS) RESEARCH AND DEVELOPMENT

STATUS: ACTIVE

APPROPRIATION CODES:

R60 & QT2 -- ITS Research and Development

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocations for contracts, cooperative agreements and competitive contracts

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Sections 5001 and 5201 through 5213 of the transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: Priority will be given to projects that:

- S address traffic management, incident management, transit management, toll collection, traveler information or highway operations systems,
- S focus on crash-avoidance and integration of in-vehicle crash protection technologies with other on-board safety systems, including interaction of air bags and safety belts,
- S incorporate human factors research, including the science of driving process,
- S facilitate the integration of intelligent infrastructure vehicles and control technologies, including magnetic guidance control systems or other materials or magnetism research, or
- S incorporate research on the impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates.

BACKGROUND: Section 5001(a)(5) of the TEA-21 authorized \$603.2 million for FYs 1998-2003 for ITS standards, research, operational tests and development.

The purpose of the ITS Research and Development program is to carry out a comprehensive program of intelligent transportation system research, development and operational tests of intelligent vehicles and intelligent infrastructure systems.

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

A National ITS program plan must be maintained and updated as necessary and transmitted to the Congress as a part of the Surface Transportation Research and Development Strategic Plan.

ADDITIONAL INFORMATION: Contact the Intelligent Transportation Systems Joint Program Office (HOIT).

SEISMIC RESEARCH PROGRAM

STATUS: ACTIVE

APPROPRIATION CODE: 431

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocations

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C.502(f). Section 5001(c)(1)(B) of TEA-21 (Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: Studies of the vulnerability of highways, tunnels, and bridges to earthquakes and to develop and implement cost-effective methods to reduce such vulnerability.

BACKGROUND: Section 6005 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) TEA-21 established the Seismic Research Program as 23 U.S.C. 307(f). Funding for the program was authorized as a set-aside from administrative funds under 23 U.S.C. 104(a). The Transportation Equity Act for the 21st Century (TEA-21) repealed 23 U.S.C. 307(f) and established a seismic program as 23 U.S.C. 502(f).

Section 5001(c) of TEA-21 allocates \$2 million for each of fiscal years 1998 through 2003 for seismic research under 23 U.S.C. 502(f), and \$2.5 million is allocated to upgrade earthquake simulation facilities.

ADDITIONAL INFORMATION: Contact the Office of Infrastructure Research and Development (HRDI).

SURFACE TRANSPORTATION RESEARCH

STATUS: ACTIVE

APPROPRIATION CODES: 431

FEDERAL PARTICIPATION: 80 percent (Federal share of activities under a cooperative agreement shall not exceed 50 percent except if there is substantial public benefit, a greater share can be approved)

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Grants, cooperative agreements and contracts

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 502

CFR REFERENCE: None

ELIGIBILITY: Section 5102 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) established Section 502 of Title 23, United States Code, which authorized a Surface Transportation Research Program, consisting of research, development, and technology transfer activities related to:

- motor carrier transportation,
- all phases of transportation planning and development (including construction, operation, modernization, development, design, maintenance, safety, financing and traffic conditions); and
- the effect of State laws on activities above.

BACKGROUND: The Secretary shall include in surface transportation research, technology development, and technology transfer, programs in the following areas:

- Development, use and dissemination of indicators, including appropriate computer programs for collecting and analyzing data on the status of infrastructure facilities, to measure performance of the surface transportation systems, including productivity, efficiency, energy use, air quality, congestion, safety, maintenance and other factors that reflect system performance.

- Methods, materials, and testing to improve the durability of facilities and extend the life of bridge structures including:
 - S new and innovative technologies to reduce corrosion,
 - S tests simulating seismic activity, vibration, and weather, and
 - S the use of innovative recycled materials.
- Technologies and practices that reduce costs and minimize disruptions associated with the construction, rehabilitation, and maintenance of surface transportation systems, including responses to natural disasters.
- Development of nondestructive evaluation equipment for use with existing infrastructure facilities and with next-generation infrastructure facilities that use advanced materials.
- Dynamic simulation models of surface transportation systems for:
 - S predicting capacity, safety, and infrastructure durability problems,
 - S evaluating planned research projects, and
 - S testing strengths and weaknesses of proposed revisions to surface transportation operations programs.
- Economic highway geometrics, structures, and desirable weight and site standards for vehicles using the public highways and the feasibility of uniformity in State regulations with respect to such standards.
- Telecommuting and the linkages between transportation, information technology, and community development and the impact of technological change and economic restructuring on travel demand.
- Expansion of knowledge of implementing life cycle cost analysis, including:
 - S establishing the appropriate analysis period and discount rates,
 - S learning how to value and properly consider use costs,
 - S determining trade offs between reconstruction and rehabilitation, and

- S establishing methodologies for balancing higher initial costs of new technologies and improved or advanced materials against lower maintenance costs.
- Standardized estimates, to be developed in conjunction with the National Institute of Standards and Technology and other appropriate organizations, of useful life under various conditions for advanced materials of use in surface transportation.
- Evaluation of traffic calming measures that promote community preservation, transportation mode choice, and safety.
- Development and implementation of safety enhancing equipment, including unobtrusive eyetracking technology.

Section 5001 of TEA-21 authorized \$592 million for FYs 1998-2003 for Surface Transportation Research under Sections 502, 506, 507 and 508 of Title 23, United States Code.

The TEA-21 also required the Secretary to establish an Advanced Research Program, consistent with the surface transportation research and technology plan developed under Section 508, that addresses longer-term, higher-risk, research that shows potential benefits for improving the durability, efficiency, environmental impact, productivity, and safety of highway and intermodal transportation systems.

It also authorized the Secretary to complete the long-term pavement performance program test initiated under the Strategic Highway Research Program. Ten million dollars per year for FYs 1998-2003 are made available from the authorization in Section 5001(a)(1). It authorized the establishment of a program to study the vulnerability of the Federal-aid highway system and other surface transportation systems to seismic activity and to develop and implement cost effective methods to reduce such vulnerability. Two million dollars is allocated for each of FYs 1998-2003 for seismic research from the authorization in Section 5001(a)(1). In addition TEA-21 specifies a number of designated projects which are to receive funds. These amounts are prior to reductions which may be necessary each year due to the obligation limitation calculation.

ADDITIONAL INFORMATION: Contact the Office of Infrastructure Research and Development (HRDI).

SURFACE TRANSPORTATION — ENVIRONMENT COOPERATIVE RESEARCH PROGRAM

STATUS: ACTIVE

APPROPRIATION CODES: 431

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 507

CFR REFERENCE: None

ELIGIBILITY: The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) established 23 U.S.C. 507 and authorized research designed:

- to develop more accurate models for evaluating transportation control measures and transportation system designs that are appropriate for use by State and local governments, including Metropolitan Planning Organization's in designing implementation plans to meet Federal, State, and local environmental requirements,
- to improve understanding of the factors that contribute to the demand for transportation, including transportation system design, demographic change, land use planning, and communications and other information technologies,
- to develop indicators of economic, social, and environmental performance of transportation systems, to facilitate analysis of potential alternatives,
- to study the relationship between highway density and ecosystem integrity, including the impacts of highway density on habitat integrity and overall ecosystem health, and to develop a rapid assessment methodology for use by transportation and regulatory agencies in determining the relationship between highway density and ecosystem integrity; and
- to meet additional priorities as determined by the advisory board established by the Secretary including recommendations of the National Research Council in the report entitled "Environmental Research Needs in Transportation."

BACKGROUND: TEA-21 provided \$592 million for FYs 1998-2003 for Surface Transportation Research under Sections 502, 506, 507 and 508 of Title 23, United States Code.

ADDITIONAL INFORMATION: Contact the Office of Infrastructure Research and Development (HRDI).

SURFACE TRANSPORTATION RESEARCH STRATEGIC PLANNING

STATUS: ACTIVE

APPROPRIATION CODES: 431

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 508

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: Section 5108 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) authorized 23 U.S.C. 508. The Secretary is to establish a strategic planning process to determine national transportation research and technology development priorities, coordinate Federal surface transportation research and technology development, and measure its results.

ADDITIONAL INFORMATION: Contact the Office of Infrastructure Research and Development (HRDI).

TECHNOLOGY DEPLOYMENT PROGRAM

STATUS: ACTIVE

APPROPRIATION CODES: 431, 433

FEDERAL PARTICIPATION: 80 percent under Part A (see background below) and as determined by the Secretary under Part B.

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Grants, cooperative agreements, contracts

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 503

CFR REFERENCE: None

ELIGIBILITY: See background below

BACKGROUND:

Part A: Section 5103 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) authorized a technology deployment initiatives and partnerships program under Section 503 of Title 23, United States Code. The purpose is to significantly accelerate the adoption of innovative technologies by the surface transportation community. Grants, cooperative agreements, and contracts may be used to foster alliances and support efforts to stimulate advances in transportation technology, including testing and evaluation of Strategic Highway Research Program products, further development and implementation of Superpave technology, the use of lithium salts and other alternatives to prevent and mitigate alkali silica reactivity, and support for long-term pavement performance product implementation and technology access.

Part B: The Secretary is to establish up to 5 goals for technology deployment, and work with partners to develop strategies to achieve these goals. Consists of the establishment of a program to demonstrate the application of innovative material technology in the construction of bridges and other structures. Grants, cooperative agreements, and contracts may be used with States, other Federal agencies, universities and colleges, private sector entities and non-profit organizations to pay the Federal share of the cost of research, development, and technology transfer concerning innovative materials. Of the amounts authorized in Section 5001(a)(2) of

TEA-21, \$1 million for each of FYs 1998-2003 are available for these activities. Grants may also be used by States to pay the Federal share of the cost of repair, rehabilitation, replacement and new construction of bridges or structures that demonstrate the application of innovative materials. Ten million dollars for fiscal year 1998, \$15 million for FY 1999, \$17 million for FY 2000, and \$20 million for FYs 2001-2003 are available for this purpose from amounts authorized in Section 5001(a)(2).

ADDITIONAL INFORMATION: Contact the Office of Infrastructure Research and Development (HRDI).

**STATE AND COMMUNITY HIGHWAY SAFETY GRANTS
(402 PROGRAM -- FORMERLY HIGHWAY SAFETY PROGRAM)**

STATUS: ACTIVE

APPROPRIATION CODE: 607

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

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

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 402

CFR REFERENCE: 23 CFR 1200

ELIGIBILITY: Funds apportioned to the States under 23 U.S.C. 402 are to pay for non-construction costs of highway safety programs aimed at the reduction of injuries, deaths and property damage from motor vehicle accidents. Typical projects include:

- Developing or upgrading traffic record systems,
- Collecting and analyzing data,
- Conducting traffic engineering studies and analyses,
- Developing technical guides and materials for States and local highway agencies,
- Developing work zone safety programs,
- Encouraging use of seat belts and child safety seats,
- Developing roadway safety public outreach campaigns,
- Reducing impaired drivers,
- Developing programs to combat drivers who speed or drive impaired, and
- Developing programs to reduce aggressive driving (i.e. red light runners).

BACKGROUND: This program was originally authorized as the Highway Safety Program, the “402 Safety Program,” under Section 101 of the Highway Safety Act of 1966 (Title II of Public Law 89-564) and codified as 23 U.S. C. 402. It is jointly administered by the FHWA and the National Highway Traffic Safety Administration (NHTSA). The FHWA is responsible for guidelines and programs relating to the highway and the NHTSA is responsible for guidelines and programs relating to the driver and the vehicle. Under the transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) , there are no longer separate authorizations for FHWA 23 U.S. C. 402 funds and NHTSA 23 U.S. C. 402. TEA-21 consolidated the program into one authorization. A State may use 23 U.S. C. 402 funds only for highway safety purposes, but the roadway/behavioral funding split is at their own option.

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; traffic engineering services; and pedestrian safety (shared with NHTSA). These standards are now considered to be guidelines, but have been retained in 23 CFR 1205 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.” Under TEA-21, the periodic rulemaking process to determine national priorities was revised. States must no longer follow National Program Areas, but must instead submit a Performance Plan which establishes goals and performance measures to improve highway safety in their State, and a Highway Safety Plan which describes activities to achieve these goals.

Section 2001 of the TEA-21 reauthorized the State and Community Highway Safety formula grant program under 23 U.S.C. 402. At least 40 percent of the apportionments to each State must be used to address local traffic safety problems. It provides an authorization of \$932.5 million over FYs 1998-2003. It also increased the apportionment to the Bureau of Indian Affairs to no less than 3/4 percent.

ADDITIONAL INFORMATION: Contact the Office of National and International Safety Programs (HMSP).

OPERATION LIFESAVER

STATUS: ACTIVE Funds to carry out Operation Lifesaver are to be taken from Surface Transportation Program (STP) funds pursuant to 23 U.S.C. 104(b)(3).

APPROPRIATION CODES:

13F Operation Lifesaver (Pub Info Prog Rail-Hwy Xing Haz) (P.L. 100-17 & 100-202; 23 USC 130)
Q1F Operation Lifesaver, FMIS Only, Sec. 1103(c), P.L. 105-178.

FEDERAL PARTICIPATION: 100 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation to Operation Lifesavers, Inc.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 104(d)

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 highway-rail grade crossings and on railroad rights-of-way.

BACKGROUND: Section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) revised 23 U.S.C. 104(d) so as to require the Secretary of Transportation to provide funds for the Operation Lifesaver Program. Section 1103(c)(1) of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) continued funding for this program.

The TEA-21 authorized the deduction from STP funds for Operation Lifesaver to be \$500,000 per fiscal year.

ADDITIONAL INFORMATION: Additional information may be obtained from the Office of Highway Safety Infrastructure (HMHS).

SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS

STATUS: ACTIVE

APPROPRIATION CODES: Q09, RO9

FEDERAL PARTICIPATION: Normal pro rata for projects eligible under 23 U.S.C.; 100 percent for innovative seatbelt incentive grants (available only when unallocated funds exist in program in FYs 2000-2003).

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. 157

CFR REFERENCE: 23 CFR 1240

ELIGIBILITY: Allocations based on a State's seat belt use rate may be used for any eligible project under Title 23, United States Code. These incentive funds are available for highway and bridge construction, highway safety infrastructure safety improvements, seatbelt projects, programs to combat drunk driving, pedestrian walkways and trails, etc. -- any eligible activity under Title 23 United States Code (all four chapters: Federal Aid, Other Highways, General Provisions, and Highway Safety.) The U.S. DOT has requested that each State qualifying for these incentive funds submit a plan to identify in writing how the States wish to distribute these funds -- specifying the amount for highway safety and the amount for Federal-aid highway programs.

BACKGROUND: Section 1403 of the transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) established 23 U.S.C. 157 to provide incentive grants to States to improve statewide use rates at seat belts. It authorizes to be appropriated \$82 million for FY 1999, \$92 million for FY 2000, \$102 million for FY 2001, \$112 million for FY 2002 and \$112 for FY 2003.

It also provides that the States submit State seat belt use rates for calendar years 1996 and 1997 and for each year thereafter through 2001. These rates will be adjusted to ensure national consistency in methods of measurement and used to determine which States have had, for each of the (2) previous calendar years, State seat belt use rates greater than the national average.

Each State with a State seat belt use rate higher than the national average will receive an allocation equal to the savings to the Federal government (the amount of budget savings relating to Federal medical costs, including savings to Medicare and medical costs, including savings to Medicare and Medicaid programs) due to the amount by which the State seat belt use rate for the previous calendar year exceeds the national average for that year. These allocations may be used for projects eligible under Title 23, United States Code.

Each State with a State seat belt use rate lower than the national average shall be allocated an amount equal to the savings to the Federal Government due to any increase in the State seat belt use rate for the previous calendar year over the base seat belt use rate, which is the highest State seat belt use rate for any calendar year during the period 1996 through the calendar year preceding the previous calendar year. These allocations may be used for projects eligible under Title 23 U.S.C.

If the amount authorized for FY 1999 exceeds the total amounts to be allocated to the States above, the excess amounts are apportioned to the States as Surface Transportation Program (STP) funds, not subject to set asides, eligible for purposes under the STP. For FYs 2000-2003 any excess authorization is allocated to States to carry out innovative projects to promote increased seat belt use rates. The innovative projects are to be included in a plan developed by the State and submitted to NHTSA by March 1. The plans shall be selected for implementation based on criteria established by December 1, 1998, which shall include demographic and geographic diversity and a diversity of seat belt use rates among the States selected. The amount of the allocation shall be at least \$100,000 per fiscal year covered by a State plan. These allocations are to carry out the innovative projects in the State plan, at 100 percent Federal share, and are available for the fiscal year allocated plus 3 years.

ADDITIONAL INFORMATION: Contact the Office of National and International Safety Programs (HMSP).

SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS

STATUS: ACTIVE

APPROPRIATION CODES: QN1, Q08, R08

FEDERAL PARTICIPATION: 100 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportioned

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 163

CFR REFERENCE: 23 CFR Part 1225

ELIGIBILITY: Funds under this program may be used for any project eligible under Title 23, United States Code.

BACKGROUND: Section 1404 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) authorized incentive grants to a State that has enacted and is enforcing a law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State shall be deemed to have committed a per se offence of driving while intoxicated (or an equivalent offense). Each fiscal year, Federal funds for such incentives will be apportioned to eligible States that have enacted and are enforcing such law. Apportionment will be according to the formula in 23 U.S.C. 402 (75 percent based on the State's population and 25 percent based on the number of public road miles in the State).

These funds are authorized to be appropriated, \$55 million for FY 1998, \$65 million for FY 1999, \$80 million for FY 2000, \$90 million for FY 2001, \$100 million for FY 2002, and \$110 million for FY 2003.

ADDITIONAL INFORMATION: Contact the Office of National and International Safety Programs (HMSP).

STATE HIGHWAY SAFETY DATA IMPROVEMENT GRANTS

STATUS: ACTIVE

APPROPRIATION CODES:

FEDERAL PARTICIPATION: Not to exceed 75 percent in 1st and 2nd fiscal years, 50 percent in 3rd and 4th fiscal years, and 25 percent in 5th and 6th fiscal years.

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Grants (Allocation)

TYPE OF AUTHORITY:

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: 23 U.S.C. 411

CFR REFERENCE: 23 CFR 1335

ELIGIBILITY: Grant funds may be used to implement data improvement program activities to improve the timeliness, accuracy, completeness, uniformity, and accessibility of State data needed to identify priorities for national, State and local highway and traffic safety programs. Grant funds may also be used to evaluate the effectiveness of efforts to make such improvements, and to link these State data systems, including traffic records, with other data systems, and to improve compatibility with national data systems and data systems of other States.

BACKGROUND: Section 2005 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) established a new program of incentive grants at Section 411 of Title 23 United States Code. Section 2009 of TEA-21 authorized \$5 million for FY 1999, \$8 million for FY 2000, \$9 million for FY 2001, and \$10 million for FY 2002 for State Highway Safety Improvements under Section 411.

A State has three options to qualify for a first year grant:

Option A -- To qualify, a State must demonstrate that it has:

- Established a multi-disciplinary highway safety data and traffic records coordination committee.
- Completed a highway safety data and traffic records assessment or audit within the last five years.

- Initiated development of a multi-year highway safety data and traffic records strategic plan (with performance-based measures) -- approved by the coordinating committee.

Option B -- To qualify, a State must:

- Certify that the State has met the first two criteria in Option A above.
- Submit a data and traffic records multi-year plan, identifying goals, performance-based measures, and priorities; and that specifies how incentive funds will be used.
- Certify that the coordinating committee continues to operate and support the plan.

Option C -- The Secretary may award a grant of up to \$25,000 for 1 year to any State that does not meet the criteria for Option A. The funds may only be used to conduct activities needed to enable the State to qualify for a first year grant.

States that receive a first year grant then would be eligible to receive 2nd and subsequent year grants. To qualify, a State must:

- Submit or update a data and traffic records multi-year plan, identifying goals, performance-based measures and priorities; and that specifies how incentive funds will be used.
- Certify that the coordinating committee continues to support the multi-year plan.
- Report annually on the progress made to implement the plan.

No State may receive a data grant in more than six years.

Eligible States may include the 50 States, the District of Columbia, Puerto Rico, Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Bureau of Indian Affairs.

Each State that qualifies for a grant under Option A receives \$125,000. Each State that qualifies under Option B receives a proportional amount based on 23 U.S.C. 402 FY 1997 apportionments, but not less than \$250,000. Each State that qualifies under Option C receives \$25,000. Each State that qualifies for a second and subsequent year grant receives a proportional amount based on 23 U.S.C. 402 FY 1997 apportionments, but not less than \$25,000.

ADDITIONAL INFORMATION: Contact the Office of National and International Safety Programs (HMSP).

MINIMUM GUARANTEE

STATUS: ACTIVE

APPROPRIATION CODES:

Q76 - Minimum Guarantee, Subject to Special Limitation

Q77 - Minimum Guarantee, Exempt from Limitation

Q78 - Minimum Guarantee, Subject to Limitation

QC5 -Minimum Guarantee, Subject to Special Limitation Sec. 1104, PL 105-178 FTA

QC6 -Minimum Guarantee, Subject to Limitation Sec. 1104, PL 105-178 FTA

QC7 -Minimum Guarantee, Exempt from Limitation Sec. 1104, PL 105-178 FTA

FEDERAL PARTICIPATION: Allocations take on the characteristics of fund category to which they are allocated.

PERIOD AVAILABLE: Same as fund category to which funds are allocated.

FUND: Highway Trust Fund (HTF)

FUND DISTRIBUTION METHOD: See text below

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Varies (see appropriation codes above)

STATUTORY REFERENCE: 23 U.S.C. 105

CFR REFERENCE: None

ELIGIBILITY: Same as source funds.

BACKGROUND: The minimum guarantee ensures that each State receives a specific share of the aggregate funding for major highway programs, with every State guaranteed at least a 90.5 percent return on its percentage share of contributions to the Highway Account of the HTF and that no State receives less than \$1 million annually.

The first \$2.8 billion of the Minimum Guarantee funds distributed each year are administered as Surface Transportation Program (STP) funds; set-asides for Safety Construction, Transportation Enhancements, and sub-State allocations distributed on the basis of population do not apply. The amount in excess of \$2.8 billion each year is distributed to each of the 5 core programs (Interstate Maintenance (IM), Bridge, National Highway System (NHS), Congestion Mitigation and Air Quality Improvement (CMAQ) and STP funds) based on the ratio of each core program's apportionment (for the fiscal year) to the sum of the five core programs (for the fiscal year) for each State.

A table of base State percentages is provided in 23 U.S.C. 105(b). In FY 1998, each State's share of apportionments for the IM, NHS, Bridge, CMAQ, STP, Appalachian Development Highway System, Recreational Trails, Metropolitan Planning, Minimum

Guarantee programs, and High Priority Projects are required to equal the percentage shares listed in 23 U.S.C. 105(b).

In FYs 1999-2003, 23 U.S.C. 105(f) requires that the percentages listed in 23 U.S.C. 105(b) be adjusted to ensure that each State receives at least a 90.5 percent return on its share of contributions to the Highway Account. The adjustment must reflect the 90.5 percent share of estimated contributions to the Highway Account in the latest year for which data is available.

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

CREDIT ASSISTANCE FOR SURFACE TRANSPORTATION PROJECTS

STATUS: ACTIVE

APPROPRIATION CODES:

FEDERAL PARTICIPATION: 33 percent

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. 181-189

CFR REFERENCE: None

ELIGIBILITY: Eligible projects include highways, transit capital improvements, international bridges and tunnels, intercity passenger bus and rail facilities and vehicles, and publicly owned freight transfer facilities, excluding seaports and airports. Project costs must be at least \$100 million or 50 percent of the State's highway apportionments (\$30 million for an intelligent transportation system project).

BACKGROUND: The program was authorized in TEA-21, sections 1501-1504 and revised by the TEA-21 Restoration Act, section 9007. Funds will be used to provide loans, lines-of-credit, and loan guarantees to projects of national or regional significance. The following subsidy amounts were authorized:

FY 1999	\$80 million
FY 2000	90 million
FY 2001	110 million
FY 2002	120 million
FY 2003	130 million

The following limitations on credit amounts were authorized:

FY 1999	\$1.6 billion
FY 2000	1.8 billion
FY 2001	2.2 billion
FY 2002	2.4 billion
FY 2003	2.6 billion

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

EMERGENCY RELIEF PROGRAM

Status: ACTIVE

APPROPRIATION CODE:

098 - Federal -aid highways (funds from 23 U.S.C. 125)
099 - Roads on Federal lands (funds from 23 U.S.C. 125)

Separate appropriation codes are assigned to additional ER funds made available by supplemental appropriation as follows:

083 - Loma Prieta Earthquake only, P.L. 101-130
09A - Regular 098 appropriation code funds used for Hurricane Hugo
087 - Hurricanes Andrew and Iniki and Typhoon Omar only, P.L. 102-368
09C/09D - (Fed.-aid hwys/roads on Fed. lands); 1993 Midwest Flood or other disasters by P.L. 103-75
09E/09F - (Fed.-aid hwys/roads on Fed. lands); Northridge Earthquake, P.L. 103-211
09G/09K - (Fed.-aid hwys/roads on Fed. lands); Any disaster, P.L. 103-211
09H - Loma Prieta Earthquake only, P.L. 103-211
09L/09M - (Fed.-aid hwys/roads on Fed. lands); 1996 Mid-Atlantic, Northeast and Northwest floods or other disasters, P.L. 104-134
09N/09P - (Fed.-aid hwys/roads on Fed. lands); Hurricanes Fran and Hortense or other disasters, P.L. 104-208
09Q/09R - (Fed.-aid hwys/roads on Fed. lands); December 1996/January 1997 floods in western States or other disasters, P.L. 105-18
09Q/09U - (Fed.-aid hwys/roads on Fed. lands); An additional amount for the ER programs for emergency expenses resulting from floods and other national disasters authorized by 23 U.S.C. 125

FEDERAL PARTICIPATION: Approved ER funds are available at the pro rata share that would normally apply to the Federal-aid facility damaged. For Interstate highways, the Federal share is 90 percent. For all other highways, the Federal share is 80 percent. The Federal share can be increased in States with high percentages of Federally owned public lands (known as “sliding scale rates”). Emergency repair work to restore essential travel, minimize the extent of damage, or protect the remaining facilities, accomplished in the first 180 days after the disaster occurs, may be reimbursed at 100 percent Federal share. During this 180-day period, permanent repair work is reimbursed at normal pro rata share unless it is performed as part of emergency repair work to restore essential travel, minimize the extent of damage, or protect remaining facilities.

The Federal share for all repair work to roads on Federal lands is 100 percent.

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. 120(e) and 125

CFR REFERENCE: 23 CFR 668

ELIGIBILITY: Funding under this program is to aid Federal, State and local highway agencies with unusually heavy expenses of repairing serious damage to Federal-aid highways and roads on Federal lands resulting from natural disasters or catastrophic failures from an external cause.

By law, the FHWA can provide up to \$100 million in ER funding for repairs to Federal-aid highways and roads on Federal lands in a State for each natural disaster or catastrophic failure that is found eligible for funding under the ER program (commonly referred to as the \$100 million per State cap). Also, the total ER obligations for U.S. Territories (American Samoa, Commonwealth of Northern Mariana Islands, Guam, and Virgin Islands) is limited to \$20 million in any fiscal year. For a large disaster that exceeds the \$100 million per State cap, Congress may pass special legislation lifting the cap for that disaster.

Detailed eligibility information concerning ER funding for Federal-aid highways may be found in the publication titled "Emergency Relief Manual." Copies of this manual may be obtained from the Office of Program Administration (HIPA)

Detailed information covering eligibility of repairs for roads on Federal lands may be found in the publication titled "Emergency Relief for Federally Owned Roads Disaster Assistance Manual." Copies of this publication may be obtained from the Office of Program Development (HFPD).

BACKGROUND: The first legislation authorizing use of 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 percent of the ER expenditures for any fiscal year came from the Highway Trust Fund and the remaining 40 percent came from the General Fund. For FY 1979 and subsequent years, 100 percent 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 Federal-aid system 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 percent, and except on Federal roads, where both emergency and permanent repairs were at 100 percent.

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) limited the use of ER funds on Federal-aid highways to only National Highway System (NHS) routes. This oversight was later corrected under the provisions of the Dire Emergency Supplemental Appropriations Act of 1992, Public Law 102-302, dated June 22, 1992, which allowed ER funds to be used for repairing all Federal-aid highways.

The 1991 ISTEA also changed the time period for eligible emergency repairs with 100 percent Federal funding from 90 days to 180 days for natural disasters and catastrophic failures occurring on or after December 18, 1991.

The 1991 ISTEA also increased the total obligation limit for ER projects in any fiscal year in the Territories from \$5 million to \$20 million starting with Federal FY 1992.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) continued the annual funding of \$100 million through a permanent authorization in Section 125 of Title 23, United States Code; however, commencing with TEA-21, authorizations are available until expended.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA) for information about the ER program for Federal-aid highways. Contact the Office of Program Development (HFPD) for information about ER assistance for roads on Federal lands.

MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM

STATUS: ACTIVE

APPROPRIATION CODES:

FEDERAL PARTICIPATION: 100 percent -- However, Federal funds may only be used for 2/3 of total cost.

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Grants

TYPE OF AUTHORITY: Contract and Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: Yes and No

STATUTORY REFERENCE: 23 U.S.C. 322 and Section 1218 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: 49 CFR, Part 268, Interim Final Rule, effective October 13, 1998.

ELIGIBILITY: States or authorities designated by one or more States, may apply for grants to assist in preconstruction planning activities related to deployment of magnetic levitation (maglev) systems capable of safe use by the public at a speed of under 50 mph or in excess of 240 mph. Eligible projects must:

- S exhibit partnership potential,
- S will not exceed sum of authorizations for fiscal year,
- S result in operating transportation facility that provides a revenue producing service,
- S be undertaken with, private - public partnership with 1/3 of total cost being from non-Federal source,
- S satisfy statewide and metropolitan planning requirements,
- S uses materials at least 70 percent of which are manufactured in the United States.

BACKGROUND: TEA-21 (as modified by subsequent technical corrections) authorized 23 U.S.C. 322, which provides for definition of maglev projects and the eligibility of such systems for deployment with authorizations from the Highway Trust Fund. It also provided authorizations (contract authority) of \$15 million for FY 1999, \$20 million for FY 2000 and \$25 million for FY 2001. It also authorized to be appropriated, out of the Highway Trust Fund \$200 million for each of FYs 2000-2001, \$250 million for FY 2002,

and \$300 million for FY 2003. Of the \$60 million in authorized contract authority, \$5 million must be used for research and development of low-speed superconductivity maglev technology.

TEA-21 also provided that Surface Transportation Program and Congestion Mitigation and Air Quality Improvement funds apportioned to a State could be used to pay part of the cost of an eligible project selected for deployment, without the requirement for non-Federal funds. A project selected under this section would also be eligible for other assistance including loans, loan guarantees and lines of credit.

The Secretary shall establish criteria for selection of eligible projects which will include the following criteria:

- S a project is nationally significant, including the extent to which the project will demonstrate the feasibility of deploying Maglev technology,
- S implementation will relieve congestion in other modes of transportation and reduce the need for additional highway or airport construction,
- S States, regions, and localities contribute financially to the project,
- S implementation will create new jobs in traditional and emerging industries,
- S the project would augment Maglev networks identified as having partnership potential,
- S financial assistance would foster public and private partnerships for infrastructure development and attract private debt or equity investment,
- S financial assistance would foster timely implementation of a project, and
- S life-cycle costs in design and engineering are considered and enhanced.

ADDITIONAL INFORMATION: Contact the Federal Railroad Administration, Office of Railroad Research and Development (HDV2).

MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP)

STATUS: ACTIVE

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 percent

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 traveled (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

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). Sections 4001-4003 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178).

CFR REFERENCE: 49 CFR 350 and 355

ELIGIBILITY: MCSAP funds may be used:

- For enforcement of Motor Carrier Safety and Hazardous Materials Regulations, as adopted by each of the States. For enforcement of the 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 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 through State implementation of a balanced program of enforcement, education, and crash data analysis.

Sections 401-404 of the Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) created MCSAP and authorized 5 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 provided for a period of 1 year upon annual application by a State, but remain available to the State for the next full fiscal year. 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.

Title IV (Sections 4001-4014) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) increased and extended MCSAP funding through FY 1997. The Act also set forth eligibility criteria, established dates for States to participate in the International Registration Plan (IRP) and the International Fuel Tax Agreement (IFTA), directed the Interstate Commerce Commission (ICC) to establish a new program for motor carriers with ICC operating authority to register with the States, and imposed 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 authorized 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.

Title IV (Sections 4001-4003) of the TEA-21 provided that States must adopt and implement a performance-based program by the year 2000. Set asides of up to 5 percent for national safety priorities and up to 5 percent for border safety enforcement.

Section 4002(e) of the TEA-21 authorized the following amounts to be appropriated for MCSAP: \$79 million for FY 1998, \$90 million for FY 1999, \$95 million for FY 2000, \$100 million for FY 2001, \$105 million for FY 2002 and \$110 million for FY 2003.

ADDITIONAL INFORMATION: Contact the Office of National and International Safety Programs (HMSP).

NATIONAL HIGHWAY INSTITUTE

STATUS: ACTIVE

APPROPRIATION CODES: 33F - Surface Transportation, ½ percent NHI

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: Same as source funds

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 504

CFR REFERENCE: 23 CFR 260D

ELIGIBILITY: See Below

BACKGROUND: The National Highway Institute (NHI), a staff office in FHWA Headquarters, 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 States and the Local Transportation Assistance Program (LTAP) 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 1/4 percent of its apportioned Interstate Construction, Interstate 4R, and Primary funds [previously a State could use up to ½ percent of Primary,

Secondary, and Urban funds] for payment of up to 75 percent 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.

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 1/16 percent of all funds apportioned to a State for the Surface Transportation Program (STP) for payment of up to 80 percent 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.

Section 5104 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) changed 23 U.S.C. 321 to 23 U.S.C. 504, and provided that a State could use up to ½ percent of all funds apportioned to a State for the STP for payment of up to 80 percent of the cost of tuition and direct educational expenses (excluding 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 may provide education and training, in selected cases, to State and local highway employees at no cost to the State and local governments if it is determined to be in the public interest.

ADDITIONAL INFORMATION: Contact the Office of Professional Development (HPD).

RECREATIONAL TRAILS PROGRAM

STATUS: ACTIVE

APPROPRIATION CODE:

384 - National Recreational Trails, S 8003 PL 102-240
38A - Recreational Trails, Admin. Funds, PL 102-240 S 8003
38B - Nat Rec Trails, St Adm Costs, up to 7%; PL 102-240 S 8003
38C - Nat Rec Trails, St Env Protect & Safety Ed Costs , up to 5% PL 102-240 S 8003
Q94 - National Recreational Trails Funding Program Sec. 1112, TEA-21, PL 105-178
QR1 - National Recreational Trails Funding Program
QR2 - National Recreational Trails Funding Program

FEDERAL PARTICIPATION: Up to 80 percent. Federal agency project sponsors may provide additional Federal funds up to a total Federal share of 95 percent. Other Federal programs may provide matching funds toward the non-Federal share if the project also is eligible under the other Federal program. States may allow a programmatic match for funds from non-Federal sources. "Soft-match" (donations of funds, material, services, or new right-of-way) may be permitted from any project sponsor, whether a public agency or private organization.

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S. C. 206, Sections 1101(a)(7), 1103(f), and 1112 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: Funds may be used to provide and maintain recreational trails for motorized and nonmotorized recreational trail uses, including trailside and trailhead facilities including provisions to facilitate access for people with disabilities.

BACKGROUND: Section 1112 of the TEA-21 amended 23 U.S.C. 206 creating the Recreational Trails Program which replaced the National Recreational Trails Funding Program established by the National Recreational Trails Fund Act, Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). Section 1101(a)(7) of the TEA-21 authorized \$30 million for FY 1998, \$40 million for FY 1999 and \$50 million for each of the FYs 2000-2003 for the recreational trails program.

Funds may also be used to maintain and restore trails, develop trailside and trailhead facilities, acquire easements or land for trails, and to construct new trails.

ADDITIONAL INFORMATION: Contact the Office of Human Environment (HEHE).

PUERTO RICO HIGHWAY PROGRAM

STATUS: ACTIVE

APPROPRIATION CODES: QP1

FEDERAL PARTICIPATION: Determined by 23 U.S.C. 120

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Sections 1101(a)15 and 1214(r) of the transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178), as amended

CFR REFERENCE: None

ELIGIBILITY: Section 1214(r) of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) establishes the Puerto Rico Highway Program. Funds for this program may be used for any activity eligible under Title 23, United States Code.

BACKGROUND: Prior to the passage of TEA-21, Puerto Rico was treated as a State for purposes of apportioning Federal-aid highway funds, such as National Highway System and Surface Transportation Program funds. With enactment of TEA-21, this changed and Puerto Rico no longer receives a share of the apportioned Federal-aid highway funds. Instead, TEA-21 has established a new highway program for Puerto Rico, authorizing \$110 million from the Highway Trust Fund for each of FYs 1998-2003.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA)

TERRITORIAL HIGHWAYS

STATUS: ACTIVE

APPROPRIATION CODES:

127, 622, 623, 624, 625, 626, 644, 645, and 660 - General Funds for FY 1971-1982
Same as source funds - Highway Trust Funds for FYs 1983-1991
317, 31J - Restoration funds from NHS Act
31E - NHS funds under the 1991 ISTEA for FYs 1991-1997
QT1 - NHS funds under TEA-21 for FYs 1998-2003

FEDERAL PARTICIPATION: 100 percent

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. 103(b)(6)(P), 104(b)(1)(A), 120(h), 133 and 215

CFR REFERENCE: None

ELIGIBILITY: The National Highway System funds distributed to the Territories can be used for any project eligible under 23 U.S.C. 133 and on any airport and any seaport.

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 percent. The Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) increased the Federal share to 100 percent 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 FYs 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 ½ percent of Federal-aid Primary (FAP) funds to be apportioned to the four Territories, considered together as 1 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 in the Territories.

The FY 1983 apportionment to the Territories was allocated to each Territory in accordance with the following administrative formula: 1/3 based on urban population greater than 5,000; 1/3 based on rural population; 1/6 based on public road mileage; and 1/6 based on 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, in September 1983 the FHWA decided 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, from FY 1984 through FY 1992 apportionments were allocated to the territories in accordance with this 1-5-5-1 formula. After a review of this allocation formula in 1992, it was determined that American Samoa and the Northern Mariana Islands were not receiving their fair share based upon population, area, road mileage, or any combination of these factors. Since FY 1993 a new allocation formula has been used, distributing 1/10 of the total allocation each to American Samoa and the Northern Mariana Islands, and 4/10 of the total allocation each to Guam and the Virgin Islands.

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 has been allocated to them.

Each Territory has established, with FHWA approval, a system of arterial and collector highways and interisland connectors, called the Federal-Aid Territorial Highway System (THS). Federal-aid funds can be used for improvements on all routes designated as part of the THS.

TEA-21 continues to provide funding for the Territories as a set-aside from the NHS funds. However, TEA-21 eliminated the provision that set aside 1 percent of the NHS funds for the Territories, and instead provides a set amount of \$36.4 million each fiscal year. In addition, under Section 1102(f) of TEA-21, for allocated funds, only the funds for which obligation authority is provided are to be allocated each fiscal year. The remaining funds are distributed to the States as STP funds. Therefore, only the amount of the \$36.4 million each fiscal year for which obligation authority is provided is actually allocated to the Territories. FHWA will continue to divide these allocated funds among the Territories based upon the administrative formula described above: 4/10 of the

total allocation each to Guam and the Virgin Islands, and 1/10 of the total allocation each to American Samoa and the Northern Mariana Islands.

TEA-21 also provides additional flexibility to the Territories by adding airports and seaports to the list of eligible projects.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM

STATUS: ACTIVE

APPROPRIATION CODES: Q68 and R68

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocations

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 1221 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: Funds authorized are eligible for planning, developing and implementing strategies to integrate transportation and community and system preservation plans and practices. The allocations are available for any project eligible under Title 23 or Chapter 53 of Title 49, United States Code or any other activity relating to transportation and system preservation.

BACKGROUND: Section 1221 of the TEA-21 authorized \$20 million for FY 1999 and \$25 million for each of FYs 2000-2003, for a program to investigate and address the relationships between transportation and community and system preservation and identify private sector-based initiatives. The program is to cooperate with appropriate State, regional, and local governments.

Funds are intended to:

- S improve the efficiency of the transportation system
- S reduce impacts of transportation on the environment
- S reduce the need for costly future investments in public infrastructure
- S provide efficient access to jobs, services, and centers of trade
- S examine development patterns and identify strategies to encourage private sector development patterns which achieve the goals above

Allocations are available for any project eligible under Title 23 or Chapter 53 of Title 49 United States Code or any other activity relating to transportation.

ADDITIONAL INFORMATION: Contact the Office of Human Environment (HEHE).

TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES

STATUS: ACTIVE

APPROPRIATION CODES:

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: FY + 3

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 1223 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: The funds may be used to provide assistance including planning, capital, and operating assistance to State and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event or a Special Olympics International event.

A State or local government is eligible only if it is the site of an official venue of an international quadrennial Olympics officially selected by the International Olympic Committee or Special Olympics International.

Also Transportation Research funds authorized under 23 U.S.C. 5001(a) may be used for assistance to prepare an Olympic, Paralympic, or a Special Olympic transportation plan.

BACKGROUND: Section 1223 of the TEA-21 authorized such sums as are needed for each of fiscal years 1998 through 2003 for planning, capital and operating assistance to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic or Special Olympics International event.

It also allows FHWA to give priority to funding with Bridge Discretionary and Interstate Discretionary funds for a transportation project relating to an international quadrennial Olympic or Paralympic or a Special Olympics International event if:

- S the project meets the extraordinary needs associated with such an event; and
- S the project is otherwise eligible under Sections 144(g)(1) and 118(C) of Title 23 United States Code.

The TEA-21 authorized “such sums as re necessary” from the Highway Trust Fund for FYs 1998-2003. The authorizations are subject to appropriation.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

VALUE PRICING PILOT PROGRAM

STATUS: ACTIVE

APPROPRIATION CODE: Q88

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: FY + 3 years

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), amended by Section 1216(a) of TEA 21 (P.L. 105-178) and Section 9006(b) of the TEA-21 Restoration Act (P.L. 105-206).

CFR REFERENCE: None

ELIGIBILITY: The FHWA may enter into cooperative agreements with as many as 15 State or local governments or public authorities to establish, maintain, and monitor value pricing programs. Value pricing projects included in these programs may involve tolls on Interstate highways. Federal funds may participate in (1) pre-project study costs, including public participation costs and pre-projects planning costs, up to 3 years; and (2) implementation costs including all of the development and start-up costs of the pilot projects 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 implementation costs may not be funded for more than 3 years.

BACKGROUND: The Congestion Pricing Pilot Program was authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) to solicit the participation of State and local governments and/or public authorities to establish, maintain, and monitor congestion pricing projects. The program was renamed the Value Pricing Pilot Program by the Transportation Equity Act for the 21st Century. Local pilot programs have flexibility to encompass a variety of value pricing applications, including area-wide pricing; pricing of single or multiple facilities or corridors; single lane pricing; and/or implementation of other market-based strategies, such as Parking Cash-out demonstrations. 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 Transportation and Infrastructure 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.

Funds to carry out the Value Pricing Pilot Program are authorized at \$7 million for FY 1999, and \$11 million for each FYs 2000-2003, with provision that unallocated funds in excess of \$8 million at the end of any fiscal year shall be apportioned to the States as if the excess were STP funds (without distributions to local governments).

ADDITIONAL INFORMATION: Contact the Office of Transportation Policy Studies (HPTS).

FERRY BOAT DISCRETIONARY (FBD) PROGRAM

STATUS: ACTIVE

APPROPRIATION CODE:

327 - FYs 1992-1997

Q95 - FYs 1998-2003

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 1064 of the 1991 ISTEA (Public Law 102-240); 23 U.S.C. 129(c).

CFR REFERENCE: None

ELIGIBILITY: FBD Funds may be used for the construction of ferry boats and/or ferry terminal facilities. Proposals must meet the basic eligibility criteria in 23 U.S.C. 129(c). The FY 1993 DOT appropriations act, enacted October 6, 1992, amended 23 U.S.C. 129(b) and (c) and greatly expanded eligible uses of Federal-aid highway funds to include: 1) ferry boat operations on any route classified as a public road except an Interstate route, and 2) ferry boats carrying passengers only. The National Highway System Designation Act of 1995, P.L. 104-59, amended 23 U.S.C. 129 to include ferry boats that operate between the United States and Canada. The Transportation Equity Act for the 21st Century (TEA-21, P.L. 105-178) amended 23 U.S.C. 129 to expand the eligibility criteria for FBD funding to include ferry boats and ferry terminal facilities that are publicly "operated," and those with the public authority having a "majority ownership interest" provided the operation provides substantial public benefits.

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

Section 1207 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) reauthorized the funding category for the construction of ferry boats and ferry terminal facilities. TEA-21 provided \$30 million for FY 1998 and

\$38 million for each of the FYs 1999-2003. TEA-21 also included a new requirement that \$20 million from each of FYs 1999-2003 be set-aside for marine highway systems that are part of the National Highway System for use by the States of Alaska, New Jersey and Washington.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

NATIONAL SCENIC BYWAYS PROGRAM

STATUS: ACTIVE

APPROPRIATION CODE: Q97 -- National Scenic Byways Program

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 1047 of the 1991 ISTEA (Public Law 102-240) and Section 1219 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: Funds may be used to undertake eligible projects along All-American Roads, National Scenic Byways, and State scenic byways and for the planning, design, and development of State scenic byways programs. Making safety improvements to a highway designated as a scenic byway; construction of facilities along such a highway for use of pedestrians and bicyclists, such as rest area turnouts, overlooks, and interpretive facilities; improvements to the highway to improve access to recreational purposes; protecting historical and cultural resources along the highway; tourist information and scenic byways marketing plans.

BACKGROUND: The National Scenic Byways Program was established in Section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). TEA-21 continues the program.

Funds are available for technical assistance to the States and for the planning, design, and development of State scenic byways programs. Section 1101(a)(11) of the TEA-21 made the following amounts available out of the Highway Trust Fund: \$23.5 million each in FY 1998 and 1999, \$24.5 million each in FY 2000 and 2001, \$25.5 million in FY 2002, and \$26.5 million in FY 2003.

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

ADDITIONAL INFORMATION: Contact the Office of Metropolitan Planning and Programs (HEMP).

RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS

STATUS: ACTIVE

APPROPRIATION CODES: 13P

FEDERAL PARTICIPATION: 100 percent

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund (HTF) and General Funds (GF)

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract (HTF) and Appropriated Budget (GF)

SUBJECT TO OBLIGATION LIMITATION: HTF - Yes, GF - No

STATUTORY REFERENCE: 23 U.S.C. 104(d). Section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) Continued by Section 1103(c) of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178).

CFR REFERENCE: None

ELIGIBILITY: These funds may be used for the elimination of hazards of railway-highway crossings at up to 5 railway corridors selected by the Secretary. The TEA-21 added six new corridors (three specified (Gulf Coast, Keystone and Empire) and three to be selected by the Secretary)) for a total of 11 corridors.

BACKGROUND: Section 1010 of the 1991 ISTEA revised 23 U.S.C. 104(d) (continued in TEA-21, Section 1103(c)) to require the Secretary to set aside Surface Transportation Program (STP) funds for railway-highway crossing hazard elimination in high speed rail corridors.

Funds to carry out this program are set aside from funds provided for the STP before any STP apportionments are made for a fiscal year. An additional amount from GF is authorized to be appropriated each year beginning in FY 1999. Before making an apportionment of STP funds for a fiscal year, the Secretary must set aside \$5.25 million with \$0.25 million earmarked for the Minneapolis/St. Paul-Chicago segment of the Midwest Highway Speed Rail Corridor (which in reality added an additional corridor from Milwaukee to Minneapolis for a total of 12)) for the elimination of hazards of railway-highway crossings. An additional \$15 million is authorized to be appropriated from general funds each year beginning in FY 1999. 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: Contact the Office of Intermodal and Statewide Programs (HESP).

ALASKA HIGHWAY (SHAKWAK)

STATUS: ACTIVE

APPROPRIATION CODES:

04W - Set-aside from Interstate apportionment under ISTEA (Public Law 102-240) Section 1006(h)
184 - Highway Trust Funds transferred to Canada per Public Law 97-424
187 - Highway Trust Funds transferred to Canada per Public Law 97-424
189 - Highway Trust Funds transferred to Canada per Public Law 97-424
18A - Highway Trust Funds transferred to Canada per Public Law 97-424
18B - Highway Trust Funds transferred to Canada per Public Law 97-424
B09 - Highway Trust Funds transferred to Canada per Public Law 97-424
528 - General Funds under Public Law 102-143
617 - Appropriations from the General Funds per Public Law 93-87
QK1 - Set-aside from NHS apportionment under Public Law 105-178 (TEA-21)

FEDERAL PARTICIPATION: 100 percent

PERIOD AVAILABLE: Until expended

FUND: General Funds; Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget and Contract

SUBJECT TO OBLIGATION LIMITATION: No, except for QK1 funds under TEA-21, and a certain amount of apportioned funds in fiscal years subsequent to enactment of TEA-21

STATUTORY REFERENCE: 23 U.S.C. 104(b)(1); 23 U.S.C. 218; Section 1006(h) of the 1991 ISTEA

CFR REFERENCE: None

ELIGIBILITY: The above allocated or apportioned Federal-aid highway funds may be used for the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada, and the Haines Cutoff Highway from Haines Junction in Canada to Haines, Alaska.

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.

Section 127 of the Federal-Aid Highway Act of 1973 (Public Law 93-87) authorized almost \$58.7 million in General Funds 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 the reconstruction. Canada was to maintain the completed highway at its own expense.

Under the 1973 Act, \$37.3 million was appropriated from the General Funds (appropriation code 617), and all funds, except a small amount for FHWA administrative expenses, were 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 Funds 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) 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 (appropriation code 187), the Primary Program (appropriation code 184), the Hazard Elimination Program (appropriation code 189), the Bridge Replacement Program (appropriation codes 18A and 18B), and the Rural Secondary Program (appropriation code B09). Under the provision any of Alaska's apportioned funds used for Shakwak projects could be used at a 100 percent Federal share and would not be subject to any obligational limitation imposed by Congress.

No changes were made to 23 U.S.C. 218 by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) or by the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178). Hence, any Federal-aid highway funds apportioned to the State of Alaska under Title 23 may continue to be expended on the Shakwak Project at a Federal share of 100 percent.

Section 1006(h) of the 1991 ISTEA did, however, specifically make available up to \$20 million of Interstate Construction funds for each of FYs 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 were allocated to Alaska for the Alaska Highway and are available until expended.

Section 1103(b) of TEA-21, as amended by the TEA-21 Restoration Act (Title IX of the IRS Restructuring and Reform Act of 1998, Public Law 105-206), amended 23 U.S.C. 104(b)(1)(A) to provide \$18.8 million for each of FYs 1998-2002 for the Alaska Highway as a set-aside from the National Highway System apportionment component. In addition, under Section 1102(f) of TEA-21, for allocated funds, only the funds for which obligation authority is provided are to be allocated each fiscal year. The remaining funds are distributed to the States as STP funds. Therefore, only the amount of the

\$18.8 million each fiscal year for which obligation authority is provided is actually allocated for the Alaska Highway.

The FY 1999 Omnibus Appropriation Act (Public Law 105-277) amended 23 U.S.C. 218 by expanding the definition of the Alaska Highway to include the section of the Haines Cutoff Highway in Alaska (between Canadian border and Haines). Section 218 was also amended to permit Alaska to use its regular apportioned Federal-aid funds on the Alaska Marine Highway System as well as on the Alaska Highway, as redefined. Subsequent to passage of TEA-21 \$57,042,171.75 of their apportioned funds for the Alaska Highway or the Alaska Marine Highway System without it being subject to any obligation limitation.

ADDITIONAL INFORMATION: Contact the Office Program Administration (HIPA).

HIGH PRIORITY PROJECTS

STATUS: ACTIVE

APPROPRIATION CODES:

Q92 – Funds allocated to States with special high priority projects obligation authority

Q93 – Funds allocated to States for use of regular Federal-aid program obligation authority

R92 – Funds allocated to Federal Lands with special high priority projects obligation authority

FEDERAL PARTICIPATION: 80 percent, except for Baltimore-Washington Parkway and the projects in the territories of American Samoa and the Virgin Islands, where the Federal share is 100%.

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes, but the special obligation authority is available until expended.

STATUTORY REFERENCE: 23 U.S.C. 117, and Sections 1601-1603 of TEA-21

CFR REFERENCE: None

ELIGIBILITY: Information relative to eligible activities (i.e., studies, preliminary engineering, construction, etc.) is specified in the project description in Section 1602 of TEA-21.

BACKGROUND: Section 1602 of the Transportation Equity Act for the 21st Century (TEA-21, P.L. 105-178, June 9, 1998), as amended by the TEA-21 Restoration Act (P.L. 105-206, July 22, 1998), authorized 1850 High Priority Projects totaling over \$9.3 billion over six years. TEA-21 codified these projects in Title 23 United States Code by creating a new Section 117, High Priority Projects Program. These high priority projects under TEA-21 are also subject to obligation limitation, but the obligation authority is only available for these projects, and is available until expended.

Under the provisions of 23 U.S.C. 117(b), the funds are allocated to the States by project in accordance with the following schedule: 11 percent in FY 1998, 15 percent in FY 1999, 18 percent each in FY 2000 and FY 2001, and 19 percent each in FY 2002 and FY 2003. Under the provisions of 23 U.S.C. 117(e), Advance Construction, a State may advance a high priority project without the aid of Federal funds and be reimbursed with the Federal high priority project funds as they become available.

The allocated funds can only be used for the particular project for which they are provided. Only the States of Alaska, Idaho, Minnesota and West Virginia, under the

provisions of TEA-21 Section 1212(g), as amended by the FY 1999 Omnibus Appropriations Act (Public Law 105-277), may pool these funds to use on any of their high priority projects.

ADDITIONAL INFORMATION: Contact the Office Program Administration (HIPA).

HIGHWAY USE TAX EVASION PROJECTS

STATUS: ACTIVE

APPROPRIATION CODE: Q96 (allocated funds); QT3 (1/4 percent of STP funds)

FEDERAL PARTICIPATION: 100 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation(Q96); STP Apportionment Supplementary Tables (QT3)

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 143, Section 1114 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

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 Internal Revenue Service (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: Highway Use Tax Evasion Projects were first authorized by the Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240).

Section 1101(a)14 of TEA-21, as amended authorized \$10 million to be appropriated from the Highway Trust Fund for FY 1998 and \$5 million for each of FYs 1999-2003 for Highway Use Tax Evasion Projects with priority given to making sufficient funds available to the IRS to establish and operate an automated fuel reporting system. These funds are allocated to the IRS and the States at the discretion of the Secretary.

Section 1114 of TEA-21 authorized 1/4 percent of the Surface Transportation Program funds apportioned to a State each fiscal year to be used on initiatives to halt the evasion of payments of motor fuel taxes.

ADDITIONAL INFORMATION: Contact the Office of Transportation Policy Studies (HPTS).

WOODROW WILSON BRIDGE

STATUS: ACTIVE

APPROPRIATION CODES: Q99 for funds with special no-year obligation authority;
Q9W for funds with regular Federal-aid highway program obligation authority

FEDERAL PARTICIPATION: 100 percent for components of the bridge and 80 percent for other components

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes, but obligation authority is available until used

STATUTORY REFERENCE: Woodrow Wilson Memorial Bridge Authority Act of 1995 (WWMBAA, Title IV of the National Highway System Designation Act, Public Law 104-59), as amended by Section 1116 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: The WWMBAA, as amended by TEA-21, provides \$900 million over the life of TEA-21 to pay the costs of planning, preliminary engineering and design, final engineering, right-of-way acquisition, and construction of the project. The project is defined to be the upgrading of the I-95 Potomac River crossing consistent with the selected alternative described in a record of decision executed by the Secretary of Transportation in accordance with the National Environmental Policy Act of 1969 (NEPA). The project also includes ongoing short-term rehabilitation and repairs to the existing bridge.

BACKGROUND: Under the provisions of the WWMBAA of 1995, Congress granted consent to Virginia, Maryland and the District of Columbia to establish the Woodrow Wilson Memorial Bridge Authority (Authority) for the purposes of assuming ownership of the bridge and undertaking the project. It authorized the transfer of the ownership of the Woodrow Wilson Bridge from the Federal government to the Authority for the purposes of owning, constructing, maintaining and operating a bridge or tunnel or a bridge and tunnel project across the Potomac River on I-95. The transfer of ownership was to take place after execution of an agreement that specified the selected alternative, implementation schedule, costs of the project, and the Federal share for the rehabilitation of the existing bridge until a new facility was operational. This agreement was to be submitted to Congress by October 1, 1996.

The WWMBAA of 1995 also authorized the use of FHWA administrative funds as necessary for FYs 1996 and 1997 for environmental studies and documentation, planning, preliminary engineering and design, and final engineering. Funds provided by Sections 1069(i) and 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) for the rehabilitation of the existing Woodrow Wilson Bridge and the preliminary design and environmental development of a replacement facility were to continue to be available after the conveyance to the Authority.

Section 116 of TEA-21 amended the WWMBAA by modifying the description of the project to reflect the record of decision. It also provided for conveyance of the bridge to any of the jurisdictions in the Capital Region or to the Authority. It modified the required terms of the agreement to: 1) identify whether ownership will be accepted by the Authority or a Capital Region jurisdiction (Maryland, Virginia, and District of Columbia); 2) require a financial plan detailing costs and cost-saving measures, implementation schedule of the project, including whether any expedited design and construction techniques will be used, and sources of funding for costs not covered by the funds provided in the WWMBAA; and 3) establish the maximum number of 12 lanes for the project (consisting of 8 general purpose, 2 merging/diverging, and 2 high occupancy vehicle, express bus or rail transit lanes), require that the conditions of the environmental impact statement and record of decision be implemented, and develop a process to include local governments on an ongoing basis in project development.

Section 412 of the WWMBAA, which was added by Section 116 of TEA-21, authorizes \$900 million from the Highway Trust Fund for fiscal years 1998-2003 for the planning, preliminary engineering and design, final engineering, right-of-way acquisition and construction of the project. These funds are not available for expenditure on construction of the new bridge until the agreement discussed above is executed.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

PART II

OTHER ACTIVE PROGRAMS AND PROJECTS

ADDITIONAL ALLOCATION--WISCONSIN

STATUS: ACTIVE These equity adjustment funds were transferred to the Surface Transportation Program (STP) account.

APPROPRIATION CODE: None

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

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

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

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

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

APPLIED RESEARCH AND TECHNOLOGY PROGRAM

STATUS: ACTIVE 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 percent (construction); 100 percent (evaluation)

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Grants

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

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

CFR REFERENCE: None

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: Section 6005 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA, Public Law 102-240) established 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 was authorized to 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 and \$41 million for each of FYs 1993-1997. Of these amounts, each fiscal year, at least \$4 million had to be spent for projects related to heated bridge technologies; at least \$2.5 million for projects related to thin bonded overlay and surface lamination of pavements; and at least \$2 million for projects related to all weather pavement markings.

ADDITIONAL INFORMATION: Contact the Office of Infrastructure Research and Development (HRDI).

BALTIMORE-WASHINGTON PARKWAY

STATUS: ACTIVE

APPROPRIATION CODE: 161, 544, 36J and 18D

FEDERAL PARTICIPATION: 100 percent

PERIOD AVAILABLE: Until expended

FUND: General Fund and Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget and Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 146 of the Federal-aid Highway Act of 1970, Section 1069(a) of the 1991 ISTEA (Public Law 102-240), Sections 1601 and 1602 of the 1998 TEA-21

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 District of Columbia (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). This Act 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.

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

Section 130 of the Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 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 has administered design and construction activities in cooperation with the NPS and affected States and local agencies.

In 1991, NPS appropriations provided \$13.4 million in funds using funding authority from 1978 Federal-aid Highway Act, Section 104(a)(8), Public Law 95-599. Other funding has been provided from the Park Road and Parkway Program.

Section 1069(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA, Public Law 102-240) provided 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 remained at 100 percent. Also Section 1104(b)(2) provided \$16.3 million in contract authority and Section 1021(d) directed the Federal share to be 100 percent.

Sections 1601 and 1602 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) provided authority for the Secretary to allocate \$11.25 million to carry out project number 1020, Reconstruct Baltimore Washington Parkway at Route 197, Prince Georges County. The Federal share of the cost of this project is 100 percent.

The remaining funds to complete the parkway will come from the park road and parkway program and possibly other funds such as discretionary public lands highway.

ADDITIONAL INFORMATION: Contact the Office of Program Development (HFPD).

CONTROL OF OUTDOOR ADVERTISING

STATUS: ACTIVE 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 and FY 1975

688 -- FY 1977-1982

699 -- Bonus claims

64A -- Bonus claims and new projects with funds that were deobligated subsequent to December 18, 1985

Same as source funds for highway funds regularly apportioned under 23 U.S.C. 104.

FEDERAL PARTICIPATION: Same as source funds.

PERIOD AVAILABLE: Same as source funds. The 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: 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. 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

CFR REFERENCE: 23 CFR 190, 750A, 750D, and 750G

ELIGIBILITY: A State may use any funds 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 FYs 1966-1967 (Appropriation Codes 646 and 647). Authorizations were made later for FYs 1970-1973 and for FY 1975 (Appropriation Code 649), with obligational authority available for FYs 1969-1977.

The Federal-aid Highway Act of 1976 (Public Law 94-280) authorized funds for FYs 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 FYs 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 FYs 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 Headquarters 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 649 funds which were deobligated prior to December 19, 1985.

Bonus claims (Appropriation Code 699) were available as a reward for the States that removed all signs on certain segments of Interstate routes in conformity with national outdoor advertising control standards under the provisions of 23 CFR 750A. The bonus increases the Federal share of Interstate projects. 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 are still 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.

Section 1046 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) amended 23 U.S.C. 121 and provided that:

- States may use highway funds 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 Dire Emergency Supplemental Appropriations Act of 1992 (Public Law 102-302), use of highway funds to remove nonconforming signs is discretionary on the part of the States. If a State chooses not to acquire nonconforming signs there is no risk of penalty under provisions in the Highway Beautification Act.
- Outdoor advertising controls apply to the National Highway System (NHS) including the Interstate and designated intermodal NHS connectors and those

roads that were on the Federal-aid Primary System as it existed on June 1, 1991, but are not part of the designated NHS.

- States not maintaining effective control of outdoor advertising as defined by the program requirements continued to be subject to up to a 10 percent reduction of 23 U.S.C. 104 funds.

ADDITIONAL INFORMATION: Contact the Office of Real Estate Services (HEHE).

DEFENSE ACCESS ROADS

STATUS: ACTIVE

APPROPRIATION CODES: 720-729, 72A-Z, 730-739, 73A-Z, 74A-G, 748,749, 75A-N, 750-759, 76A-Q, 760, 762-769, 781, 785, 788, 78A, 78B, 78Z, 789, 79A, 79B, 790, 797, 800, 803, 806, 809,810, 811, 813, 814, 815, 822, 83A, 831, 833-837, 841, 851, 852, 856, 862, 864, 866, 876, 880, 886, 896, 898

FEDERAL PARTICIPATION: 100 percent.

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: Use on public road certified as necessary for national defense.

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 (DAR) 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 Program Manager, Federal Lands Highway (FLH). Funds and the authority to obligate are allocated to the FLH Divisions or to a State through the FLH Program Development Office. Allocations are project specific; therefore, underruns cannot be used on other projects and unused DAR funds may be reallocated by the Washington Headquarters office or returned to the military. Unobligated balances remaining after the period of availability lapse. Overruns can be covered only by specific requests for additional allocations. Unexpended funds are canceled after 5 years after the last year of obligation.

Title 23 requirements apply to all DAR projects. However, the FHWA will be involved in approval of plans, specifications and estimates, concurrence in award, and appropriate construction monitoring on all projects involving DAR funding. Project numbers are assigned by the Washington Headquarters.

ADDITIONAL INFORMATION: Contact the Office of Program Development (HFPD).

DEMONSTRATION, PRIORITY, AND SPECIAL INTEREST PROJECTS (1970-1998)

STATUS: CONTINUING PROJECTS From 1970 until the passage of TEA-21 in 1998, Congress had authorized over 1200 demonstration, priority, pilot, or special interest projects with earmarking of funds in various transportation authorization and appropriations acts.

APPROPRIATION CODES: Various

FEDERAL PARTICIPATION: Generally 80%, with some exceptions.

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund for most, although some pre-ISTEA demonstration projects vary were funded from the General Fund.

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract authority for the Highway Trust Fund projects, and Appropriated Budget authority for most of the other demonstration projects.

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Various public laws.

CFR REFERENCE: None

ELIGIBILITY: Information relative to eligible activities (i.e., studies, preliminary engineering, construction, etc.) is specified in the project description in the section of the law authorizing the project.

BACKGROUND: From 1970 until passage of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), Congress authorized more than 450 demonstration, priority, pilot, or special interest projects in various Federal-aid highway and appropriations acts.

The first demonstration projects were rail-highway crossings safety projects authorized on the Northeast Corridor high-speed rail line and in Greenwood, SC 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). With each new highway act or annual Department of Transportation (DOT) appropriations act, new demonstration projects were authorized or funding was provided for previously authorized projects.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, P.L. 100-17) was the first law that authorized a significant number of

demonstration projects. The 1987 STURAA authorized 157 new demonstration projects, with most of these included in Section 149, "Demonstration and Priority Projects." Section 149 authorized approximately \$265 million per year for each of FYs 1987-1991, for a total of over \$1.3 billion. In addition, \$80 million was also provided to ensure that each State would receive a minimum funding allocation. Since the funding was distributed to each project over the 5-year period of the law, Section 149 also established advance construction provisions. This permitted States to proceed with a project without the aid of Federal funds, and then be reimbursed with the Federal demo funds as they became available. Section 149 also allowed a State to use its regular apportioned Federal-aid highway funds to complete a project if the demo funds provided were not sufficient.

The DOT appropriation acts for FYs 1988-1992 authorized 239 additional demonstration projects.

In Sections 1103 through 1108 of 1991 ISTEA, 538 more demonstration projects were authorized totaling over \$6.2 billion for six years. These projects were authorized by ISTEA under the following categories:

- High Cost Bridge Projects (Section 1103)
- Congestion Relief Projects (Section 1104)
- High Priority Corridors on the National Highway System (Section 1105)
- Rural Access Projects (Section 1106a)
- Urban Access and Urban Mobility Projects (Section 1106b)
- Innovative Projects (Section 1107)
- Priority Intermodal Projects (Section 1108)

The DOT appropriations acts for FYs 1993-1995 authorized nearly 240 additional demonstration projects.

Prior to the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178), over \$12 billion had been authorized for these 1200+ demonstration projects, with about 76 percent coming from the Highway Trust Fund, and the balance coming from the General Fund. Of the nearly \$3 billion that has been authorized from the General fund, about \$1 billion was never appropriated.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

INTERSTATE CONSTRUCTION

STATUS: ACTIVE Until funds apportioned for FY 1996 (the final authorization) and previous years are obligated, transferred or lapsed.

APPROPRIATION CODES:

042 -- Interstate
043 -- Interstate, 100 percent
04C -- Interstate, 1956
04P -- Interstate, TMFW
050 -- Interstate, ½ percent Minimum
055 -- Urgent Supplemental Non-Interstate
05C -- Interstate, ½ % Minimum, TMFW
059 -- Interstate, ½ percent Minimum, 100 percent Federal Participation
17A -- Interstate Transfer, New York, 1986
187 -- Interstate, Shakwak Project
188 -- Interstate, I-287 Bypass
823 -- Interstate Substitution, Before FY-84, from GF
A51 -- Interstate, ½ percent Minimum
EC2 -- Interstate, ½ percent Minimum, Combined Road Plan Demo
EG2 -- Interstate, ½ percent Minimum, Combined Road Plan Demo., 100 percent
X42 -- Interstate 1/4 percent National Highway Institute

FEDERAL PARTICIPATION: The normal pro-rata Federal share is 90 percent for projects on the Interstate System. However, the Federal share is reduced to 80 percent by provisions in the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) , if any of the projects add new capacity, unless the new capacity is provided through high occupancy vehicle or auxiliary lanes.

PERIOD AVAILABLE: Interstate Construction (IC) funds, which were made available one year in advance, were available until the last day of the fiscal year for which funds were apportioned. The apportionments for FYs 1991, 1992 and 1996 are available until expended. All lapsed funds were included with the funds set aside for the Interstate Discretionary Program.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment, by formula, based on the cost-to-complete the Interstate System

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 101(b), 103(c), 103(d), 118(b), 119(b), and 120(c). Sections 108(b) and (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 National 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 interregional 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 FYs 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 FYs 1956-1957 and increased the Federal pro rata share 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 right hand shoulders, full control of access, and up to 70 mph design speeds. The 1975 traffic volume requirement was later 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, 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 ½ percent of the total Interstate apportionments for each of FYs 1980-1983. 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 ½ 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 to complete 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 latest ICE was 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 ½ 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 National System of Interstate and Defense Highways".

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 authoriza-

tions of funding to complete construction of the Interstate System. In addition, the 1991 ISTEA:

- Authorized \$1.8 billion per year for each of FYs 1993-1996 to be appropriated out of the Highway Trust Fund for completion of the Interstate System. These funds could be supplemented with other funds, such as National Highway System (NHS) funds. Low priority work could be dropped from the Interstate Program. (Section 1001(f) of the 1991 ISTEA).
- Approved the 1991 Interstate Cost Estimate (ICE), but did 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).
- Discontinued the ½ percent minimum apportionment to States for Interstate construction. (Section 1001(h) of the 1991 ISTEA).
- Retained 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 Budget and Finance.
- Made available up to \$20 million for each of FYs 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 were used on the Alaska Highway in Canada.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) provided that a State can request and receive approval to transfer IC funds to their NHS account up to the Federal share of the cost of construction of unbuilt elements including gap segments not open to traffic. The Interstate completion work represented by the transferred funds loses its eligibility for IC funding.

It also provided that a State can request and receive approval to transfer surplus IC funds to their NHS account if the State has fully financed all work eligible under the 1991 ICE. Surplus funds that are transferred are subject to the laws (including regulations, policies and procedures) relating to the apportionment to which the funds are transferred.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

INTERSTATE DISCRETIONARY

STATUS: ACTIVE Until funds allocated from FY 1999, which have been carried over from previous years, are obligated, transferred or lapsed.

APPROPRIATION CODE: 054

FEDERAL PARTICIPATION: Same as for Interstate Construction. The normal Federal share for projects on the Interstate System is 90 percent. However, the Federal share is reduced to 80 percent by provisions in the 1991 ISTEA, if the project adds new lanes, unless the new lanes are high occupancy vehicle or auxiliary lanes.

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)

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 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.

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: Contact the Office of Program Administration (HIPA).

LOCAL TECHNICAL ASSISTANCE PROGRAM (LTAP)
[Formerly the Rural Technical Assistance Program (RTAP)]

STATUS: ACTIVE

APPROPRIATION CODES: 945, 946, 94A, 94B, 96D, 96F, 96M, 96N, 9AC, and 9AD.

FEDERAL PARTICIPATION: 50 percent for center operations (except the 6 LTAP centers serving American Indian tribal governments --100 percent); 100 percent for FHWA initiated technical projects

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation - See comments

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 504(b)

CFR REFERENCE: None

ELIGIBILITY: To provide training and technical assistance to rural, small urban and tribal 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 the rural technical assistance concept, Congress, in FY 1983, directed that the funding be used to develop a RTAP program and implementation schedule setting forth the special needs of rural transportation and to identify how the RTAP program could help meet these needs.

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.

To accomplish these goals, the FHWA, in cooperation with State highway agencies (SHA's) and universities, established a nationwide system of technology transfer (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.

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.

Section 6004 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued and expanded 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. This prompted a name change for the program to Local Technical Assistance Program (LTAP).
- 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.
- At least two T² centers were to be established to serve the needs of the American Indian tribal governments and provide training on intergovernmental transportation planning and project selection and the use of tourism and recreation travel for economic development purposes. The FHWA and the Bureau of Indian Affairs (BIA) have established six centers to serve the needs of the American Indians.

Section 5104 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) as amended by Title IX of Public Law 105-206 continued and expanded the LTAP under Title 23 United States Code and added the requirement to provide access to surface transportation technology to contractors that do work for local agencies served by LTAP.

The LTAP goals are to:

- Provide local transportation agencies and American Indian tribal governments access to modern highway technology.
- Assist rural local transportation agencies and American Indian tribal governments to develop and expand their expertise in roads and transportation areas.

- Assist rural local transportation agencies and American Indian tribal governments to improve roads and bridges, and to enhance programs for the movement of passengers and freight.
- Promote effective networking and cooperation among Federal, State, local, tribal, and T² centers.

Annual funding for T² centers is 50 percent Federal LTAP funds up to \$110,000 and 50 percent or more matching funds obtained from (a) State, university, and local funds, (b) contributed resources and services, (c) training funds, (d) SPR (formerly HPR) funds, and (e) safety funds. Tribal LTAP centers are 100 percent Federally funded (50 percent FHWA, 50 percent BIA through the Federal Lands Highway Office).

The initial funds for FY 1982 were to remain available until expended. From FY 1982 through FY 1996, the FHWA has continued to include funding for LTAP, about \$4 million per year, in its annual General Operating Expenses (GOE) budget. The 1991 ISTEA provided contract authority for LTAP of \$6 million per year. These funds added to the annual GOE provided for an approximately \$10 million per year for the program.

Under TEA-21, LTAP received \$7 million contract authority for FYs 1998-1999, \$8 million for FY 2000, \$9 million for FY 2001 and \$10 million for FYs 2002-2003. These amounts are subject to the obligation limitation. For FYs 1998-1999 the obligation limitation reduced the available funds for LTAP from the contract authority amount of \$7 million to approximately \$6.2 million per year. No GOE funds are available to supplement the program.

ADDITIONAL INFORMATION: Contact the Office of Infrastructure Research and Development (HRDI).

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROGRAM (19 CITIES)

STATUS: Active

APPROPRIATION CODE: 697

FEDERAL PARTICIPATION: See below

PERIOD AVAILABLE: Until Expended

FUND: 2/3 Highway Trust Fund, 1/3 General Funds

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATIONAL LIMITATION: No

STATUTORY REFERENCES: Section 163 of the Federal-aid Highway Act of 1973 (Public Law 93-87)

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

The list of specified projects included the following 19 cities:

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

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 FYs 1979-1982 and established the Federal share at 95 percent.

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 were 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 FYs 1987-1991 and reduced the Federal share payable from 95 percent to 75 percent 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 percent Federal share except for segments for which the preparation of the plans, specifications and estimates were 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 percent.

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. Since 1984, all funds appropriated have been earmarked to specific projects by congressional advice. Allocations followed 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 19 cities projects (code 697).

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) continued the Railroad Relocation Demonstration Program through FY 1994. There have been no subsequent authorizations for this program.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HMHS).

STATE FLEXIBILITY

STATUS: Active

APPROPRIATION CODES: 31K

FEDERAL PARTICIPATION: 80 percent with sliding scale for Federal-aid highway funds

PERIOD AVAILABLE: Same as source funds

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 204 of the 1995 NHS Act

CFR REFERENCE: None

ELIGIBILITY: See the discussion below

BACKGROUND: Section 204 of the National Highway System Designation Act of 1995 (1995 NHS Act, Public Law 104-59) allowed States to transfer FY 1996 unobligated balances of apportioned Federal-aid highway funds to a flexible account to carry out projects eligible for assistance under chapter 1 of Title 23, United States Code.

A State could transfer an amount which was less than or equal to the total amount of the reduction in authorized funds that would have been apportioned to a State if not for Section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991. States could transfer funds from any category which met the following criteria:

- Funds which were apportioned, subject to the limitation on Federal-aid highway program obligations and not obligated for projects on September 30, 1995.
- Funds allocated to urbanized areas (population of 200,000 or more) had to be approved by the State's metropolitan planning organization.
- Funds apportioned for Congestion Mitigation and Air Quality or funds allocated from the Surface Transportation Program for Transportation Enhancements could not be transferred unless the State had utilized all flexibility and transferability available to it.
- Not more than one-third of a State's September 30, 1995, unobligated balance of Interstate Construction funds could be transferred.

The Transportation Equity Act for the 21st Century (Public Law 105-178) did not extend this program.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

TIMBER BRIDGE RESEARCH AND DEMONSTRATION

STATUS: ACTIVE (until authorizations for FY 1997 and prior years are expended)

APPROPRIATION CODES:

11N -- Timber Bridge Research Grants

11P -- Timber Bridge Construction Grants

11Q -- Timber Bridge Technology and Information Transfer

FEDERAL PARTICIPATION: 80 percent

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: 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 required that \$8,000,000 in FY 1992 and \$8,500,000 in each of FYs 1993-1997 be set aside from the Bridge Discretionary Program and made available for the construction of highway timber bridges on all public roads. Of these amounts, \$1,000,000 in each of FYs 1992-1997 was available for timber bridge research grants, and for technology and information transfer.

Applications for the timber bridge construction grants were submitted to the FHWA, Office of Engineering, and had 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 were made as one-time allocations that had to be obligated within the fiscal year allocated.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) did not reauthorize this program.

ADDITIONAL INFORMATION: Contact the Office of Bridge Technology (HIBT).

PART III

OTHER PROGRAM CHARACTERISTICS

100% FEDERAL SHARE FOR SAFETY (“G” MATCHING RATIO)

STATUS: ACTIVE States may use up to 10 percent of their total Federal-aid apportionments for any fiscal year at a 100 percent Federal share for certain safety activities.

APPROPRIATION CODES: 043, 059, EG1, A14, 04L, 31A, 31D, 32A, 33Q, 33R, 33S, 33T, 33W, 33X, 33Y, 33Z, 3AC

FEDERAL PARTICIPATION: Up to 100 percent for construction (also up to 100 percent 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)

CFR REFERENCE: None

ELIGIBILITY: The States may use up to 10 percent of their total Federal-aid apportionments under 23 U.S.C. 104 at a 100 percent Federal share for traffic control signalization, pavement marking, commuter carpooling and vanpooling, installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier end treatments, breakaway utility poles, or priority control systems for emergency vehicles at signalized intersections, safety rest areas and rail-highway crossing closures.

BACKGROUND: Section 5 of the Federal-aid Highway Act of 1944 (Public Law 78-521) allowed States to use up to 10 percent of their total Federal-aid systems apportionments at a 100 percent Federal share for the elimination of hazards at rail-highway crossings. It was codified in 23 U.S.C. 120(d) and 130(a) and (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 was being utilized. No separate "G" fund appropriations were made.

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 percent of their total Federal-aid apportionments under Section 104 at a 100 percent Federal share for traffic control signalization, pavement marking, commuter carpooling and vanpooling, or installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier end treatments, breakaway utility poles, or priority control systems for emergency vehicles at signalized intersections.

The National Highway System Designation Act of 1995 (Public Law 104-59) amended Section 120(c) to include safety rest areas as an additional activity eligible for 100 percent Federal share. The FY 1997 Department of Transportation appropriations act (Public Law 104-205) further amended Section 120(c) to include rail-highway crossing closures.

The Transportation Equity Act for the 21st Century (TEA-21, P.L. 105-178) added transit vehicles to eligible items under Section 120(c).

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

ADVANCE CONSTRUCTION

STATUS: ACTIVE A State may request and receive approval to construct Federal-aid projects in advance of the apportionment of authorized Federal-aid funds.

APPROPRIATION CODES: (Appropriation codes used prior to the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), are not listed)

0AA-- Urban Access and Urban Mobility Projects [1106(b)]

0AB -- Interstate Maintenance

0AC -- National Highway System

0AD -- Congestion Mitigation and Air Quality Improvement

0AE -- High Cost Bridge Projects [1103(f)]

0AF -- Congestion Relief Projects [1104(f)]

0AH -- High Priority Corridors on NHS [1105]

0AK -- Rural Access Projects [1106(a)(5)]

0AL -- Urban Access and Mobility Projects [1106(b)(6)]

0AM -- Innovative Projects [1107(f)]

0AN -- Priority Intermodal Projects [1108(f)]

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: N/A

STATUTORY REFERENCE: 23 U.S.C. 115

CFR REFERENCE: 23 CFR 630G

ELIGIBILITY: See the discussion below

Section of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

BACKGROUND: Under the conditions provided in 23 U.S.C. 115 , and discussed in more detail in 23 CFR 630G, "Advance Construction of Federal-Aid Projects," a State may request and receive approval to construct projects 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.

During FYs 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 would 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.

Although there were no changes to 23 U.S.C. 115 under the 1991 ISTEA, 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) and (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.

Section 308 of the National Highway System Designation Act of 1995 (1995 NHS Act, Public Law 104-59) amended 23 U.S.C. 115(c) relating to the amount of advance construction that may be authorized. The NHS Act established a requirement that advance construction projects be on the approved Statewide Transportation Improvement Program (STIP). The STIP covers a period of at least three years and is a financially constrained program which is not limited to the period of the authorization act. The total amount that may be advance constructed will be limited as follows: The Federal share of all advance construction projects (amount not converted to Federal-aid) cannot exceed the sum of the State's current unobligated balance of apportionments plus the amount of Federal funds anticipated in the subsequent fiscal years of an approved STIP. This change in the advance construction limitation provides the States with more flexibility in financing projects and developing financial plans.

An existing advance construction project may be converted to a regular Federal-aid project at any time provided that sufficient Federal-aid funds and obligation authority are available. The State may request a partial conversion where only a portion of the Federal share of project costs is obligated and the remainder may be converted at a later time provided funds are available. Only the amount converted is an obligation of the Federal Government. The project should be identified on the STIP each year a conversion occurs.

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

STATUS: ACTIVE National Highway System (NHS), Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement Program (CMAQ), Scenic Byways, Recreation Trails and Federal Lands Highways 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
K63, K79, K81, K83, K91 -- Federal Lands, Bicycle Transportation and Pedestrian Walkways
W61 and W62 -- Urban, Bicycle Transportation and Pedestrian Walkways

FEDERAL PARTICIPATION: In accordance with 23 U.S.C. 120(b)

PERIOD AVAILABLE: N/A

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 217

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. 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 in 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 recreational 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 percent 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.

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 STP, CMAQ, and NHS on bicycle transportation and pedestrian walkways. In addition to the 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 State 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 Metropolitan Planning Organizations 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.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) amended Section 217 to allow use of NHS funds for pedestrian walkways, as well as previously eligible bicycle facilities, on any route of the NHS. It removed the restrictions of bridges “where access was fully controlled” to accommodate bicycles. It also provided:

- Bicycle safety issues must be addressed on rail-highway crossing hazard elimination projects
- Bicycle improvements are eligible for the hazard elimination program
- For due consideration of bicyclists and pedestrians in the development of comprehensive transportation plans under 23 U.S.C. 134 and 135
- No regulatory action may be taken by the Secretary that results in the severance of a major bicycle route or has an adverse impact on the safety of nonmotorized traffic unless a reasonable alternate route exists or is provided
- When permitted by State or local regulations, electric bicycles may be used on Federally funded trails and pedestrian walkways
- Design guidance for accommodating bicycle and pedestrian travel will be issued by FHWA by December 9, 1999.

ADDITIONAL INFORMATION: Contact the Office of Human Environment (HEHE).

BOND ISSUE PROJECTS

STATUS: ACTIVE A bond issue project provides for 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. 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 used the proceeds of bonds for the construction of Primary, Interstate, or Urban Extension projects, or Interstate Substitute highway projects could 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 of 1978 (1978 STAA, 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, was considered an eligible cost of construction.

Section 311 of the National Highway System Designation Act of 1995 (1995 NHS Act) replaced 23 U.S.C. 122 and expanded the Federal eligibility of bond related costs. Under amended Section 122, bond related costs are eligible for Federal reimbursement

on any Federal-aid project eligible under Title 23, U.S.C., including the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) demonstration projects. The definition of construction was also revised in 23 U.S.C. 101 to include a reference to bond related costs.

Eligible costs include interest payments under an eligible debt financing instrument, the retirement of principal of an eligible debt financing instrument, the cost of issuance of an eligible debt financing instrument, the cost of insurance for an eligible debt financing instrument, and any other cost incidental to the sale of eligible debt financing instrument.

Eligible debt financing instrument means a bond or other debt financing instrument, including a note, certificate, mortgage, or lease agreement, issued by a State or political subdivision of a State or public authority, the proceeds of which are used for an eligible Federal-aid project.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) repealed redundant and outdated provisions of 23 U.S.C. 115 relating to payment of bond interest on Advance Construction projects.

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

CREDIT FOR TOLL EXPENDITURES

STATUS: ACTIVE

APPROPRIATION CODES: Same as source funds

FEDERAL PARTICIPATION: N/A

PERIOD AVAILABLE: N/A

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(j)

CFR REFERENCE: None

ELIGIBILITY: A State may use certain toll revenue expenditures as a credit toward the non-Federal matching share of programs authorized by Title 23 (except Emergency Relief projects authorized on or after June 9, 1998), and by Chapter 53 of Title 49 (transit).

BACKGROUND: Originating in Section 1044 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), 23 U.S.C. 120(j) permits a State to use certain toll revenue expenditures as a credit toward the non-Federal matching share of programs authorized by Title 23 (except for Emergency Relief projects effective on June 9, 1998) and certain transit projects. 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, and 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. All such expenditures must have been made entirely from non-Federal sources. To earn the credit, a maintenance of effort determination must also be satisfied.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) codified provisions for using toll credits toward the non-Federal share of Title 23 (except Emergency Relief), transit and NHTSA projects. It also provided another option for the maintenance of effort determination.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

DISADVANTAGED BUSINESS ENTERPRISES

STATUS: ACTIVE

APPROPRIATION CODES: Same as source funds

FEDERAL PARTICIPATION: Same as source funds

PERIOD AVAILABLE: Same as source funds

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 1101(b) of the TEA-21

CFR REFERENCE: None

ELIGIBILITY: Section 1101(b) of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) requires that not less than 10 percent of the amounts authorized to be appropriated under the provisions of Titles I, III, and V (for Title 23 highway projects, transit projects, and transportation research, respectively) must be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. Annually, each State must 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.

BACKGROUND: The U.S. DOT Disadvantaged Business Enterprise (DBE) Program ensures equal opportunity in transportation contracting markets, addresses the effects of discrimination in transportation contracting, and promotes increased participation in Federally funded contracts for small, socially and economically disadvantaged businesses. With the passage of Title VI of the Civil Rights Act of 1964, Federal agencies were required to provide equitable treatment in the delivery of programs and services. The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424), the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) and the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-204) emphasized the Department of Transportation's commitment to ensure equal opportunity in contracting.

The STAA required that not less than 10 percent of the amounts authorized for federally assisted highway and transit projects be expended with small business

concerns owned and controlled by socially and economically disadvantaged individuals. The STURAA continued the 10 percent requirement, added women to the group presumed to be socially and economically disadvantaged, established a size standard for participation, and required a directory of certified firms. The ISTEAA retained the provisions of the DBE program and required a study of the program by the Comptroller General.

Section 1101 (b) of TEA-21 also continues authorization of the DBE Program, changed the funding provisions to Titles I, III, and V and ensures a State's continuing eligibility to receive Federal funds if a Federal court issues a final order rendering the application of the State's DBE Program to be unconstitutional.

ADDITIONAL INFORMATION: Contact the Office of Civil Rights (HCR).

DISADVANTAGED BUSINESS ENTERPRISE SUPPORTIVE SERVICES (DBE/SS)

STATUS: ACTIVE

APPROPRIATION CODES:

12C -- DBE Supportive Services before FY 1995
96G -- DBE Supportive Services FY 1995
96S -- DBE Supportive Services FY 1996
9AH -- DBE Supportive Services FY 1997
Q48 -- DBE Supportive Services FYs 1998 - 2003

FEDERAL PARTICIPATION: 100 percent

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. 140(c)

CFR REFERENCE: 23 CFR 230.201-207

ELIGIBILITY: Subject to the availability of funds under 23 U.S.C. 140(c), a State highway agency may establish procedures to develop and conduct training and provide technical assistance specifically for the benefit of disadvantaged, minority, and women-owned businesses. Supportive services funds cannot be used to finance the training of State highway employees, to provide services in support of such training or to provide bonus payments to supportive services contractors.

BACKGROUND: DBE supportive services funding was first authorized under the Surface Transportation Assistance Act of 1982 (Public Law 97-424), Section 119(c) and codified in 23 U.S.C. 140(c). It is FHWA's policy to promote increased participation of DBEs in Federal-aid highway contracts, in part, through the development and implementation of cost effective supportive services programs through the State highway agencies.

Section 1208(c) of the Transportation Equity Act for the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-130) continued the Secretary's authority to deduct up to \$10 million for the administration of DBE/SS programs, but changed the funding source from 23 U.S.C. 104(a) to 23 U.S.C. 104(b)(3).

ADDITIONAL INFORMATION: Contact the Office of Civil Rights (HCR).

INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM

STATUS: ACTIVE

APPROPRIATION CODES:

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: N/A

STATUTORY REFERENCE: Section 1216(b) of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: Tolls may be collected on 3 Interstate highways for the purpose of reconstructing and rehabilitating highways that could not otherwise be adequately maintained or functionally improved without collecting tolls. Each of the 3 Interstate highways are to be located in different States.

Applications for eligible candidates will include the age, condition and intensity of use of the facility; if applicable, assurance from the MPO regarding placement and amount of tolls; an analysis showing that the facility could not be maintained or improved to meet current or future needs from the State's apportionments and other revenues without tolls; and a facility management plan outlining the implementation of the tolls, schedule and financing for the reconstruction or rehabilitation, a description of the public transportation agency administering the tolls, and a description of whether the maintenance and operations will be privatized.

BACKGROUND: Each State selected under the toll pilot program must execute an agreement with FHWA that all toll revenues will be used only for:

- S debt service,
- S reasonable return on investment of any private person financing the project and
- S costs necessary for the improvement of and proper operation and maintenance of the facility including reconstruction, rehabilitation, resurfacing, and restoration.

The pilot program shall be conducted for at least 10 years and during that period Interstate Maintenance funds under 23 U.S.C. 104(b)(4) may not be used on the toll facility.

The toll pilot program may include any route on the Interstate system as described in 23 U.S.C. 103(c)

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

ON-THE-JOB TRAINING

STATUS: ACTIVE

APPROPRIATION CODES: Same as source funds

FEDERAL PARTICIPATION: Same as source funds

PERIOD AVAILABLE: Same as source funds

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 140(a)

CFR REFERENCE: 23 CFR 230.103, 107, 111, 117(a), 121 and Appendices A & B

ELIGIBILITY: State highway agencies determine which Federal-aid highway contracts shall have training special provisions, identify the trades, and set the number to be trained in highway construction skilled crafts and transportation technology related careers. States are expected to require highway contractors to make every effort to enroll minority and women trainees/apprentices in those trades and careers in which they are under represented. Highway construction contractors utilizing registered training programs are exempt from payment of minimum wage rates to trainees enrolled in such programs.

To assist States in fulfilling their responsibilities under the Personal Responsibility and Work Opportunity Act of 1996, the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) permits a State to reserve on-the-job Training (OJT) positions established under 23 U.S.C. 140(a) for persons who receive welfare assistance from such State. Implementation of this provision shall not cause current employees to be displaced or current positions to be supplanted. Workers participating in apprenticeship or skill improvement programs registered with the Department of Labor or the appropriate State agency will not be precluded from referral to and hiring for OJT positions on projects funded by Title 23.

BACKGROUND: The primary objective of the OJT Program is to train and upgrade minorities and women into higher paying skilled trades and transportation technology related careers to meet the projected labor needs. Under Section 22 of the Federal-aid Highway Act of 1968 (Public Law 90-495), State highway agencies are required to certify that there are available apprenticeship, skill improvement or other upgrading

programs registered with the Department of Labor or the appropriate State agency. OJT programs are a mechanism by which contractors can comply with affirmative action requirements under Executive Order 11246, as amended, the Federal-aid Highway Act of 1968 and continuing legislation authorizing the Federal-aid highway program.

ADDITIONAL INFORMATION: Contact the Office of Civil Rights (HCR).

ON-THE-JOB TRAINING SUPPORTIVE SERVICES

STATUS: ACTIVE

Method No. 1 -- State highway agencies have the option to drawdown up to ½ percent of apportioned Surface Transportation Program and Highway Bridge Replacement and Rehabilitation Program funds to implement on-the-job training (OJT) supportive services programs authorized in 23 U.S.C. 140(b)

Method No. 2 -- The Secretary, as (s)he deems necessary may also deduct up to \$10 million per fiscal year of STP funds for on-the-job training supportive services projects authorized in 23 U.S.C. 140(b)

APPROPRIATION CODES:

12B -- Skill training before FY 1990

3AD -- Skill training after FY 1990, STP Funds

11J, 11H, 11K -- Skill training after FY 1990, HBRRP funds

Q49 -- Training after FY 1998, STP

FEDERAL PARTICIPATION:

Method No. 1 -- Same as source funds

Method No. 2 -- 100 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD:

Method No. 1 -- Appropriation

Method No. 2 -- Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 140(b)

CFR REFERENCE: 23 CFR 230.107(b), 113, 117(b), 119 and 121(e)

ELIGIBILITY: Supportive services funds may be used to provide assistance to highway contractors, apprentices and trainees. Funds may be utilized for services such as recruitment, pre-employment assessments, counseling, mentoring, job placement, transportation, tools, child care, basic skills training, continuation of training during seasonal shutdown, and follow-up services to determine training outcomes. Funds may also be used to administer the Summer Transportation Institutes and the American Association of State Highway and Transportation Officials -- Transportation Research Activities Center programs. These funds are to be used to increase the overall effectiveness of States' OJT highway construction and transportation technology related career training programs and cannot be used to finance the training of State highway employees or to provide services in support of such training.

BACKGROUND:

Method No. 1: Section 337 of the General Provisions in the FY 1990 DOT Appropriations Act (Public Law 101-164) provided States the option to utilize 1/4 percent of their apportionments of Interstate, Primary, Secondary, Urban, Bridge, Hazard Elimination, and Rail-Highway Crossing funds in FY 1990-1991 for the 23 U.S.C. 140(b) skills training program. Section 412 of the Department of Transportation Appropriations Act of 1993 (Public Law 102-388) continued authorization for the States' option to use available OJT/SS funds and increased the funding level to ½ percent of the apportionments.

Method No. 2: Funds for skill training and supportive services were first authorized under Section 110 of the Federal-aid Highway Act of 1970 (Public Law 91-605) at a funding level of \$5 million. Section 120 of the Federal-Aid Highway Act of 1973 (Public Law 93-87) increased the funding not to exceed \$10 million per fiscal year. The source of funding from which the Secretary may deduct these funds was changed by the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) from 104(b) to 104(b)(3).

Section 1208(b) of the TEA-21 amended 23 U.S.C. 140(b) to broaden the scope of the OJT supportive services program by including transportation technology related training and funding for the Summer Transportation Institutes.

ADDITIONAL INFORMATION: Contact the Office of Civil Rights (HCR).

SLIDING SCALE RATES

STATUS: ACTIVE 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 FHWA 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

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 120(a), 120(b)(1), and 120(b)(2)

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: The Federal share may be increased in States containing significant Federal 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 the normal Federal share 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) and provides for increasing it by certain sliding scale rates as follows:

- 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 percent 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 percent.

23 U.S.C. 120(b)(1) provides the normal Federal share for projects that are not on the Interstate System and provides for increasing it by certain sliding scale rates as follows:

- 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 percent 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 percent.

23 U.S.C. 120(b)(2) also provides the normal Federal share for projects that are not on the Interstate System and provides for increasing it by certain sliding scale rates, determined by a second method, as follows:

- 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 percent.
- These rates are available for States that have signed agreements pursuant to 23 U.S.C. 120(b)(2).

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

STATE INFRASTRUCTURE BANKS (SIB) PILOT PROGRAM (1998)

STATUS: ACTIVE

APPROPRIATION CODE:

SBA - Advance capitalization of the SIB
SB1 - SIB Program subject to limitation
SB2 - SIB Program subject to special limitation
SB3 - SIB Program exempt from limitation

FEDERAL PARTICIPATION: Disbursements of Federal funds must be matched by a non-Federal deposit of at least 25 percent of the Federal contribution (which equals 20 percent of the total deposit). The non-Federal share can be reduced if the State uses a lower non-Federal share under 23 U.S.C. 120(b), i.e. sliding scale.

PERIOD AVAILABLE: N/A

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: States may capitalize a SIB without limitation from the following Federal-aid categories: National Highway System, Surface Transportation Program(except safety and enhancements), Bridge, Minimum Guarantee, and Interstate Maintenance; funds provided under section 5302 Title 49; and funds provided under subtitle V of Title 49 that are available to the State. The Federal capitalization grants will be disbursed over a five year period.

TYPE OF AUTHORITY: Same as source funds

SUBJECT TO OBLIGATION LIMITATION: Same as source funds

STATUTORY REFERENCE: Section 1511 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)

CFR REFERENCE: None

ELIGIBILITY: A SIB is an investment fund at the State or regional (multi-State) level with the ability to make loans and provide other forms of credit assistance to public and private entities to carry out highway construction, transit capital, rail (using rail funds), or other surface transportation projects.

BACKGROUND: Section 1511 of the Transportation Equity Act for the 21st Century (TEA-21), P.L. 105-178, established a new SIB pilot program in June 1998 under which four States - California, Florida, Missouri, Rhode Island may capitalize their banks with Federal transportation funds authorized for fiscal years 1998-2003.

The SIB program requires separate tracking for the use of Interstate and rail funds; applies Federal requirement to all SIB assisted projects, including those financed with repayments from non-Federal sources (so-called “second round” projects); and establishes a five-year disbursement schedule for Federal capitalization funds at twenty percent per year.

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

STATE INFRASTRUCTURE BANKS (SIB) PILOT PROGRAM (1995)

STATUS: ACTIVE

APPROPRIATION CODE:

S99 - Advance capitalization of the SIB

99A - SIB eligible capitalization categories of regular Federal-aid apportionments subject to the obligation limitation

99B - SIB eligible funds not subject to the obligation limitation

594 - SIB appropriated funds - highways

5TB - SIB appropriated funds -transit

FEDERAL PARTICIPATION: Disbursements of Federal funds must be matched by a non-Federal deposit of at least 25 percent of the Federal contribution (which equals 20 percent of the total deposit). The non-Federal share can be reduced if the State uses a lower non-Federal share under 23 U.S.C. 120(b).

PERIOD AVAILABLE: Appropriated funds available until expended

FUND: Highway Trust Fund and General Funds

FUND DISTRIBUTION METHOD: States may use regularly apportioned or allocated funds to capitalize the SIB. The FY 1997 DOT Appropriations Act General Funds were administratively allocated.

TYPE OF AUTHORITY: Contract and Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: Same as source funds

STATUTORY REFERENCE: Section 350 of the 1995 National Highway System Designation Act (1995 NHSDA, Public Law 104-59), FY 1997 DOT Appropriations Act

CFR REFERENCE: None

ELIGIBILITY: A SIB is an investment fund at the State or regional (multi-State) level with the ability to make loans and provide other forms of credit assistance to public and private entities to carry out highway construction and transit capital projects.

BACKGROUND: Section 350 of the National Highway System Designation Act of 1995 (1995 NHSDA, Public Law 104-59) provided for a pilot program for up to 10 States to enter into cooperative agreements with FHWA and/or Federal Transit Administration (FTA) for the implementation of a SIB to increase infrastructure investment in the transportation sector. By June 1996, the 10 States were named: Arizona, California, Florida, Missouri, Ohio, Oklahoma, Oregon, South Carolina, Texas, and Virginia.

Department of Transportation and Related Agencies Appropriations Act of 1997 (1997 Appropriations Act, P.L. 104-205) opened participation in the pilot program to all States. Twenty-nine States submitted applications in response to the program expansion, which was advertised in the Federal Register in November 1996. Twenty-nine additional States were designated to participate in the SIB pilot program in

July 1997. The 1997 Appropriations Act also provided \$150 million in extra funding from general funds for distribution to participating States at the discretion of the Secretary of Transportation. Allocation the \$150 million was made in 1997 with all 39 States receiving a portion of the funds.

A pilot State may capitalize the highway account of the bank with funds from the following categories: Interstate Maintenance, National Highway System, the Highway Bridge Replacement and Rehabilitation Program, the Surface Transportation Program, Interstate Reimbursement, Apportionment Adjustment (Hold Harmless and 90 Percent Payment Adjustments), the Donor State Bonus Program, and Minimum Allocation. A maximum 10 percent of any one category can be used to capitalize. A separate account shall be established if the SIB is capitalized with FTA funds.

FHWA issued guidance dated September 10, 1997, for administering the SIB highway account. The SIB capitalization process includes a) an executed cooperative agreement between the SIB sponsor and the FHWA and/or FTA, b) the establishment of an advance capitalization amount (the maximum amount of Federal-aid funding that may be obligated), c) the transfer of eligible apportionments to the SIB, d) the obligation of the funds by execution of a project agreement, and e) the capitalization of the bank (disbursements of Federal funds under section 350(g)(1) of the 1995 NHSDA). Disbursements are subject to the historic Federal-aid outlay rates.

Funds made available for a SIB transit account are administered in accordance with the requirements of Chapter 53 of title 49, U.S.C. and guidance issued by FTA.

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

STRATEGIC HIGHWAY RESEARCH PROGRAM (SHRP)

STATUS: ACTIVE

APPROPRIATION CODE:

182 -- SHRP Activities, FYs 1987-1991

372 -- SHRP Implementation, FYs 1992-1997

FEDERAL PARTICIPATION: 100 percent, 80 percent beginning in FY 1998

PERIOD AVAILABLE: FY + 3 years prior to the 1991 ISTEA. Until expended for FYs 1992-2003.

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.

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

- No additional funds were provided for SHRP under 23 U.S.C. 307(d), but the other Title 23 provisions related to SHRP remained intact.

- Section 6001 of the 1991 ISTEA amended 23 U.S.C. 307 and established a new Research and Technology Program, which in 23 U.S.C. 307(b)(2) requires 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
 - 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 FYs 1994-1997 of the amounts deducted under 23 U.S.C. 104(a) for the Research and Technology Program, had to be used for SHRP purposes set forth in 23 U.S.C. 307(b)(2).

Section 5001 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) authorized additional funding for highway research in FYs 1998-2003 for long term pavement performance. TEA-21 also authorized \$250 million for fiscal years 1998-2003 for a new Technology Deployment Program under 23 U.S.C. 503 which includes specific provision to continue the SHRP partnerships.

ADDITIONAL INFORMATION: Contact the Office of Infrastructure Research and Development (HRDI).

PART IV

**INACTIVE PROGRAMS
AND
PROJECTS**

90 PERCENT OF PAYMENT ADJUSTMENTS

STATUS: INACTIVE These equity adjustment funds were transferred to the Surface Transportation Program (STP) account.

APPROPRIATION CODE: STP Codes

FEDERAL PARTICIPATION: 80 percent, same as STP

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

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

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

BACKGROUND: 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.

In each of FYs 1992-1997, each State that qualified received an allocation in an amount that ensured its apportionments for the fiscal year and allocations for the previous fiscal year would be at least 90 percent of its contributions to the Highway Account of the Highway Trust Fund. This is different from the Minimum Allocation where the guarantee is 90 percent of a State's relative share of contributions. Like Minimum Allocation, the contribution was determined based on the latest year for which data was available. The apportionments included in the calculation were those for Interstate Construction (IC), Interstate Maintenance (IM), National Highway System (NHS), Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement (CMAQ), Interstate Reimbursement, Donor State Bonus (DSB), and Hold Harmless.

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

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance(HABF).

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

STATUS: INACTIVE Categorical funds are no longer available. Higher Federal share for regularly apportioned highway construction funds used for Access Highways to...Lakes (AHL) purposes has been terminated.

APPROPRIATION CODES:

585 -- AHL, FY 1984 categorical funds
586 -- AHL, FY 1985 categorical funds
600 -- AHL, "No-Year" categorical funds
628 -- AHL, FYs 1976-1978 categorical funds
637 -- AHL, FYs 1978-1980 categorical funds
655 -- AHL, FYs 1979-1981 categorical funds
664 -- AHL, FYs 1982-1984 categorical funds
665 -- AHL, FYs 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 percent for categorical grants (70 percent prior to the 1978 STAA; 75 percent between the 1978 STAA and the 1982 STAA). 95 percent for regularly apportioned Federal-aid funds used for AHL prior to the 1991 ISTEA.

PERIOD AVAILABLE: FY + 2 years for categorical funds except as noted or modified in appropriations acts

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

FUND DISTRIBUTION METHOD: Allocation

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

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 155

CFR REFERENCE: None

ELIGIBILITY: Construction or reconstruction of access highways to public recreation areas on lakes developed by Federal agencies.

BACKGROUND: The AHL 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. 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 AHL program was provided in FY 1976. Additional funding and specific new projects were included in several DOT appropriations acts.

Categorical funds authorized and appropriated under 23 U.S.C. 155 were 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 FYs 1985 and 1986 the funds were not earmarked. In FY 1987 some funds were earmarked and others were not. The non-earmarked funds in FYs 1985, 1986, and 1987 were allocated to States for projects deemed most meritorious. The FY 1988 funds were earmarked for a project in Mississippi. Categorical funds have not been appropriated since FY 1988.

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.

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 percent 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 apportioned for use on any Federal-aid system to be used for AHL projects at a 95 percent 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). Section 1021(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) deleted Section 120(k).

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

ALASKAN ASSISTANCE

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 FYs 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 FYs 1974-1976.

The entire \$100 million authorized has been obligated.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

BICYCLE GRANTS

STATUS: **INACTIVE** Repealed by Section 133(e)(2) of the 1987 STURAA.

APPROPRIATION CODE: 694

FEDERAL PARTICIPATION: 75 percent

PERIOD AVAILABLE: FY for which appropriated. However, the period of availability has now expired.

FUND: ½ Highway Trust Fund and ½ General Funds

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: No

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 FYs 1979-1982; however, the first appropriation was made for FY 1980, and no subsequent appropriations were 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: Contact the Office of Program Administration (HIPA).

BIKEWAY DEMONSTRATION

STATUS: **INACTIVE** Repealed by Section 133(e)(2) of the 1987 STURAA.

APPROPRIATION CODE: 633

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: Until expended

FUND: General

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated 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 million was authorized for this program for FY 1976, only \$6 million 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 were 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: Contact the Office of Program Administration (HIPA).

BRIDGE REPLACEMENT (SPECIAL)

STATUS: INACTIVE. Replaced by Highway Bridge Replacement and Rehabilitation Program (HBRRP).

APPROPRIATION CODE: 115

FEDERAL PARTICIPATION: 75 percent

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. 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 FYs 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 FYs 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: Contact the Office of Bridge Technology (HIBT).

BRIDGES ON FEDERAL DAMS

STATUS: INACTIVE There have been no recent appropriations of funds for bridges on Federal dams. All previously available funds have been allocated and obligated.

APPROPRIATION CODE: 072

FEDERAL PARTICIPATION: 100 percent

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, was generally for projects earmarked by Congress to reimburse Federal dam building agencies (Tennessee Valley Authority, Department Of Defense, Bureau Of Reclamation) for the costs of designing and constructing certain dams to support public highway bridges upon and across these dams.

BACKGROUND: 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 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 at 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 earmarked funds for specific projects through direct references in the law or in conference reports. No additional funding has been authorized since the Federal-Aid Highway Act of 1978. In FY 1994, P.L. 103-211 rescinded the remaining balance of funds, \$9,478,139, in the account.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

COMBINED ROAD PLAN

STATUS: INACTIVE

APPROPRIATION CODES:

CG1 -- CRP-Pooled Fund, 100 percent
CR1 -- CRP-Secondary, Urban, Non-Primary Bridge Pooled Fund
EC1 -- CRP-Minimum Allocation
EC2 -- CRP-Excess Interstate ½ Percent Minimum Apportionment
EC3 -- CRP-Interstate Substitution, Apportioned
EC4 -- CRP-Interstate Substitution, Discretionary
EG1 -- CRP-Minimum Allocation, 100 percent, 23 U.S.C. 120(d)
EG2 -- CRP-Excess Interstate ½ Percent Minimum Apportionment, 100 percent

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: Funds were used in five States selected by the FHWA--California, Minnesota, New York, Rhode Island, and Texas--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.

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.

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 (appropriation 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.

No authority was provided for the continuation of the Combined Road Plan demonstration in the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240).

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

COMMERCIAL DRIVER'S LICENSE

STATUS: INACTIVE

APPROPRIATION CODES:

21A -- Basic Grant (FYs 1987-1991).
21B -- Supplemental Grant (FYs 1989-1991).
21C -- Clearinghouse Grant (FYs 1989-1991).
708 -- Supplemental Grant (FYs 1987-1988).
709 -- Information System Grant (FYs 1987-1989).

FEDERAL PARTICIPATION: 100 percent

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: Highway Trust 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.

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 authorized the following four categories of grants:

- Basic grants, available in FYs 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 FYs 1987-1991. In FYs 1987-1989, funds were available on a discretionary basis. In FYs 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 FYs 1987-1989 on a discretionary basis. The total funding was \$2 million per year.
- Clearinghouse grants, available in FYs 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 FYs 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.

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 could continue to be used for the purposes of this program.

ADDITIONAL INFORMATION: Contact the Office of Motor Carrier Enforcement (HMCE).

CONSOLIDATED PRIMARY

STATUS: INACTIVE Discontinued after funds apportioned in FY 1991 and previous fiscal years were obligated, transferred, or lapsed. Title 23 provisions relative to the Federal-aid Primary System were repealed by the 1991 ISTEA. Unobligated funds apportioned to a State for the Primary System remained available for obligation under the old rules or could 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
33D -- STP-State Flexible
A04 -- Consolidated Primary, PR
A06 -- Consolidated Primary, Economic Growth Center, 95 percent
A09 -- Consolidated Primary, Economic Growth Center, Temporary Matching Fund Waiver
A14 -- Consolidated Primary, 100 percent
A45 -- Consolidated Primary, Great River Road
A61 -- Consolidated Primary, Bicycle and Pedestrian
A75 -- Consolidated Primary, Access to Lakes
A85 -- Consolidated Primary, Energy Impacted Roads
A86 -- Consolidated Primary, 20 percent Mandatory Energy Roads
A87 -- Consolidated Primary, Energy Impacted Roads, Temporary Matching Fund Waiver
X14 -- Consolidated Primary, NHI
X15 -- Consolidated Primary, 1/4 percent NHI

FEDERAL PARTICIPATION: 75 percent

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 remained available for obligation under the pre-ISTEA rules or could be transferred to the NHS or STP programs. These funds could be used for 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 percent 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 percent 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 FYs 1983-1986 primary authorizations. Section 107 of the 1987 STURAA continued the use of this procedure for FYs 1987-1991.

Funds apportioned under this program could be transferred to the Rural Secondary and Urban System programs.

The Federal-aid Primary System was abolished when Sections 103(a) and (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. The last apportionments of funds for the Primary System were for FY 1991. The system as it existed on June 1, 1991, is still used to define where control of outdoor advertising under 23 U.S.C. 131 applies.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

DONOR STATE BONUS

STATUS: INACTIVE These equity adjustment funds were used for the same purposes as if apportioned for the Surface Transportation Program (STP).

APPROPRIATION CODES:

35A -- DSB-50 percent 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: 80 percent, same as STP

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: In FYs 1992-1997, donor States were identified by comparing each State's projected contributions to the Highway Trust Fund in the fiscal year to the apportionments that would be received by the State in that fiscal year. Section 1013(c) of the 1991 ISTEA authorized 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 was brought up to the level of return for States with the next highest level of return. This was repeated successively for each State until the funds authorized for that fiscal year were 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 STP funds, except that the amounts are available until expended and one-half of the amount was subject to the sub-State STP distribution rules contained in 23 U.S.C. 133(d)(3). The other half could be used in any areas for STP activities.

BACKGROUND: The Donor State Bonus program was contained in Section 1013(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). Section 1013(c) authorized \$429 million in FY 1992 and \$514 million in each of FYs 1993-1997 to be appropriated out of the Highway Trust Fund for the payment of Donor State Bonus amounts.

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

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 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

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 FYs 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 in 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: Contact the Office of Highway Safety Infrastructure (HMHS) or the Office of Program Administration (HIPA).

ENERGY IMPACTED ROADS

STATUS: INACTIVE A higher Federal share was allowed for projects to reconstruct, resurface, restore, and rehabilitate energy impacted roads (generally coal haul routes).

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 System funds for energy impacted roads.

FEDERAL PARTICIPATION: 85 percent

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(l) (repealed)

CFR REFERENCE: None

ELIGIBILITY: N/A

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 percent 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) in need of 4R type improvements to restore safety, capacity, and/or mobility.

Section 1021(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) repealed Section 120(l).

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

FUNDING RESTORATION

STATUS: INACTIVE

APPROPRIATION CODES:

31J - Funding Restoration
317 - Allocation Formula (91 ISTEA)
318 - Urbanized Areas Over 200,000 (91 ISTEA)
319 - Transportation Planning (91 ISTEA)
31H - Research and Planning (91 ISTEA)
Q50 - Allocation Formula -- Department of Transportation and Related Agencies Appropriations Act of 1997 (97 STEA)
Q51 - Urbanized Areas Over 200,000 (97 STEA)
Q52 - Transportation Planning (97 STEA)
Q53 - Research and Planning (97 STEA)

FEDERAL PARTICIPATION: Determined by the type of project for which the funds are used

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation based on Section 202(b) of the National Highway System Designation Act of 1995 (1995 NHSDA, Public Law 104-59)

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 202 of the 1995 NHSDA (Public Law 104-59)

CFR REFERENCE: None

ELIGIBILITY: Funds may be spent on any project eligible under Title 23

BACKGROUND: Section 202 of the 1995 NHSDA created a Funding Restoration Program for FYs 1996-1997. Section 202 authorized \$266,522,436 for FY 1996 and \$155 million for FY 1997 for carrying out projects. The purpose of this program is to restore funds for FY 1996 that were reduced as a result of application of Section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) did not authorize funding for this program.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

GREAT RIVER ROAD

STATUS: INACTIVE Categorical funds are no longer available. In the past, regularly apportioned highway construction funds could be used for Great River Road projects at a higher Federal share.

APPROPRIATION CODES:

615 - Categorical funds used in FY 1981 and prior years.
135 - Categorical funds used in FY 1982 and subsequent years.
A35 and A45 - Consolidated Primary funds for the Great River Road.
B35 and B45 - Rural Secondary funds for the Great River Road.
W35 and W38 - Urban system funds for the Great River Road.

FEDERAL PARTICIPATION: 95 percent for regular funds (prior to the 1991 ISTEA) and 75 percent for categorical funds

PERIOD AVAILABLE: Same as source funds for regular funds, FY + 3 years for categorical funds (availability expired September 30, 1986)

FUND: Highway Trust Fund for categorical on-system projects and General Funds 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 Appropriated 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(repealed)

ELIGIBILITY: N/A

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 in 23 U.S.C. 148, and provided funds from (a) the Highway Trust Funds 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 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 95 percent Federal share under the provisions of 23 U.S.C. 120(j) for projects financed with funds apportioned for use on any Federal-aid system. This was interpreted to include primary, secondary, urban system, and minimum ½ 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(j) 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 percent if requested by a State, but not less than 75 percent.

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.

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). Thus, there is no longer a higher Federal share for regular Federal-aid funds used for projects located on the Great River Road.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

HAZARD ELIMINATION

STATUS: INACTIVE Replaced by STP Set-Aside for Safety Improvements program.

APPROPRIATION CODE:

141 -- Hazard Elimination
33P -- STP-Hazard Elimination Program
33Z -- STP-Hazard Elimination Program, 100 percent

FEDERAL PARTICIPATION: 90 percent.

PERIOD AVAILABLE: FY + 3 years (availability expired September 30, 1994)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 152

CFR REFERENCE: 23 CFR 924

ELIGIBILITY: N/A

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 (exception amended out by Section 1401 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178)) [Highway safety improvement projects are defined in 23 U.S.C. 101(a)]. The Hazard Elimination program was codified in 23 U.S.C. 152. The 1978 STAA authorized \$125 million for FY 1979, \$150 million for FYs 1980-1981, and \$200 million 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 million per fiscal year for FY 1983 (reduced by the amount authorized by the Federal-aid Highway Act of 1982) and for FYs 1984-1986.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 STURAA, Public Law 100-17) authorized \$170 million per fiscal year for each of FYs 1987-1991 for projects for the elimination of hazards under 23 U.S.C. 152.

The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) did not provide earmarked funds subsequent to FY 1991 for the Hazard Elimination Program. However:

- 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) continued to be considered eligible for the elimination of roadside hazards.
- It stipulates in Section 1007 (codified in 23 U.S.C. 133(d)(1)) 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).

The Transportation Equity Act for the 21st Century amended the Hazard Elimination Program to allow States to survey and correct hazards to motorists, bicyclists and pedestrians. It also removed the exception regarding use of funds for removal of hazards on the Interstate System.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HMHS) or the Office of Program Administration (HIPA).

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 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

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 FYs 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 replaced the combined program with a new program called the Hazard Elimination Program.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HMHS) or the Office of Program Administration (HIPA).

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 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1981)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula.

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 152 and 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 FYs 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: Contact the Office of Highway Safety Infrastructure (HMHS) or the Office of Program Administration (HIPA).

HIGHWAYS CROSSING FEDERAL PROJECTS

STATUS: INACTIVE Repealed by 1987 STURAA.

APPROPRIATION CODES:

582 - Washington HQs Use Only (Reappropriated Funds).

643 - Construction.

FEDERAL PARTICIPATION: 100 percent

PERIOD AVAILABLE: FY + 2 years. Availability has expired.

FUND: General Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated 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 in 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).

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

HOLD HARMLESS

STATUS: INACTIVE These funds were an adjustment to the Surface Transportation Program (STP), to be used as STP funds.

APPROPRIATION CODE: STP Codes

FEDERAL PARTICIPATION: 80 percent, same as STP

PERIOD AVAILABLE: FY + 3 Years, same as STP

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Section 1015(a) of the 1991 ISTEA established a legislative percentage that each State and the District of Columbia must receive each fiscal year. The percentage applied to the total funding that was distributed for Interstate Construction (IC), Interstate Maintenance (IM), Interstate Substitution (IS), National Highway System (NHS), STP, Congestion Mitigation and Air Quality Improvement (CMAQ), Bridge Program (HBRRP), Federal Lands, Minimum Allocation (MA), Interstate Reimbursement (when it became available in FY 1996), and Donor State Bonus (DSB). Each State that did not receive the established percentage received additional apportionments so that its total equaled the 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 were to be used as STP funds, except that one-half of the amount received by a State was not subject to the two set-asides or the sub-State distribution requirements of the STP.

BACKGROUND: The Hold Harmless category was authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). Section 1015(a) of the 1991 ISTEA established a legislative percentage each State must receive of the Nation's funding for each of FYs 1992-1997. The funding programs included in the adjustment process, which included apportionments and prior year allocations, were IC, IM, IS, NHS, STP, CMAQ, HBRRP, MA, Federal Lands, DSB, and Interstate Reimbursement. Additions were made to the STP apportionment so each State's total would reach the legislative percentage set forth in Section 1015(a)(2) of the 1991 ISTEA. Funds were to be used as if they were STP funds; however, one-half of the amount was not subject to the set-asides and sub-State distribution requirements of the STP. Also, the 90 percent guarantee and priority projects were not included in the Hold Harmless adjustment.

ADDITIONAL INFORMATION: Contact the Office of Finance and Budget (HABF).

INNOVATIVE TECHNOLOGIES (FEDERAL SHARE INCREASE)

STATUS: INACTIVE The original program has expired, but innovative technology activities continue under other programs (but Federal share increase is no longer available).

APPROPRIATION CODE: Same as source funds

FEDERAL PARTICIPATION: Normal Federal share plus 5 percent - 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 share increase of 5 percent for projects utilizing significant amounts of these materials [Section 142 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424)].

The Federal share increase for such projects was for FYs 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 percent increase was over and above the pro-rata share provided in the programs. The total Federal share could not, however, exceed 100 percent. 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. However, Section 117(f) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17) provided for a 5 percent increase in the Federal share (not to exceed 95 percent) for each of FYs 1987-1991 for any highway or bridge construction project in which materials produced from coal ash are used in significant amounts.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

INTERSTATE ½ 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 percent share for primary, secondary, or urban system work; 90 percent share for I-4R or hazard elimination work

PERIOD AVAILABLE: Apportionments prior to October 1, 1989 were available for 2 years (one year prior to the FY designated and the FY itself). Apportionments on or after October 1, 1989 but ending before October 1, 1991 were available until expended.

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: 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 including Alaska would receive a minimum of ½ percent of the total Interstate apportionments for each of FYs 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 FYs 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, 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 ½ percent minimum apportionment to States for Interstate construction, effective October 1, 1991. (Section 1001(h) of the 1991 ISTEA).

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

INTERSTATE 4R

STATUS: INACTIVE The 1991 ISTEA replaced Interstate 4R with the Interstate Maintenance (IM) Program for resurfacing, rehabilitation, and restoration, and with the National Highway System (NHS) Program for reconstruction.

APPROPRIATION CODE: 044

FEDERAL PARTICIPATION: 90 percent

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: N/A

BACKGROUND: The Interstate 3R 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 and authorizations were made for FYs 1978 and 1979.

Section 116 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 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 Interstate toll roads, but could be used on Interstate toll roads 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 ½ 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 percent prior to November 6, 1978; 75 percent from November 6, 1978 to December 28, 1981; and 90 percent from December 29, 1981 forward.

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 FYs 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, (b) permitted a State to transfer up to 20 percent 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.

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 was replaced by the NHS Program under provisions in the 1991 ISTEA.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

INTERSTATE GAP CLOSING

STATUS: INACTIVE Only applicable to FY 1978 and 1979 Interstate apportionments

APPROPRIATION CODE: 045

FEDERAL PARTICIPATION: 90 percent

PERIOD AVAILABLE: 2 years (1 year prior to the FY and the FY itself -- availability expired on September 30, 1979)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: N/A - 30 percent earmarking of 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 percent of the Interstate apportionment made to each State for FYs 1978 and 1979 be expended for the construction of intercity portions which would close essential gaps.

Subsequent highway legislation has made no provisions for continuation of the gap closing requirement.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

INTERSTATE REIMBURSEMENT

STATUS: INACTIVE

APPROPRIATION CODES: None - Funds are transferred to each State's apportionment of Surface Transportation Program (STP) funds.

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: FY + 3 Years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation - statutory formula with individual State factors set forth in the Reimbursement Table contained in 23 U.S.C. 160(c). The formula is based on a 1958 Congressionally-mandated study to determine the amounts each State should be reimbursed for Interstate routes, toll or free, which were constructed between 1947 and 1957, and were incorporated into the Interstate System. Each State receives at least ½ percent of the annual authorizations.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 160; Section 1014, ISTEA

CFR REFERENCE: None

ELIGIBILITY: Interstate Reimbursement funds lose their separate identify and are distributed as STP funds and may be used for any purpose for which STP funds may be used.

BACKGROUND: The Interstate Reimbursement Program was established by Section 1014 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) to reimburse the States for segments of the Interstate System constructed without Federal assistance. The reimbursement concept was an outgrowth of Section 114 of the Federal-Aid Highway Act of 1956 which directed the Bureau of Public Roads "to determine whether or not the Federal Government should equitably reimburse any State for a portion of a highway which is on the Interstate System, whether toll or free, the construction of which has been completed subsequent to August 2, 1947, or which is either in actual use or under construction by contract, for completion, awarded not later than June 30, 1957 ..."

The results of that study were reported to Congress on January 7, 1958, and identified \$4.967 billion as the equitable reimbursement amount, split almost evenly between the non-Federal share of toll and free roads. This amount is shown in Section 1014 of ISTEA as the "Original Cost in Millions".

23 U.S.C. 160(d) provides that "the Secretary shall transfer amounts allocated to a State pursuant to this section to the apportionment of such State under Section 104(b)(3) for the Surface Transportation Program (STP). The provisions of 23 U.S.C. 133(d)(1), (2) and (3) do not apply to the transferred funds.

23 U.S.C. 160(f) authorized \$2.0 billion annually for FYs 1996 and 1997 for the Interstate Reimbursement Program.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) did not provide additional authorizations for this program.

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF) or the Office of Program Administration (HIPA).

JUNKYARD CONTROL

STATUS: INACTIVE 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 or as a transportation enhancement activity (landscaping and other scenic beautification)

APPROPRIATION CODES:

656 -- FY 1966 funds
657 -- FY 1967 funds
659 -- FYs 1970-1973 and 1975 funds
65A -- Deobligated and recovered 659 funds
689 -- FY 1977 and subsequent year funds

FEDERAL PARTICIPATION: Same as source funds. Was 75 percent 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 Funds 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 Appropriated 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: A State may use any funds apportioned to it under 23 U.S.C. 104 for the screening of any lawfully established but now nonconforming junkyards as part of its transportation enhancement activities.

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 authorizations for FYs 1966 (code 656) and 1967 (code 657). Authorizations (659) were included in the Federal-Aid Highway Act of 1970

for FYs 1970-1973 and the Federal-Aid Highway Amendments of 1974 for 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 FYs 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: Contact the Office of Real Estate Services (HERE).

LONG-TERM MONITORING (LTM)

STATUS: INACTIVE 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 percent 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. Appropriated 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 and Research (SPR) funds may be used for LTM activities.

BACKGROUND: The LTM 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: Contact the Office of Pavement Technology (HIPT).

MINIMUM ALLOCATION -- 90 percent

STATUS: INACTIVE

APPROPRIATION CODES:

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

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: In FYs 1992-1997, each State was 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), Highway Bridge Replacement And Rehabilitation Program (HBRRP), Scenic Byways, and Safety Belt and Motorcycle Helmet grants and allocations from any of these programs received in the prior year would not be less than 90 percent of the percentage of estimated contributions to the Highway Trust Fund. The contributions were based upon the latest year for which data was available.

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: 23 U.S.C. 157(a)and(b) (repealed)

CFR REFERENCE: None

ELIGIBILITY: The 90 percent MA funds may be used for IC, IM, IX, NHS, STP, HBRRP, and Congestion Mitigation and Air Quality Improvement projects, and also for metropolitan planning (PL) activities (not to exceed ½ percent of the MA funds apportioned to a State) and for State Planning and Research (SPR) activities (not to exceed 1-1/2 percent of the MA funds apportioned to a State). 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 FYs 1983-1986 to ensure that all States would receive apportionments in each fiscal year for Interstate, Interstate 4R, Interstate Substitute, Primary, Secondary, Urban, HBRRP, Hazard Elimination, and Railroad programs that were at least 85 percent 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 ½ percent of their minimum allocation funds for Metropolitan Planning (PL) activities and 1-1/2 percent for Highway Planning and Research (HPR) activities.

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

The Transportation Equity Act for the 21st Century did not reauthorize the minimum allocation funds. Instead it established a similar category, Minimum Guarantee, which guarantees a return to the States of 90.5 percent of their percentage contribution of highway taxes to the Highway Trust Fund.

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

NATIONAL HIGH-SPEED GROUND TRANSPORTATION TECHNOLOGY DEMONSTRATION PROGRAM

STATUS: INACTIVE

APPROPRIATION CODE: N/A (FRA gets the funds directly from the Highway Trust Fund. The FRA appropriation code is X552.

FEDERAL PARTICIPATION: 80 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund and General Funds

FUND DISTRIBUTION METHOD: Cooperative Agreement

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

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

STATUTORY REFERENCE: 49 U.S.C. 309; Section 1036(c) of the 1991 ISTEA

CFR REFERENCE: None

ELIGIBILITY: To fund selected projects that demonstrate new technologies related to any high-speed ground transportation projects already under construction or in operation.

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

This high speed ground transportation demonstration program provides \$25 million from the Highway Trust Fund and \$150 million from General Funds as shown below:

- Section 1036(d)(1)(B) of the 1991 ISTEA authorized \$25 million out of the Highway Trust Fund (\$5 million for each of FYs 1993-1997) for the national high-speed ground transportation technology demonstration program under 49 U.S.C. 309. However, the \$5 million authorized for FY 1997 was later rescinded.
- Section 1036(d)(2)(B) of the 1991 ISTEA authorized \$25 million to be appropriated out of General Funds for each of FYs 1992-1997 for the national

high-speed ground transportation technology demonstration program under 49 U.S.C. 309. No General Funds were appropriated for this project.

Highway Trust Funds [Section 1036(d)(1)(B)] were used to develop and test a high speed gas turbine locomotive for non-electrified high speed rail, test an in-cab grade crossing warning system, develop a deploy able grade crossing barrier with an impact attenuator, and develop a low cost grade separation.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

NATIONAL HIGHWAY SYSTEM HIGH PRIORITY CORRIDOR FEASIBILITY STUDY DISCRETIONARY PROGRAM

STATUS: INACTIVE

APPROPRIATION CODE: 0AH, 362, 363, 364, 36C and 36D

FEDERAL PARTICIPATION: 100 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: Section 1105 of the 1991 ISTEA; Section 332 of the 1995 NHS Act

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: In order to serve the travel and economic development needs of regions of the Nation not adequately served by the Interstate System or comparable highways, Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) identified 21 High Priority Corridors to be included in the National Highway System. Section 332 of the National Highway System Designation Act of 1995 (1995 NHS Act, Public Law 104-59) added 8 corridors bringing the total number of High Priority Corridors to 29.

Section 1105(h) of ISTEA authorized \$8 million per fiscal year for FYs 1992 -- 1997 from the Highway Trust Fund for feasibility and design studies on those corridors for which such studies had not been prepared. Feasibility and design study projects were selected for funding after evaluation of candidate projects submitted by the States. All of the available funds have been distributed to the States.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

NATIONAL MAGNETIC LEVITATION (MAGLEV) PROTOTYPE DEVELOPMENT PROGRAM

STATUS: INACTIVE

APPROPRIATION CODE:

FEDERAL PARTICIPATION: 75 percent - 90 percent

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, the Highway Trust Fund portion

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

The MAGLEV Program was authorized at \$725 million. Section 1036(d)(1)(A) of the 1991 ISTEA authorized \$500 million from the Highway Trust Fund over a six year period. All of the authorized Highway Trust Funds were subsequently rescinded.

Section 1036(d)(2)(A) of the 1991 ISTEA authorized \$225 million to be appropriated out of the General Fund for FYs 1992-1997. These funds were to be directed toward the development of one prototype MAGLEV project, selected from applicants across the Nation. As of August 1997, \$39 million in General Funds had been appropriated and used for a system concept definition study and follow-up research.

ADDITIONAL INFORMATION: Contact the Office of Intermodal and Statewide Programs (HESP) or the Federal Railroad Administration, Office of Railroad Research and Development (HDV2).

NATIONAL RIDESHARING DEMONSTRATION

STATUS: INACTIVE

APPROPRIATION CODES:

244 - UMTA Section 6 funds

944 - FHWA GOE funds.

FEDERAL PARTICIPATION: See comments

PERIOD AVAILABLE: The 944 funds were available only during FY 1979. The 244 funds were available only during FYs 1979-1981.

FUND: Highway Trust Fund/General Funds

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated 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 percent or 25 percent) were committed to the project.
- Demonstration funds generally did not exceed \$250,000 per project.

ADDITIONAL INFORMATION: Contact the Office of Travel Management (HOTM).

NATIONAL RIDESHARING DISCRETIONARY PROGRAM

STATUS: INACTIVE

APPROPRIATION CODES:

172 and 174 - Grants and loans
171 and 175 - Technical assistance

FEDERAL PARTICIPATION: 75 percent

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: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: No

STATUTORY REFERENCE: Section 126 of the 1978 STAA

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 and 172) and another \$3 million in July 1980 (codes 174 and 175). Projects were submitted to, selected by, and administered by FHWA Headquarters.

ADDITIONAL INFORMATION: Contact the Office of Travel Management (HOTM).

NON-URBANIZED PUBLIC TRANSPORTATION

STATUS: INACTIVE Transferred to UMTA effective October 1, 1983

APPROPRIATION CODES:

770 - 1981 and Subsequent Years, General Fund, Non-operating and Operating Expenses
771 - 1981 and 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 and Prior Years, General Fund, Non-operating and Operating Expenses
882 - 1980 and Prior Years, General Fund, Program Administration and Technical Assistance

FEDERAL PARTICIPATION: 80 percent for construction and 50 percent for operating expenses for codes 770 and 881; 100 percent (limited to 15 percent of apportionment) for codes 771, 787, and 882; and 80 percent for construction for code 786

PERIOD AVAILABLE: FY + 2 years (lapsed funds reapportioned among other States)

FUND: General Funds 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: Appropriated Budget

STATUTORY REFERENCE: Section 313 of the 1978 STAA

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 percent 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 and project), and operating expenses.

This program, jointly implemented by FHWA and Urban Mass Transit Administration (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 Funds. The Highway 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 percent 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 Funds 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 October 1, 1983.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

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 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

FUND: General Funds

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Appropriated Budget

STATUTORY REFERENCE: 23 U.S.C. 219 (Repealed)

CFR REFERENCE: 23 CFR 922 (Repealed)

ELIGIBILITY: N/A

BACKGROUND: Section 122 of the Federal-aid Highway Amendments in 1974 (Public Law 93-643) established the Off-System Roads program. It was codified at 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. The period of availability for the Off-System Roads funds expired September 30, 1979; therefore, unobligated funds lapsed.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HMHS).

PAVEMENT MARKING DEMONSTRATION PROGRAM

STATUS: INACTIVE The categorical Pavement Marking Demonstration Program (PMDP) was repealed by the 1987 STURAA.

APPROPRIATION CODE: 140

FEDERAL PARTICIPATION: 100 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1984)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 151 (Repealed)

CFR REFERENCE: 23 CFR 655.607

ELIGIBILITY: N/A

BACKGROUND: The PMDP was established by Section 205 of the Highway Safety Act of 1973 (Title II of Public Law 93-87) and codified in 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 FYs 1974-1976.

The Highway Safety Act of 1976 (P.L. 94-280) authorized funds for FYs 1977-1978. The Surface Transportation Assistance Act of 1978 (1978 STAA, Public Law 95-599) authorized funds for FYs 1979-1981. This Act amended the PMDP 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 pavement marking projects by permitting a Federal share of up to 100 percent 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 PMDP.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HMHS).

PRIORITY PRIMARY

STATUS: INACTIVE Incorporated into the Consolidated Primary Program.

APPROPRIATION CODE: A12

FEDERAL PARTICIPATION: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

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 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 FYs 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".

ADDITIONAL INFORMATION: Contact the Office of Office of Program Administration (HIPA).

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 at a higher Federal share, 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 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1986)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

STATUTORY REFERENCE: 23 U.S.C. 147; 23 U.S.C. 120(k) (repealed)

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 FYs 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) and (2) of the 1976 Act, which provided that \$50 million of the sums authorized for each of FYs 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 FYs 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.

Discretionary funds were not 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 percent 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 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: Contact the Office of Office of Program Administration (HIPA).

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 percent

PERIOD AVAILABLE: Until expended

FUND: General Funds and Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated 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 NEC 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 Funds.

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 share payable for these projects was originally set at 80 percent Federal, 10 percent State, and 10 percent Railroad for projects not on a Federal-aid system, and 90

percent Federal, 10 percent 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 percent.

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 NEC. The Federal Railroad Administration (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 State'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.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HMHS).

RAIL-HIGHWAY CROSSINGS 203 PROGRAM

STATUS: INACTIVE

APPROPRIATION CODES:

138 -- Elimination of Hazards, FY 1991 and Prior Years

139 -- Protective Devices, FY 1991 and Prior Years

FEDERAL PARTICIPATION: 90 percent

PERIOD AVAILABLE: FY + 3 years

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment 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)

CFR REFERENCE: 23 CFR 646B

ELIGIBILITY: Funds were 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 was limited to public crossings located on the Federal-aid systems and later changed to mitigate hazards at rail-highway crossings on any public road.

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 FYs 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).

The Highway Safety Act of 1976 (Public Law 94-280) continued the program by authorizing funding for FYs 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 FYs 1979-1982. Funds were totally from the Highway 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 FYs 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 FYs 1987-1991, codified the program in 23 U.S.C. 130(d-h), and repealed Section 203 of the 1973 and subsequent highway acts.

ADDITIONAL INFORMATION: Contact the Office of Highway Safety Infrastructure (HMHS).

RAIL-HIGHWAY CROSSINGS--OFF-SYSTEM

STATUS: INACTIVE Merged with 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 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1981)

FUND: General Funds

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 203 of the Highway Safety Act of 1976

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 FYs 1977 and 1978.

At least 50 percent 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) merged this off-system program with 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: Contact the Office of Highway Safety Infrastructure (HMHS)

RESEARCH AND DEVELOPMENT ADMINISTRATIVE FUNDS

STATUS: INACTIVE This program was replaced by an expanded 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 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 104(a), 23 U.S.C. 307(a) and (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) and (b). These administrative funds were provided to the Associate Administrators who have responsibilities for research, development, and technology transfer activities.

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) and (b) and in so doing replaced this program with an expanded Research and Technology Program.

ADDITIONAL INFORMATION: Contact the Office of Program Development and Evaluation (HRPD).

RIGHT-OF-WAY REVOLVING FUND

STATUS: INACTIVE

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: Section 1211(e) of the Tea-21 terminated the fund but provided for a twenty year transition period to allow States to continue use of advanced funds to complete projects for which the funds were authorized.

STATUTORY REFERENCE: 23 U.S.C. 108 (terminated by Section 1211(c) of the TEA-21)

CFR REFERENCE: 23 CFR 130D and 712G (No longer apply)

ELIGIBILITY: The Right-of-Way Revolving Fund was a discretionary fund established by Congress to provide interest free loans to States for the purchase of rights-of-way in advance of future construction of highways and passenger transit facilities on any Federal-aid route. Revolving funds obligated prior to June 9, 1998, remain available to a State for use on the project for which the funds were advanced for a twenty year period from the date the funds were advanced.

BACKGROUND: The Rights-of-Way Revolving Fund was established by Congress in Section 7 of the Federal-aid Highway Act of 1968 (Public Law 90-495). The legislation was codified in 23 U.S.C. 108(c).

Sums authorized to be appropriated to the Revolving Fund 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 must not begin less than 2 years after the advance of funds, or more than 20 years after the advance of funds, unless an earlier or later termination date was approved by the Division Administrator. At the latest under the transition provisions in the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) all funds advanced under this program must be returned by no later than June 9, 2018.

ADDITIONAL INFORMATION: Contact the Office of Real Estate Services ([HERE](#)).

RURAL PRIMARY

STATUS: INACTIVE Incorporated into the Consolidated Primary Program

APPROPRIATION CODE: 073 and 074

FEDERAL PARTICIPATION: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: Section 104(a)(1) of the Federal-aid Highway Act of 1973 (Public Law 93-87)

CFR REFERENCE: None

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 FYs 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: Contact the Office of Office of Program Administration (HIPA).

RURAL SECONDARY

STATUS: INACTIVE 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 is one system, the National Highway System (NHS) of which the Interstate System is a part.

APPROPRIATION CODE:

075 -- Rural Secondary
079 -- Secondary 3R/4R
33D -- STP-State Flexible

FEDERAL PARTICIPATION: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1994)

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), (repealed); 104(b)(2), (repealed); and, 23 U.S.C. 117(f)

CFR REFERENCE: 23 CFR 470A

ELIGIBILITY: N/A

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 (Public Law 97-424) provided that 40 percent 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 (Public Law 100-17).

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, remained available for obligation under the old

rules or could be transferred to the STP program. Transferred funds were not subject to sub-allocation and were transferred into the State flexible appropriation code, 33D. The last apportionments of funds for the Secondary System were for FY 1991.

ADDITIONAL INFORMATION: Contact the Office of Office of Program Administration (HIPA).

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION

STATUS: INACTIVE

APPROPRIATION CODE: 616

FEDERAL PARTICIPATION: 100 percent

PERIOD AVAILABLE: Until expended (program was closed on September 30, 1985)

FUND: Highway Trust Funds 2/3, General Funds 1/3

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Appropriated Budget

STATUTORY REFERENCE: Section 147 of the Federal-aid Highway Act of 1973

CFR REFERENCE: 23 CFR 820 (repealed)

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 FYs 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: Contact the Office of Program Administration (HIPA).

SAFER OFF-SYSTEM (SOS) ROADS

STATUS: INACTIVE The last appropriation was for FY 1980.

APPROPRIATION CODES:

679 -- Bridge Inventory (Off-system bridges)

680 -- Construction (SOS)

FEDERAL PARTICIPATION: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1983)

FUND: General Funds

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Appropriated Budget

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 219 (repealed)

CFR REFERENCE: 23 CFR 922 (repealed)

ELIGIBILITY: N/A

BACKGROUND: The SOS Roads Program was established by Section 135 of the Federal-aid Highway Act of 1976 (Public Law 94-280), which combined the Off-System (OS) 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 FYs 1977-1981; however, only about \$360-million of this amount was ever appropriated by Congress. These funds came from the General Funds and were subject to specific Congressional appropriations each year. The last appropriation was for FY 1980, and the program is now inactive.

The SOS 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 percent of the funds obligated in any fiscal year had to be obligated for highway safety construction projects.

Congressional guidance related to this funding indicated that it could be utilized by a State only after the State had fully committed its existing balances of FY 1976 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.

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: Contact the Office of Highway Safety Infrastructure (HMHS).

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 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 405 (repealed)

CFR REFERENCE: None

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 FYs 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: Contact the Office of Highway Safety Infrastructure (HMHS).

SAFETY BELTS AND MOTORCYCLE HELMETS

STATUS: INACTIVE

APPROPRIATION CODE: 335

FEDERAL PARTICIPATION:

75 percent -- First Year

50 percent -- Second Year

25 percent -- 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

CFR REFERENCE: None

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

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

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

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

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) did not reauthorize this program. It authorized 23 U.S.C. 405, Occupant Protection Incentive Grants to encourage States to adopt and implement effective programs to reduce highway deaths. In order to be eligible, States must demonstrate or adopt at least 4 of the following:

- S A Safety Belt Use Law
- S State provides for primary enforcement of a safety belt use law
- S State imposes a minimum fine for violation of a safety belt use law or child restraint law
- S Statewide special traffic enforcement program for occupant protection via publicity
- S Implementation of a Child Passenger Protection Education Program
- S Pass a Child passenger protection law

Grant amounts may equal up to 25 percent of the State's apportionment of funds under 23 U.S.C. 402 in FY 1997.

The Federal share is 80 percent and there is an authorization of \$7.5 million for FYs 2000 and 2001 (subject to appropriation).

ADDITIONAL INFORMATION: Contact Office of Highway Safety Infrastructure (HMHS).

SECONDARY

STATUS: INACTIVE Replaced by Rural Secondary Program.

APPROPRIATION CODE: 022

FEDERAL PARTICIPATION: 50 percent and 70 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on June 30, 1976)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 103(c) (repealed); and
23 U.S.C. 117(f) (repealed)

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: Contact the Office of Program Administration (HIPA).

SPECIAL URBAN HIGH DENSITY

STATUS: INACTIVE

APPROPRIATION CODES:

107 -- Funds authorized in the 1981 and 1987 Acts

134 -- Funds authorized in the 1973, 1976, and 1978 Acts

FEDERAL PARTICIPATION: 90 percent

PERIOD AVAILABLE: FY + 3 Years for 134 funds; however, availability expired September 30, 1982. Until expended for 107 funds; however, all funds have been obligated.

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)

CFR REFERENCE: None

ELIGIBILITY: N/A

BACKGROUND: Section 125(a) of the Federal-aid Highway Act of 1973 (Public Law 93-87) initiated this program, which was codified at 23 U.S.C. 146, and authorized \$50 million for each of FYs 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 FYs 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 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 were available until expended and had appropriation code 107.

ADDITIONAL INFORMATION: Contact the Office of Program Administration (HIPA).

TEMPORARY MATCHING FUND WAIVER (FYs 1992-1993)

STATUS: INACTIVE No special funds were authorized for this activity. This special provision allowed for a temporary waiver of the non-Federal share of Federal-aid highway projects.

APPROPRIATION CODE: Various (See Below)

FEDERAL PARTICIPATION: See Below

PERIOD AVAILABLE: 2 Years (October 1, 1991 through September 30, 1993)

FUND: N/A

FUND DISTRIBUTION METHOD: N/A

AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Section 1054 of the 1991 ISTEA

CFR REFERENCE: None

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

BACKGROUND: Section 1054 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) 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 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 had to be repaid to the United States by the State on or before March 30, 1994. Payments were deposited in the Highway Trust Fund and credited to the appropriate apportionment accounts of the State.

If a State did not make a required repayment by March 30, 1994, the Secretary made deductions from funds apportioned to the State for FYs 1995 and 1996. Amounts deducted were reapportioned 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 Federal Transit Administration could be applied in the same

manner as those specified in Section 1054 of the 1991 ISTEA. Hence, temporary matching fund waiver provisions could 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
04Q -- TMFW-Interstate Maintenance
04T -- TMFW-Interstate 4R
04V -- TMFW-Interstate Transfers, Apportioned
05C -- TMFW-Interstate, 1/2 percent Minimum
07A -- TMFW-Rural Secondary
08A -- TMFW-2 percent HPR, 80 percent Federal Participation
08C -- TMFW-1 percent Apportioned Planning, 80 percent Federal Participation
08E -- TMFW-HPR, 25 percent Minimum for Res., Dev., and Tech. Trans.
08F -- TMFW-1-1/2 percent HPR
08G -- TMFW-1/2 percent Allocated Planning Funds
11D -- TMFW-Bridge Replacement (Optional 20 percent On/Off System)
11E -- TMFW-Bridge Replacement (Mandatory 15 percent Off System)
11G -- TMFW-Bridge Replacement (Mandatory 65 percent 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 and Urban Mobility Projects
36G -- TMFW-Innovative Projects
36H -- TMFW-Priority Intermodal Projects
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 percent Skill Training
3AH -- TMFW-STP, Hazard Elimination
3AJ -- TMFW-STP, 1/4 percent Skill Training
3TZ -- TMFW-CMAQ, Transit
52A -- TMFW-Highway Demonstration Projects
A09 -- TMFW-Consolidated Primary, Economic Growth Center
A52 -- TMFW-Interstate, 1/2 percent 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

ADDITIONAL INFORMATION: Contact the Office of Budget and Finance (HABF).

TEMPORARY MATCHING FUND WAIVER (FYs 1983-1984)

STATUS: INACTIVE All actions authorized under this waiver provision have been completed.

APPROPRIATION CODES:

01L, A3T, 19T, 11L -- Increased Federal share for Consolidated Primary funding categories 101, A35, A12, and 110
01U -- Increased Federal share for Economic Growth Center funding category 106
04N, 05R, 04R -- Increased Federal share for Interstate funding categories 042, 054, and 044
07M -- Increased Federal share for Discretionary Priority Primary funding category 071
07T, 07Y -- Increased Federal share for Rural Secondary funding categories 075 and 079
11R, 11V, 11W, 11Y -- Increased Federal share for HBRRP funding categories 114, 117, 118, and 119
13T -- Increased Federal share for Great River Road funding category 135
13W, 13Y -- Increased Federal share for Rail-Highway Crossings funding categories 138 and 139
14M -- Increased Federal share for Hazard Elimination funding category 141
16L -- Increased Federal share for Minimum Allocation funding category 160
17V, 17W -- Increased Federal share for Interstate funding categories 177 and 178
W3N, W3U -- Increased Federal share for Urban funding categories W32 and W36

FEDERAL PARTICIPATION: See below

PERIOD AVAILABLE: January 6, 1983 - September 30, 1984

FUND: N/A

FUND DISTRIBUTION METHOD: N/A

TYPE OF AUTHORITY: N/A

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Section 145 of the Surface Transportation Assistance Act of 1982

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 to be 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 percent 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 the sum of all matching fund waiver projects authorized from January 6, 1983, to September 30, 1984.

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 FYs 1985 and 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: Contact the Office of Budget and Finance (HABF).

TRAFFIC CONTROL SIGNALIZATION DEMONSTRATION

STATUS: INACTIVE

APPROPRIATION CODE: Same as source funds, 137 for categorical funds

FEDERAL PARTICIPATION: Same as source funds (up to 100 percent), 100 percent for categorical funds

PERIOD AVAILABLE: Same as source funds, FY + 3 years for categorical funds (availability expired on September 30, 1981)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Same as source funds, appropriated budget for categorical funds

SUBJECT TO OBLIGATION LIMITATION: Yes and No

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 percent 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 percent Federal funds in accordance with the provisions of 23 U.S.C. 120(d) for this purpose.

ADDITIONAL INFORMATION: Contact the Office of Transportation Operations (HOTO).

TRAFFIC OPERATIONS PROGRAM TO INCREASE CAPACITY AND SAFETY (TOPICS)

STATUS: INACTIVE

APPROPRIATION CODE: Same as source funds, 077 for categorical funds

FEDERAL PARTICIPATION: Same as source funds for regular funds, 70 percent for categorical funds

PERIOD AVAILABLE: Same as source funds, FY + 2 years for categorical funds (availability expired on June 30, 1975)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Same as source funds, statutory formula for categorical funds. Same as source funds for regular funds.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Formerly 23 U.S.C. 135 (repealed)

CFR REFERENCE: 23 CFR 655A

ELIGIBILITY: TOPICS projects were traffic operation improvements financed from funds available for the specific roadway on which the improvement was made or the system which directly benefitted from the improvement. In addition, improvements on any public road which would 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 were eligible as projects.

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 FYs 1970-1971. The Federal-aid Highway Act of 1970 (Public Law 91-605) provided authorizations for FYs 1972-1973. Funding was discontinued after FY 1973; hence, all unobligated funds lapsed on June 30, 1975.

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." While TOPICS does not continue as an independent fund, funds from other programs may be used for TOPICS-type projects.

ADDITIONAL INFORMATION: Contact the Office of Transportation Operations (HOTO).

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: Availability expired September 30, 1980

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: Section 104 of the Federal-aid Highway Act of 1976

CFR REFERENCE: None

ELIGIBILITY: N/A

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: Contact the Office of Budget and Finance (HABF).

TRANSPORTATION SYSTEMS MANAGEMENT DEMONSTRATION

STATUS: INACTIVE

APPROPRIATION CODE: 780

FEDERAL PARTICIPATION: 100 percent - See comments

PERIOD AVAILABLE: Until expended

FUND: General and Transfer - See comments

FUND DISTRIBUTION METHOD: Allocation

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: FY 1981 DOT Appropriations Act

CFR REFERENCE: None

ELIGIBILITY: Projects were financed from funds available for obligation as deemed appropriate by the Office of Traffic Operations and Intelligent Vehicle/Highway Systems (HTV-31).

BACKGROUND: The Department of Transportation Appropriations Act for 1981 (Public Law 96-400) provided \$15 million of discretionary funds (\$10 million from National Highway Traffic Safety Administration (NHTSA) State and Community Highway Safety funds and \$5 million from Urban Mass Transit Administration (UMTA) urban discretionary grants) for a joint FHWA, UMTA, NHTSA program to accomplish energy conservation, air quality, and related objectives. FHWA had the lead administrative responsibility for the program.

The funds were centrally controlled by FHWA Headquarters (HTV-31), and all of the funds were earmarked for specific projects. Amounts awarded for subelements of each project were reallocated within the project, but Regional and Headquarters' concurrence was required. Total project amounts were changed only in unusual circumstances and only with Regional and Headquarter's concurrence.

No explicit local match was required for this program; however, DOT expected significant evidence of an applicant's commitment to support and continue the activities of this program. A suggested minimum commitment was two-thirds local funds, with the remaining one-third to be Federal funds.

ADDITIONAL INFORMATION: Contact the Office of Transportation Operations (HOTO).

URBAN SYSTEM

STATUS: INACTIVE 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.

APPROPRIATION CODES:

W32 -- FAUS, Non-Attributable

W36 -- FAUS, Attributable to Urbanized Areas >200,000 Population

33D -- STP-State Flexible

FEDERAL PARTICIPATION: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired September 30, 1994)

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) (repealed); 23 U.S.C. 137, 142(a)(2), 142(c), 146, and 150

CFR REFERENCE: 23 CFR 470A

ELIGIBILITY: N/A

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.

The Surface Transportation Assistance Act of 1982 (1982 STAA, Public Law 97-424) required that 40 percent or more of the FAUS apportionments for FYs 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 FYs 1987-1991 apportionments.

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, remained available for obligation under the old rules could be transferred to the Surface Transportation Program (STP). As required by 23 U.S.C. 150, the appropriate MPO must have approved the transfer of attributable funds. Funds transferred to the STP were not subject to sub-allocation and could be transferred into the State flexible appropriation code, 33D. The last apportionments of funds for the Urban System were for FY 1991 and expired on September 30, 1994.

ADDITIONAL INFORMATION: Contact the Office of Office of Program Administration (HIPA).

URBAN EXTENSIONS

STATUS: **INACTIVE** Incorporated into the Consolidated Primary Program.

APPROPRIATION CODE: 032

FEDERAL PARTICIPATION: 75 percent

PERIOD AVAILABLE: FY + 3 years (availability expired on September 30, 1979)

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment - statutory formula

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: N/A

STATUTORY REFERENCE: 23 U.S.C. 103(b) and (c) (repealed)

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: Contact the Office of Program Administration (HIPA).

