



TRANSPORTATION DECISIONMAKING

Information Tools For Tribal Governments



Tribal Transportation Funding Resources



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

Information Tools for Tribal Governments Series
Tribal Transportation Funding Resources

TABLE OF CONTENTS

A. INTRODUCTION	5
A.1 TRANSPORTATION DECISION-MAKING SERIES: TOOLS FOR TRIBAL GOVERNMENTS	5
A.2 FINANCIAL PLANNING	6
A.3 FUNDING RESOURCES MODULE	6
A.4 MODULE DESIGN	6
A.5 HELPFUL HINTS	7
B. FEDERAL LANDS HIGHWAY PROGRAM (FLHP)	9
B.1 EMERGENCY RELIEF PROGRAM – FEDERAL ROADS (ERFO).....	10
B.2 INDIAN RESERVATION ROADS PROGRAM (IRR)	12
B.3 IRR AND BIA ROADS MAINTENANCE PROGRAMS	15
B.3.a IRR Roads Maintenance Program	15
B.3.b BIA Roads Maintenance Program	16
B.4 IRR BRIDGE PROGRAM (IRRBP)	17
B.5 PARK ROADS AND PARKWAYS PROGRAM (PRP).....	18
B.6 PUBLIC LANDS HIGHWAY PROGRAM (PLH)	20
B.7 REFUGE ROADS PROGRAM (RRP)	22
C. FEDERAL-AID HIGHWAY PROGRAM (FHP)	24
C.1 HIGHWAY FUNDING PROGRAMS	26
C.1.a Congestion Mitigation and Air Quality Improvement Program (CMAQ).....	26
C.1.b Equity Bonus Program (EBP).....	29
C.1.c Ferry Boat Discretionary Program (FBD)	31
C.1.d Highway Bridge Program (HBP)	32
C.1.e Highways for Life Pilot Program	34
C.1.f High Priority Projects Program (HPP)	36
C.1.g National Corridor Infrastructure Improvement Program	37
C.1.h National Highway System (NHS).....	39
C.1.i National Scenic Byways Program	41
C.1.j Projects of National and Regional Significance Program (PNRS).....	42
C.1.k Transportation, Community and System Preservation Program (TCSP)	44
C.1.l Truck Parking Facilities Program.....	46
C.2 FLEXIBLE FUNDING PROGRAMS	48
C.2.a Surface Transportation Program (STP).....	48
C.2.b STP – Transportation Enhancements (STP-TE)	51
C.3 NON-MOTORIZED FUNDING PROGRAM	53
C.3.a Recreational Trails Program.....	53
C.4 SAFETY FUNDING PROGRAMS.....	55
C.4.a Alcohol-Impaired Driving Countermeasures Incentive Program (Section 410)	55

C.4.b	Child Safety and Child Booster Seat Incentive Program (Section 2011)	57
C.4.c	Highway Safety Improvement Program (HSIP)	58
C.4.d	Motorcyclist Safety Program	60
C.4.e	Occupant Protection Incentive Grant Program	62
C.4.f	Safe-Routes-to-School Program	64
C.4.g	Safety Belt Performance Program (Section 406)	66
C.4.h	State and Community Highway Safety Grant Program (Section 402)	68
D.	PUBLIC TRANSPORTATION PROGRAMS	70
D.1	TRANSPORTATION FOR ELDERLY AND PERSONS WITH DISABILITIES PROGRAM (5310)	70
D.2	RURAL AND SMALL URBAN AREAS PROGRAM (5311)	73
D.3	JOB ACCESS AND REVERSE COMMUTE FORMULA PROGRAM	75
D.4	NEW FREEDOM PROGRAM (5317)	77
E.	OTHER FUNDING PROGRAMS	79
E.1	OUTDOOR RECREATION, ACQUISITION, DEVELOPMENT AND PLANNING PROGRAM	79
E.2	RIVERS, TRAILS AND CONSERVATION ASSISTANCE PROGRAM	81
F.	INNOVATIVE FINANCE METHODS	83
F.1	GRANT ANTICIPATION REVENUE VEHICLE (GARVEE)	83
F.2	PUBLIC PRIVATE PARTNERSHIPS (PPP)	83
F.3	STATE INFRASTRUCTURE BANK (SIB)	84
APPENDIX		85
APPENDIX A – 1:	PROGRAM DESCRIPTIONS	86
APPENDIX A – 2:	PROGRAM AUTHORIZATIONS	89
APPENDIX B:	JAMESTOWN S'KLALLAM TRIBE, BLYN, WASHINGTON	91
APPENDIX C:	TERMS AND ACRONYMS	98
APPENDIX D:	STATE DEPARTMENTS OF TRANSPORTATION	107
APPENDIX E:	SUMMARY OF SAFETEA-LU (PUBLIC LAW 109-59)	114
APPENDIX F:	REFERENCES	132
LIST OF FIGURES AND TABLES		
FIGURE 1:	TRANSPORTATION DECISION - MAKING INFORMATION TOOLS	5
TABLE 1:	FEDERAL LANDS HIGHWAY PROGRAM	9
TABLE 2:	FEDERAL AID HIGHWAY PROGRAM	25
TABLE 3:	FEDERAL PUBLIC TRANSPORTATION FUNDS	70

Notice

This document is disseminated under the sponsorship of the US Department of Transportation in the interest of information exchange. The US Government assumes no liability for the use of information obtained in this document.

Quality Assurance Statement

The Federal Highway Administration provides high-quality information to serve Government, industry and the public in a manner that promotes public understanding. Standards and policies are used to ensure and maximize the quality, objectivity, utility and integrity of its information. FHWA periodically reviews quality issues and adjusts its programs and processes to ensure continuous quality improvement.

Tribal Transportation Funding Resources

Prepared by:

FHWA Office of Planning

Valerie J. Southern
Transportation Consultant, LLC

Technical Communication Consultants, Inc.

In Coordination with:

Bureau of Indian Affairs

FHWA Federal Lands Highway

FHWA Resource Center

Federal Transit Administration



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

Publication Number: FHWA-HEP-08-006

A. INTRODUCTION

The Federal Highway Administration (FHWA) Office of Planning has developed this module in cooperation with the Bureau of Indian Affairs, the Tribal Technical Assistance Program, other FHWA offices (Federal Lands Highways and Resource Center) and the Federal Transit Administration Office of Planning and Environment.

A.1 TRANSPORTATION DECISION-MAKING SERIES: TOOLS FOR TRIBAL GOVERNMENTS

This transportation decision-making series covers different aspects of transportation planning. All of the documents within the series identify linkages between Indian Reservation Roads (IRR) transportation planning and the Statewide and metropolitan planning process. The documents¹ in the series are:

- Introduction to Planning
- Developing a Long-Range Transportation Plan (LRTP)
- Developing the Transportation Improvement Program (TIP)
- **Funding Resources**
- Public Involvement
- Data Collection and Use

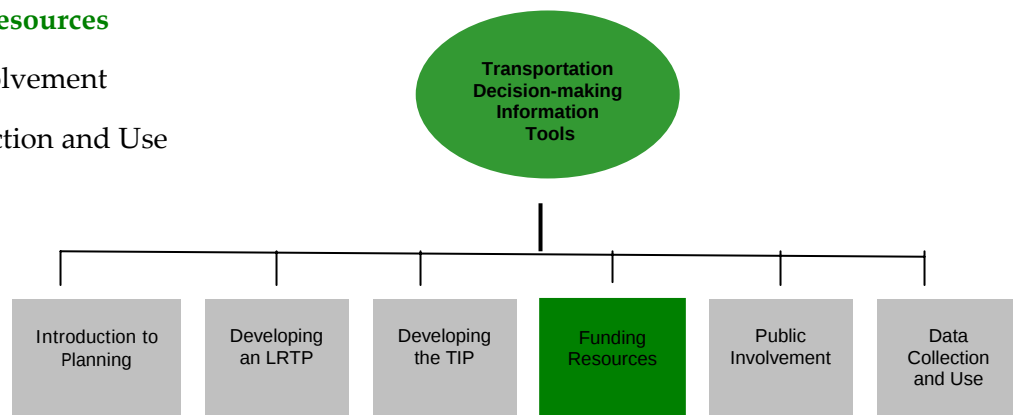


Figure 1: Transportation Decision - Making Information Tools

This document addresses **funding resources**.

¹ Additional modules are available on the Internet at the FHWA Tribal Planning Web site at <http://www.fhwa.dot.gov/hep/tribaltrans/> and on the FHWA/FTA Transportation Planning Capacity Building Web site at <http://www.planning.dot.gov/tribal.asp>

A.2 FINANCIAL PLANNING

Before pursuing funding, the Tribal Transportation Planner should first undertake financial planning. This will require developing a financial profile for each project listed in the Tribal transportation improvement program (TIP). This should explain the rationale for the project, the costs for each phase and activity, the implementation schedule and the possible funding sources that may support it. Preparing the financial element in advance will ensure the Tribal TIP is prioritized over a 3-to-6 year period and fiscally-constrained, with the reasonable expectation of being implemented. During and after financial planning, the Tribal Planner should refer to this Funding Resources Module for guidance and information.

A.3 FUNDING RESOURCES MODULE

The goal of this module is to identify funding programs and strategies that will assist Tribal governments with their transportation planning. The module should be used as a reference guide. It contains detailed information on thirty-six (36) federal funding programs and the eligibility criteria for each.

A.4 MODULE DESIGN

The Transportation Funding Resources module was designed for easy and practical use. Each section offers clear program descriptions. Specifically:

[Section B](#) highlights the funding sources of the Federal Lands Highway Program administered by the US Department of Transportation (US DOT) and the US Department of the Interior (US DoI). Seven (7) programs are listed.

[Section C](#) highlights the broader array of Federal-Aid Highway programs administered by the US DOT Federal Highway Administration (FHWA) and National Highway Transportation Safety Administration (NHTSA). Because of the size and magnitude of the program, its funding programs are presented in four (4) categories: **Highway Funds**, **Flexible Funds**, **Non-Motorized Funds** and **Safety Funds**. Twenty-three (23) programs are listed.

[Section D](#) highlights the public transportation funding programs available through the US DOT Federal Transit Administration (FTA). Four (4) programs are listed.

[Section E](#) highlights alternative funding programs that may complement traditional funding opportunities. Two (2) sources are listed.

[Section F](#) describes three (3) innovative project finance techniques that may be considered by Tribal governments.

The Module Appendix has six parts:

[Appendix A](#) presents summary tables. The first summarizes each funding program described in this module. The second table presents their five-year authorization levels.

[Appendix B](#) is a case study describing the infrastructure projects of the Jamestown S’Klallam Tribe and how they were funded.

[Appendix C](#) is a list of terms and acronyms used in this module, with definitions for each.

[Appendix D](#) is a listing of the State Departments of Transportation nationwide.

[Appendix E](#) is a summary of national transportation authorizing legislation – *The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)*.

[Appendix F](#) lists module references.

A.5 HELPFUL HINTS

For the Tribal Transportation Planner, it should be noted:

- Each funding program has specific and often restrictive eligibility criteria. These should be reviewed carefully to ensure the proposed Tribal project or program exactly matches eligibility. To assist with this determination, at the conclusion of each program description a program contact and web site address are provided.
- Most of the sources identified in the *Federal-Aid Highway Program* represent funds apportioned by formula to States. These funds are generally restricted to public roads with functional classifications higher than “rural minor collector” or “local.” There are

exceptions to this. The reader will be advised on where program restrictions are relaxed to accommodate the broader federal purpose and intent.

- Because most of the federal funding resources are directed to the States, the agency receiving the funds (usually the State department of transportation) has considerable authority and discretion in determining how the funds may be distributed statewide and/or locally. The Tribal Transportation Planner should contact the receiving State agency and inquire on its program rules, which will likely vary for each program. This “due diligence” should be applied for each funding source. To aid this, a State Department of Transportation list is provided in [Appendix D](#).
- It should be noted that most federal-aid funding programs require **communications and consultation** among all participants. This includes Federal, State, Tribal, metropolitan and local governments, and the communities within them. The communications process should follow the three “C’s” of planning. It should be **cooperative, continuing** and **comprehensive**. In this, the Tribal government requesting support should be prepared to engage in a long-term and coordinated effort with its funding partners.²
- Tribal governments requesting a State’s federal-aid funds must justify the request. **This justification should be developed early in the project planning process.** Moreover, all projects should be listed in the Tribe’s annually updated transportation improvement program (TIP). The Tribal TIP, once federally approved, should then be incorporated into the State and metropolitan planning organization (MPO) transportation improvement programs (the STIP and the MPO TIP respectively).
- Tribal projects most suitable for State federal-aid are those connected in some way to the larger local, regional or State transportation network. It is the responsibility of the Tribal government – when requesting State federal-aid – to explain how the Tribal project will advance and elevate State transportation efforts.

² Refer to USDOT Publication - FHWA-HEP-05-053: *Developing A Long-Range Transportation Plan, Public Involvement and Consultation with Planning Partners*, Pages 5 and 6.

B. FEDERAL LANDS HIGHWAY PROGRAM (FLHP)

Of all transportation funding programs sponsored by the federal government, the Federal Lands Highway Program most directly responds to the needs of Tribal governments. The program enables a coordinated and diverse package of funding for projects within and serving federal and Indian lands. Moreover, Tribal governments may use FLHP funds as match for other federally-funded projects.

Program Features

- The program is an adjunct to the Federal-Aid Highway Program, discussed in [Section C](#).
- It provides funding for the development and upkeep of public roads that serve federal and Indian lands, including the Indian Reservation Roads (IRR) and Bureau of Indian Affairs (BIA) road systems.
- IRR projects are selected by Tribal governments and approved by the BIA and the Federal Highway Administration (FHWA). Each project must be listed in the Tribal TIP, which is submitted by the BIA to the FHWA for approval and then forwarded to the respective State for inclusion in the MPO TIP and STIP. Approved IRR projects may be subject to metropolitan and statewide planning requirements and guidelines.

This section begins with a Funding Authorizations Table followed by descriptions of each FLHP funding program.

Table 1: Federal Lands Highway Program

Funding Authorizations Table							
FFYs 2005 – 2009							
(in Millions)							
	Fund Source	2005	2006	2007	2008	2009	Total
B.1	Emergency Relief – Federal Roads	<i>Funding levels determined as needed</i>					
B.2	Indian Reservation Roads (IRR)	300	330	370	410	450	1,860.0
B.3a	IRR Maintenance	<i>Component of the larger IRR program</i>					
B.3b	BIA Maintenance	25.5	25.5	25.5	25.5	25.5	127.5
B.4	IRR Bridge	14	14	14	14	14	70.0
B.5	Park Roads & Parkways	180	195	210	225	240	1,050.0
B.6	Public Lands Highways	260	280	280	290	300	1,410.0
B.7	Refuge Roads	29	29	29	29	29	145.0

* BIA Maintenance and IRR Bridge authorizations are estimates.

B.1 EMERGENCY RELIEF PROGRAM – FEDERAL ROADS (ERFO)

Program Purpose: The purpose of the Emergency Relief Program is to assist when roads serving federal and Indian lands are damaged by natural disaster or catastrophic failure from any external cause. The intent is to cover the high cost of returning these roads to their pre-disaster condition.

Program Eligibility: Only federal roads are eligible. These include:

- Indian Reservation Roads
- Forest Highways
- Forest Development Roads
- Park Roads
- Parkways
- Public Lands Highways
- Public Lands Development Roads

Other:

(1) ERFO funds may not duplicate assistance received from other federal programs, compensation received from insurance or any other source.

(2) The program is separate and apart from the Emergency Relief Program for federal-aid highways, such as the Interstate system.

(3) US DOT provides an ERFO Manual and Videotape with instructions on how States and Tribal governments may apply for ERFO assistance.

Emergency Relief Program (Federal Roads)

Federal Participation:

- 100 Percent: Federal Lands Roads
- 90 Percent: Interstate Highways
- 80 Percent: Other Highways

Period Available: Until Expended

Fund: Highway Trust Fund and General Fund, if required

Distribution Method: Allocation

Type of Authority: Contract

Subject to Obligation Limitation: No

Regulatory References:

- SAFETEA-LU Sections: 1112, 1937
- 23 U.S.C. 120(e), 125
- 23 CFR 668

Administering Agency: US DOT

Program Contacts:

- (For roads on federal lands) US DOT, FHWA, Federal Lands Highway, Office of Program Development, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-9494.
<http://www.fhwa.dot.gov/flh/erfo.htm>
- (For federal-aid highways) US DOT, FHWA, Office of Program Administration (HIPA), 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-4655.
<http://www.fhwa.dot.gov/programadmin/erelief.html>

B.2 INDIAN RESERVATION ROADS PROGRAM (IRR)

Overview: The Indian Reservation Roads program is designed to address a variety of transportation needs for federally-recognized Tribal governments. It is jointly administered by the US DOT FHWA Office of Federal Lands Highway (FLH) and the US Department of the Interior - Bureau of Indian Affairs (BIA). Established in 1928, the program permitted cooperation between State highway agencies and the Interior Department to survey, construct, reconstruct and maintain Indian reservation roads. In 1982, under the Surface Transportation Assistance Act (STAA), the Federal Lands Highway Program was created with the IRR as one program within it. STAA expanded the IRR system to include BIA roads, tribally-owned public roads and state and county roads. The IRR System covers:

- Roughly 27,800 miles of public roads on Indian reservations, owned by the BIA and designated the BIA Road System,
- Roughly 31,000 miles of State and local public roads that provide access to and within Tribal reservations and
- Roughly 1,700 miles of Tribal-owned roads.

Program Purpose: The purpose of the IRR program is to provide safe and adequate transportation services and public access to and within Indian reservations, Indian lands and communities for Indians and Alaska Natives (including visitors, recreational users, resource users and others), while contributing to Tribal economic development, self-determination and employment.

Program Eligibility: Eligible activities include:

- Transportation facility planning, research, engineering, construction and reconstruction
- Tourism enhancement and recreational development
- Vehicular parking area improvements and additions
- Interpretive signage installation
- Scenic easement and scenic or historic site acquisition
- Pedestrian and bicycle on-and-off road system improvements, including modification of public walkways to comply with the Americans with Disabilities Act (ADA)
- Construction and reconstruction of roadside rest areas, including sanitary and water facilities
- Provision of transit facilities and services within public lands, national parks and Indian reservations
- Other appropriate facilities such as visitor centers

Indian Reservation Roads Program

Federal Participation: 100 Percent

Period Available: FFY05 - 09

Fund: Highway Trust Fund

Distribution Method: Relative Need Distribution Formula

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- 23 U.S.C. 101, 202, 203, 204
- 25 CFR 170

Administering Agencies: US DOT - FHWA and US DoI - BIA

Program funds may be used as State and local match for federal-aid highway or transit projects that provide access to or within federal or Indian lands.

Additional SAFETEA-LU provisions include:

- With IRR funds, Tribal governments may approve the Plans, Specifications and Estimates (PS&E) of a transportation project and commence construction, if health and safety standards related to the project are met.
- IRR funds for highway, road, bridge, parkway and transit facilities or projects on Indian reservations may now be allocated directly to the requesting Tribal government or consortium (2 or more tribes) through FHWA. This funding includes any amount that would have been withheld for BIA administrative costs. The requesting government must demonstrate financial management and stability.

- A Tribal government may enter into a maintenance agreement with a State so that it may maintain State roads within and serving its reservation.
- Up to 25 percent of a Tribal government's IRR funds may now be used for road and bridge maintenance, although the BIA continues to retain primary responsibility for maintaining facilities on its designated BIA Road System.

Other:

(1) Program funds are allocated by a relative need (share) formula developed under negotiated rule making with Tribal governments. Maximum utilization of the formula - and maximum share – requires the Tribal government maintain an updated IRR inventory. The inventory should list all roads that serve the reservation regardless of jurisdiction.

(2) Upon receiving the total fiscal year of IRR program funding from FHWA, BIA must publish a notice-of-availability of funds in the Federal Register and transfer the funds to eligible federally-recognized Tribal governments, within 30 days as stipulated.

(3) The IRR funds may only be expended on projects listed in an approved Tribal TIP.

Program Contacts:

- US DOT, FHWA, Federal Lands Highway, Office of Program Development. 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-9494.
www.fhwa.dot.gov/flh/indresrd.htm
- US DoI, BIA, Division of Transportation, 1849 "C" Street, NW, Mail Stop 4512, MIB, Washington, DC 20240. (202) 513-7712 or (202) 513-7714. <http://www.doi.gov/>
- **Note:** The Bureau of Indian Affairs is currently restricted from posting extensive program information on its website or by e-mail. If accessing the BIA web address shown above, users must search for the BIA site. The information provided on the site will be limited.

B.3 IRR AND BIA ROADS MAINTENANCE PROGRAMS

B.3.a – IRR Roads Maintenance Program

Program Purpose: The purpose of the IRR Roads Maintenance program is to provide funds for the maintenance and upkeep of paved, gravel, earth and unimproved roads, bridges and airstrips within the IRR system.

Program Eligibility: Eligible activities include:

- Repair and maintenance of public roads serving Indian reservations with particular emphasis on school bus routes and arterial highways
- Snow removal and ice control
- Washout repair and landslide removal
- Replacement, rehabilitation and maintenance of bridges
- Maintenance of public airstrips on Indian reservations, not maintained by other government entities

New SAFETEA provisions allow the use of up to 25% of each eligible Tribe's IRR funds for the maintenance and upkeep of any eligible reservation road. The funds may be used for the maintenance of roads, bridges and for purchase of maintenance equipment, as approved by the BIA and FHWA. Access to IRR Maintenance funds is restricted to Tribes with qualifying road miles and facilities.

Other:

(1) Tribes must submit a needs request to add a road or facility to the IRR system for maintenance. An informal pre-application conference with the local BIA agency office is recommended.

IRR and BIA Roads Maintenance Programs

Federal Participation: 100 Percent

Period Available: FFY 05-06

Funds:

- US DOT - Highway Trust Fund
- US DoI - Road Maintenance Program

Distribution Method: Tribal Priority Allocation

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- 25 U.S.C. 318(a), 450
- 25 CFR 170
- Public Laws 70-520 and 93-638

Administering Agencies: US DOT – FHWA and US DoI - BIA

- (2) The Tribal government's application for maintenance funds must be filed with the local BIA agency office and must be accompanied by a resolution of its governing body.
- (3) The dollar value of an IRR maintenance award depends on the amount prioritized by the Tribal government through its participation in the BIA budget formulation process.
- (4) Awards are made on an annual basis and remain available until expended.
- (5) About 30% of Tribes currently contract the road maintenance program under a self-determination contract or agreement.
- (6) The operation and maintenance of ferry services across Lake Roosevelt serving the Colville Indian Reservation is included as an eligible program activity.

Program Contacts:

- US DOT, FHWA, Federal Lands Highway, Office of Program Development. 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-9494.
www.fhwa.dot.gov/flh/indresrd.htm
- US DoI, BIA, Division of Transportation, 1849 "C" Street, NW, Mail Stop 4512, MIB, Washington, DC 20240. (202) 513-7712 or (202) 513-7714. <http://www.doi.gov/>
- **Note:** The BIA is currently restricted from posting extensive program information on its website or by e-mail. If accessing the BIA web address shown above, users must search for the BIA site. The information provided on the site will be limited.

B.3.b – BIA Roads Maintenance Program

As mentioned, the BIA retains primary responsibility for the maintenance and upkeep of the designated **BIA Road System**, which is a subset of the larger IRR system. The BIA system represents roughly 27,800 roadway miles. The program is funded by the US Department of Interior road maintenance program, with annual authorizations of roughly \$25.5M. Funding is restricted to the maintenance of BIA roads only. Tribal governments wishing to assume maintenance responsibility for all or some of the BIA roads on their lands must establish a formal maintenance agreement with the BIA. The program contact is shown above.

B.4 IRR BRIDGE PROGRAM (IRRBP)

Program Purpose: The IRR Bridge program is a component of the larger IRR program. It replaces previous set-asides and receives roughly \$14M annually (as part of the IRR program authorizations). The purpose of the program is to support the planning, design, engineering, preconstruction, construction, inspection and replacement of deficient IRR bridges.

Program Eligibility: Eligible activities include:

- Replacement, rehabilitation and retrofit of deficient IRR bridges
- Painting or applying calcium magnesium acetate, sodium acetate/formate or other environmentally acceptable, minimally corrosive anti-icing and de-icing composition on deficient IRR bridges
- Installing scour countermeasures, including multiple pipe culverts located on IRR roads

To be eligible, the deficient bridge must have an opening of 20 feet or more and be:

- On an Indian reservation road
- Unsafe due to structural deficiencies, physical deterioration or functional obsolescence
- Recorded in the national bridge inventory

Other: Bridge plan, specification and estimate (PS&E) activities are not funded through the program.

Program Contact: US DOT, FHWA, Federal Lands Highway, Office of Program Development, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-9494.

www.fhwa.dot.gov/flh/indresrd.htm

Indian Reservation Roads Bridge Program

Federal Participation:

- 100 Percent – BIA, Tribal Bridges
- 90 Percent - Interstate Bridges
- 80 Percent – State and Local Bridges

Period Available: FFY 05-06

Fund: Highway Trust Fund

Distribution Method: “First Come – First Serve” within fund limits set in 23 CFR 681

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- 23 U.S.C. 202 (d) (4) (B)
- 23 CFR 661

Administering Agencies: US DOT – FHWA and US DoI-BIA

B.5 PARK ROADS AND PARKWAYS PROGRAM (PRP)

Program Purpose: The purpose of the Park Roads and Parkways program is to continually improve federal parkways and park roads.³

Program Eligibility: Eligible activities include:

- Planning, design, construction or reconstruction of designated roads that provide public access to or within national parks, recreational areas, historic areas and other units of the National Park Service (NPS)
- Transportation planning to enhance tourism and recreational travel
- Provision of transit facilities and services
- Vehicular parking areas and interpretive signage
- Scenic easement and scenic or historic site acquisition
- Pedestrian and bicycle on-and-off road facilities, including modification of 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

Park Roads and Parkways Program

Federal Participation: 100 Percent

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Allocation

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory Reference: 23 U.S.C. 101, 202, 203, 204

Administering Agencies: US DOT – FHWA and US DoI – NPS

Other:

(1) The FHWA and NPS jointly administer the program through Interagency Agreements.

(2) FHWA Federal Lands Highway is responsible for project design, construction and oversight activities. The NPS develops the prioritized program-of-projects and oversees planning.

³ A **parkway** is defined as “a highway that has full or partial access control, is usually located within a park or a ribbon of park-like developments and prohibits commercial vehicles.” Buses are not considered commercial vehicles in this case.

(3) Fund allocations are based on the ranking of the prioritized projects developed by the respective agencies and approved by the Federal Highway Administration.

Program Contact: US DOT, FHWA, Federal Lands Highway, Office of Program Development, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-9494.

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

B.6 PUBLIC LANDS HIGHWAY PROGRAM (PLH)

Program Purpose: The purpose of the Public Lands Highway program is to ensure continual upgrade and improvement to transportation facilities and services within federal public lands.

Program Eligibility: Eligible activities include:

- Transportation planning, research, engineering and construction of highways, roads, parkways, transit and non-motorized facilities on public lands, within national parks and on Indian reservations
- Operation and maintenance of transit facilities
- Transportation planning for tourism and recreational enhancement
- Vehicular parking areas and interpretive signage
- Scenic easement and scenic or historic site acquisition
- Pedestrian and bicycle on-and-off road facility improvements, including modification of public walkways to comply with the Americans with Disabilities Act
- Construction and reconstruction of road side rest areas, including sanitary and water facilities
- Other appropriate facilities such as visitor centers

Public Lands Highway Program

Federal Participation: 100 Percent

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Allocation

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU Sections: 1101(a) (9) (D), 1119
- 23 U.S.C. 201, 202, 203, 204
- 23 CFR 660 Subpart A

Administering Agency: US DOT

SAFETEA-LU additions include:

- Up to \$20 million each year for maintenance of Forest Highways
- Up to \$1 million each year for signage identifying public hunting and fishing access

- Up to \$10 million each year to facilitate the passage of aquatic species beneath roads in the National Forest System, including the cost to construct, maintain, replace or remove culverts and bridges

Program Contact: US DOT, FHWA, Federal Lands Highway, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-9494.

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

<http://www.fhwa.dot.gov/discretionary/plhcurrsola3.cfm>

B.7 REFUGE ROADS PROGRAM (RRP)

Program Purpose: The purpose of the Refuge Roads program is to support the maintenance and improvement of roads within the National Wildlife Refuge System (NWRS).⁴ The program is jointly administered by the US DOT FHWA Federal Lands Highway and the US DoI Federal Wildlife Service (FWS). Refuge roads comprise roughly 3,260 miles nationwide.

Program Eligibility: Eligible activities include:

- Maintenance and improvement of refuge roads
- Maintenance and improvement of adjacent vehicular parking areas
- Maintenance and improvement to bicycle and pedestrian services, including modification of public sidewalks to comply with the Americans with Disabilities Act
- Maintenance and improvement of rest areas located in or adjacent to wildlife refuges
- Administrative costs associated with maintenance and improvement

Refuge Roads Program

Federal Participation: 100 Percent

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Allocation

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU
- 23 U.S.C. 101, 201, 202, 203, 204
- 23 CFR Part 972
- *Administering Agency:* US DOT – FHWA and US DoI - FWS

SAFETEA-LU provisions add eligibility for:

- Interpretative Signage
- Recreational Trails, with a five (5) percent cap on the total amount expended on trails.

Other:

(1) The program authorization level is \$29M annually.

(2) Through SAFETEA-LU, Refuge Roads are now recognized as needing treatment under uniform policies similar to those governing the federal-aid highways program.

⁴ **Refuge roads** are defined as “public roads that provide access to and within a unit of the National Wildlife Refuge System.” Their title and maintenance responsibility is vested in the United States Government.

(3) Program funds may be used as the non-federal match for any project funded under Title 23 or Chapter 53 of Title 49, as long as the project provides access to or within a wildlife refuge.

(4) There is no legislative formula for allocating program funds. Allocations are based on the relative needs of the various refuges within the NWRs. Agency allocation decisions consider:

- Comprehensive conservation plan for each refuge
- Need for access as identified through land use planning
- Impact of land use planning on existing transportation facilities

Program Contact: US DOT, FHWA, Federal Lands Highway, Office of Program Development, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-9494.

<http://www.fhwa.dot.gov/flh/refugerd.htm>

C. FEDERAL-AID HIGHWAY PROGRAM (FHP)

The Federal-Aid Highway Program represents a broad and diverse array of transportation funding programs administered by the US Department of Transportation. These funds are allocated or apportioned to the States. In most cases, the States have the authority to determine how the funds will be distributed – regionally and locally. The FHWA division office within each State makes the final decision on the eligibility of specific projects.

Program Features

- Most federal-aid highway funds are distributed by apportionment formula set by legislative criteria.
- In most cases, the maximum federal share of program costs is 90% for EIS projects and 80% for most others. This federal share may increase for States with large areas of federal land. Certain safety improvements and emergency relief projects may not require matching at all.
- In some cases, FHP funds may be distributed by allocation (without a distribution formula). Applications are usually solicited by the US DOT before the start of the federal fiscal year (October 1) and submitted by the State DOT. Federal approval of a project and execution of a Project Agreement generally constitutes a commitment by the US DOT to pay the federal share of allowable costs.
- Project awards are subject to the availability of funds.
- Tribal governments, in most cases, must formally apply to their States for use of FHP funds. States may require applications be directed to MPOs or local governments, depending on their program rules.

This section describes twenty-three (23) Federal-Aid Highway funding programs. It begins with a Funding Authorizations Table.

Table 2: Federal Aid Highway Program

Funding Authorizations Table FFYs 2005 – 2009 (in Millions)							
Fund Source		2005	2006	2007	2008	2009	Total
C.1 Highway Funding							
C.1.a	CMAQ	1,667	1,694	1,721	1,794	1,777	8,653.0
C.1.b	Equity Bonus	7,428	6,873	8,327	9,175	9,093	40,896.0
C.1.c	Ferry Boat Discretionary	38	55	60	65	67	285.0
C.1.d	Highway Bridge	4,188	4,254	4,320	4,388	4,457	21,607.0
C.1.e	Highway for LIFE Pilot	0	15	20	20	20	75.0
C.1.f	High Priority Projects	2,966	2,966	2,966	2,966	2,966	14,830.0
C.1.g	National Corridor Infrastructure Improvement	195	390	487	487	390	1,949.0
C.1.h	National Highway System	5,911	6,005	6,111	6,208	6,307	30,542.0
C.1.i	National Scenic Byways	26.5	30	35	40	43.5	175.0
C.1.j	Projects - National/Regional Significance	178	356	445	445	356	1,780.0
C.1.k	TCSP	25	61.3	61.3	61.3	61.3	270.2
C.1.l	Truck Parking Facilities	0	6.3	6.3	6.3	6.3	25.2
C.2 Flexible Funding							
C.2.a	Surface Transportation Program	6,860	6,270	6,370	6,473	6,577	32,550.0
C.2.b	STP – Transportation Enhancements	Component of larger STP Program					-
C.3 Non-Motorized Funding							
C.3.a	Recreational Trails	60	70	75	80	85	370.0
C.4 Safety Funding							
C.4.a	Alcohol-Impaired Driving Countermeasures Incentive	38.7	120	125	131	139	553.7
C.4.b	Child Safety – Booster Seat Incentive	0	6	6	6	7	25.0
C.4.c	Highway Safety Improvement	0	1,236	1,256	1,276	1,296	5,064.0
C.4.d	Motorcyclist Safety	0	6	6	6	7	25.0
C.4.e	Occupant Protection Incentive	19.8	25	25	25	25	119.8
C.4.f	Safe-Routes-to-School	54	100	125	150	183	612.0
C.4.g	Safety Belt Performance	0	124.5	124.5	124.5	124.5	498.0
C.4.h	State-Community Highway Safety	163.7	217	220	225	235	1,060.7

Note:

Apportionment = the distribution of funds prescribed by a statutory formula.

Allocation = an administrative distribution of funds for programs that do not have a statutory distribution formula.

C.1 HIGHWAY FUNDING PROGRAMS

C.1.a Congestion Mitigation and Air Quality Improvement Program (CMAQ)

Program Purpose: The purpose of the Congestion Mitigation and Air Quality Improvement program is to reduce transportation-related emissions in air quality non-attainment and maintenance areas. These emissions effect ozone levels, carbon monoxide (CO) levels and particulate matter (PM-10, PM-2.5) levels.

Program Eligibility: Eligible activities include:

- Transportation activities within approved State Implementation Plans (SIPs)
- Transportation control measures in areas designated as non-attainment under the Clean Air Act Amendments (CAAA)
- Pedestrian and bicycle off-road or on-road facilities, including modification of public walkways to comply with the Americans with Disabilities Act
- Transportation management and monitoring systems
- Traffic management, monitoring and congestion relief strategies
- Telecommunications
- Travel demand management
- New transit systems and service expansions
- Rideshare programs
- New services and programs with air quality benefits

Congestion Mitigation – Air Quality Improvement Program

Federal Participation:

- 80 Percent - General.
- 90 Percent - Interstate projects
- 100 percent – Certain safety, carpool, vanpool projects, emergency - transit vehicle systems, signalization.

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Apportionment Formula

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU Sections: 1101(a) (5), 1103 (d), 1808.
- 23 U.S.C. 149

Administering Agency: USDOT – FHWA

- Alternative fuel projects including vehicle refueling infrastructure, clean fuel fleet programs and conversions
- Diesel retrofits
- Other transportation projects with air quality benefits
- Inspection and maintenance (I/M) programs
- Intermodal freight
- Public education and outreach
- Public – private partnerships and initiatives
- Contracting with transportation management associations (TMAs)
- Fare and fee subsidy programs
- Experimental pilot projects and innovative financing

New single-occupancy vehicle (SOV) capacity projects are not eligible for program funding.

SAFETEA-LU expands eligibility to:

- Establish or operate advanced truck stop electrification systems
- Purchase integrated, inter-operable emergency communications equipment
- Purchase of diesel retrofits for motor vehicles or non-road vehicles and engines used in ozone or particulate matter non-attainment or maintenance areas
- Outreach and education to vehicle owners and operators on purchase and installation of diesel retrofits

Other:

(1) CMAQ funds are apportioned to States by formula based on population and the severity of ozone and carbon monoxide pollution in their non-attainment or maintenance areas.

(2) A State may transfer CMAQ funds to its Surface Transportation, National Highway System, Interstate Maintenance, Bridge, Highway Safety Improvement and/or Recreational Trails

apportionment. The amount transferred may not exceed 50% of the amount by which the State's CMAQ apportionment for the fiscal year exceeds the amount the State would have been apportioned if the program had been funded at \$1.35B annually.

(3) Certain States are allowed flexibility in their use of CMAQ funds. They are:

- Montana, for operation of public transit activities that serve a non-attainment or maintenance areas
- Michigan, for operation and maintenance of ITS strategies that serve a non-attainment or maintenance area
- Maine, for operation of passenger rail service between Boston, Massachusetts and Portland, Maine
- Oregon, for operation of additional rail service between Eugene and Portland, Oregon
- Iowa, Illinois, Indiana, Minnesota, Missouri, Ohio and Wisconsin, for purchase of alternative fuels or biodiesel

(4) A State or MPO may enter into a public-private partnership agreement with any public, private or non-profit entity to implement any project funded under CMAQ.

(5) If a State has no ozone or carbon monoxide non-attainment or maintenance areas, funds may be used for a STP or CMAQ eligible purpose.

(6) SAFETEA-LU requires States and MPOs to prioritize CMAQ funds for diesel retrofits and other emission reduction and congestion mitigation activity that yields measurable air quality benefits.

Program Contact: US DOT, FHWA, Office of Natural and Human Environment, HCF-1, Room E74-302, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-2080.

<http://www.fhwa.dot.gov/environment/cmaqpgs/index.htm>

<http://www.fhwa.dot.gov/safetealu/factsheets/cmaq.htm>

C.1.b Equity Bonus Program (EBP)

Program Purpose: The purpose of the Equity Bonus program is to provide funding to States based on (a) a minimum rate-of-return on their contributions to the Highway Account of the Highway Trust Fund and (b) a minimum increase relative to the average dollar amount of apportionment each State received under TEA-21. This program replaces the TEA-21 Minimum Guarantee program.

Program Distribution: Each State's share of apportionments from the below listed programs will be at least a specified percentage of the State's contributions to the Highway Trust Fund. The percentage, referred to as the relative rate-of-return, is 90.5% for 2005 and 2006, 91.5% for 2007 and 92% for 2008 and 2009:

- Interstate Maintenance
- National Highway System
- Bridge
- Surface Transportation
- Highway Safety Improvement
- Congestion Mitigation-Air Quality Improvement
- Metropolitan Planning
- Appalachian Development Highway System
- Recreational Trails
- Safe Routes to School
- Rail-Highway Grade Crossing
- Coordinated Border Infrastructure programs
- the Equity Bonus itself and
- High Priority Projects

Equity Bonus Program

Federal Participation:

- 80% - General
- 90% - Interstate projects with HOV/auxiliary lanes
- 100% - Certain Safety Improvements

Period Available: FFY 05-09

Fund: Highway Trust Fund (Highway Account)

Distribution Method: Apportionment Formula

Type of Authority: Contract

Subject to Obligation Limitation: Yes

- \$639M exempt from obligation limitation.
- \$2B - No- Year Limitation.

Regulatory Reference:

- SAFETEA-LU Sections: 1104, 1102
- 23 U.S.C. Section 105

Administering Agency: US DOT – FHWA

Other:

(1) States with certain characteristics receive a share of apportionments and High Priority Projects that is the greater of the relative rate-of-return approach described above or their

average annual share of total apportionments and High Priority Projects under TEA-21. This applies to States with:

- Population density of less than 40 persons per square mile and of which at least 1.25% of total acreage is under Federal jurisdiction, or
- Total population less than 1 million, or
- Median household income of less than \$35,000, or
- 2002 Interstate fatality rate greater than 1 per 100M vehicle-miles-traveled (VMT), or
- Indexed State motor fuel tax rate higher than 150% of the federal motor fuel excise tax rate as of the date of enactment of SAFETEA-LU.

(2) In any given year, no State receives less than a specified percentage of its average annual apportionment and High Priority Projects under TEA-21. These percentage floors are 117% for 2005, 118% for 2006, 119% for 2007, 120% for 2008 and 121% for 2009.

(3) Amounts programmatically distributed to other programs take on the eligibilities of those programs. The remaining funds have the same eligibilities as Surface Transportation Program (STP) funds but are not subject to the STP safety set-aside, the transportation enhancement set-aside or the sub-allocations to sub-State areas.

Program Contact: US DOT, FHWA, Office of the Chief Financial Officer, HCF-1, Room E62-326, 1220 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-0622.

<http://www.fhwa.dot.gov/safetealu/factsheets/equitybonus.htm>

C.1.c Ferry Boat Discretionary Program (FBD)

Program Purpose: The purpose of the Ferry Boat Discretionary program is to support the construction of ferry boats and terminal facilities within the marine highway system of the National Highway System.

Program Eligibility: Funding priority is given to projects that:

- Provide critical access to areas not well served by other modes of surface transportation
- Carry the greatest number of passengers and vehicles
- Carry the greatest number of passengers in passenger-only service

Other:

(1) Funds are available for projects within the United States and its territories. Funded ferry operations cannot be within foreign or international waters.

(2) Eligible ferry boats must operate on a route classified as a public road and not on the Interstate.

The system must be either publicly-owned or operated, or majority publicly-owned.

(3) Each authorization year, \$20M is set aside for:

- State of Alaska - \$10M
- State of New Jersey - \$5M
- State of Washington - \$5M

Program Contact: US DOT, FHWA, Office of Program Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-4658.

<http://www.fhwa.dot.gov/safetealu/factsheets/ferryboats.htm>

<http://www.fhwa.dot.gov/discretionary/fbdinfo.cfm>

Ferry Boat Discretionary Program

Federal Participation: 80 Percent.

Period Available: Until Expended

Fund:

- Highway Trust Fund
- General Fund of the Treasury (as needed).

Distribution Method: Discretionary Allocation

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU Sections: 1101(a) (13), 1801.
- 23 U.S.C. 147 and 129(c)

Administering Agency: US DOT – FHWA

C.1.d Highway Bridge Program (HBP)

Program Purpose: The purpose of the Highway Bridge program is to improve the condition of the Nation's highway bridges through replacement, rehabilitation and preventive maintenance.

Program Eligibility: Eligible activities include:

- Total replacement of a structurally deficient or functionally obsolete highway bridge within the corridor of any public road
- Rehabilitation to restore the structural integrity and to correct major functional defects of a bridge on any public road
- Replacement of ferry boat operations in existence on January 1, 1984, replacement of bridges destroyed before 1965 and low-water crossings and bridges made obsolete by Corps of Engineers (CoE) flood control or channelization projects (and not rebuilt with CoE funds)
- Bridge painting, seismic retrofitting, systematic preventative maintenance, calcium magnesium acetate applications, sodium acetate/formate or other environmentally acceptable minimally corrosive anti-icing and de-icing compositions

Highway Bridge Program

Federal Participation:

- 80% - General.
- 90% - Interstate projects

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Apportionment

Type of Authority: Contract

Subject to Obligation Limitation: Yes.

Regulatory References:

- SAFETEA-LU Sections: 1101(a)(3), 1114, 1805
- 23 U.S.C. 144
- 23 CFR 6500

Administering Agency: US DOT – FHWA

Deficient highway bridges eligible for replacement or rehabilitation must be over waterways, other topographical barriers or other highways or railroads.

SAFETEA-LU expands program eligibility for preventative maintenance on federal-aid and non-federal-aid highway systems. With this, States may undertake projects for the installation of scour countermeasures or preventative maintenance without regard to whether the bridge is eligible for rehabilitation or replacement.

Other:

(1) Apportioned funds are distributed by formula based on each State's relative share of the total cost to repair or replace deficient highway bridges nationwide.

(2) The following funds are set-aside prior to apportionment:

- *Bridge Discretionary* – For FY2005, \$100M for bridge projects at the discretion of the Secretary of Transportation.
- *Bridge Set-Aside* – Each year, \$100M for the bridge projects and dollar amounts listed in SAFETEA-LU Section 1114(e) (2).
- *Off-System Bridges* – A set aside of not less than 15% of the amount annually apportioned to each State (a) for bridge projects not on a federal-aid highway and (b) for the Warwick, Rhode Island airport inter-modal station project.

(3) The reference to “square footage” in the apportionment formula is updated with the more generic term “deck area.”

(4) The total cost of deficient bridges is no longer reduced by the total cost of bridges built to replace destroyed bridges and ferry boat service.

Program Contact: US DOT, FHWA, Office of Bridge Technology, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-4589.

<http://www.fhwa.dot.gov/safetealu/factsheets/bridge.htm>

<http://www.fhwa.dot.gov/bridge/dbp.htm>

C.1.e Highways for LIFE Pilot Program

Program Purpose: The Highway for LIFE Pilot program is a new discretionary program to promote state-of-the-art technologies and higher-level performance standards and business practices in highway construction. Practices that result in improved safety, faster construction, reduced construction-related congestion and improved quality and user satisfaction are eligible. The purpose of the program is to accelerate the adoption of these practices. To participate, States are required to submit an application that describes the proposed project(s). Priority is given to projects that:

- Address Highways for LIFE performance standards for quality, safety and speed of construction
- Deliver and deploy innovative technologies, manufacturing processes, financing, contracting and performance measures
- Offer innovations that will improve the administration of the State's transportation program
- Will be ready for construction within one year of approval of the project proposal

Highways for LIFE Pilot Program

Federal Participation: Up to 100%

Period Available: FFY 06-09

Fund: Highway Trust Fund

Distribution Method: Allocation

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory Reference:

- SAFETEA-LU Sections: 1101(a) (20), 1502
- Public Law 109-59

Administering Agency: US DOT – FHWA

Program Eligibility: An eligible activity:

- Constructs, reconstructs or rehabilitates a route or connection on an eligible federal-aid highway
- Uses innovative technologies, manufacturing processes, financing or contracting methods that meet performance goals for safety, congestion reduction and quality
- Meets additional criteria as determined by the Secretary of Transportation.

Other:

- (1) Over the program authorization period, at least one project in each State will be approved for program participation, if possible. The maximum number of projects approved in any one fiscal year is 15.
- (2) Of total project costs, Highways for LIFE funds may be used as the non-federal share.
- (3) A State may obligate up to 10% of its Highways for LIFE apportionments for one or more of its Interstate Maintenance, NHS, CMAQ or STP programs.
- (4) The Secretary of Transportation may make grants and enter into cooperative agreements to achieve program goals.

Program Contact: US DOT, FHWA, Highways for LIFE Office, Room 4136, 1200 New Jersey Avenue SE, Washington, DC 20590. (202) 366-4847. <http://www.fhwa.dot.gov/hfl/>

C.1.f High Priority Projects Program (HPP)

Program Purpose: The purpose of the High Priority Projects program is to provide funding for specific and designated projects listed in sections of SAFETEA-LU.

Program Eligibility: Program funds are designated for:

- High Priority Projects listed in SAFETEA-LU Section 1702 and numbered 3677 or higher;
- Projects of National and Regional Significance listed in SAFETEA-LU Section 1301 and numbered 19 or higher;
- National Corridor Infrastructure Improvement Program projects listed in SAFETEA-LU Section 1302 and numbered 28 or higher; or
- Any improvement project listed in SAFETEA-LU Section 1934.

High Priority Projects Program

Federal Participation: 80% - General

Period Available: Until Expended

Fund: Highway Trust Fund and General Fund if required

Distribution Method: Allocation

Type of Authority: Contract

Subject to Obligation Limitation: Yes, available until used

Regulatory References:

- SAFETEA-LU Sections: 1101(a)(16), 1301, 1302, 1701, 1702, 1913, 1934, 1935, 1936, 1102
- 23 U.S.C. 117

Administering Agency: US DOT – FHWA

Program Contact: US DOT, FHWA, Office of Program Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-1564.

<http://www.fhwa.dot.gov/programadmin/hpp.cfm>

C.1.g National Corridor Infrastructure Improvement Program

Program Purpose: The National Corridor Infrastructure Improvement program is a discretionary program. It funds highway construction projects within corridors of national significance. Its purpose is to promote economic growth and international or inter-regional trade. This program replaces the National Corridor Planning and Development program.

Program Eligibility: To be eligible, projects should satisfy the following criteria:

- The corridor links two existing segments of the Interstate system
- The project facilitates multi-state or regional mobility, economic growth and development in areas underserved by highway infrastructure
- Commercial traffic in the corridor has increased since enactment of the North American Free Trade Agreement (NAFTA) and traffic is projected to increase in the future
- International truck-borne commodities move through the corridor
- The project will reduce congestion on an existing segment of the Interstate
- The project will reduce commercial and other travel time through a major freight corridor
- The program funds will be leveraged with other funding sources

National Corridor Infrastructure Improvement Program

Federal Participation:

- 80% - General
- 90% - Interstate HOV or Auxiliary Lanes
- 100% - Certain Safety Improvements

Period Available: FFY 05-09

Fund: Highway Trust Fund and General Fund, as required

Distribution Method: Allocation

Type of Authority: Contract

Subject to Obligation Limitation: Special No Year Limitation, available until used

Regulatory Reference:

- SAFETEA-LU Sections: 1101(a) (10), 1102, 1302, 1935, 1936, 1953

Administering Agency: US DOT – FHWA

Other:

(1) Project selection is undertaken by the Secretary of Transportation. The process:

- Requires States to submit an application
- Gives priority to projects in corridors that are part of, or will be part of, the Dwight D. Eisenhower National System of Interstate and Defense Highways after completion

- Gives priority to projects that will be completed within 5 years of allocation of funds

(2) For each project designated for funding in SAFETEA-LU Section 1302, the Secretary must allocate the project's designated amount, as follows: 10% in 2005, 20% in 2006, 25% in 2007, 25% in 2008 and 20% in 2009.

(3) This program is active however its current funds are directed to thirty-three (33) projects identified in authorizing legislation.

Program Contact: US DOT, FHWA, Office of Freight Management and Operations, HOFM-1, Room 6320, 400 Seventh Street, SW, Washington, DC 20590.

http://www.ops.fhwa.dot.gov/freight/safetea_lu/1302_nciip_guid.htm

C.1.h National Highway System (NHS)

Program Purpose: The purpose of the National Highway System is to improve the safety and operation of rural and urban roads that comprise the NHS, including the Interstate system and designated connections to major inter-modal terminals.

Program Eligibility: Funds apportioned for 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 operational improvements for a federal-aid highway not on the NHS
- Construction of an eligible transit project
- Public-owned intra-city or intercity bus terminals
- Highway safety improvements for segments of the NHS
- Fringe and corridor parking facilities
- Carpool and vanpool projects
- Bicycle systems and pedestrian walkways
- Transportation planning
- Highway research and planning
- Highway-related technology transfer activities
- Development, establishment and implementation of management systems and infrastructure-based intelligent transportation systems

National Highway System Program

Federal Participation:

- 80% - General
- 90% - Interstate HOV or Auxiliary Lanes

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Apportionment

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU Sections: 1101(a)(2), 1103, 6006
- 23 U.S.C. 103, 104(b)(1)

Administering Agency: US DOT – FHWA

- Capital and operating costs for traffic monitoring and management facilities and programs
- Participation in natural habitat and wetland mitigation efforts related to eligible projects including mitigation banks and State and regional conservation efforts
- Environmental restoration and pollution abatement
- Control of noxious weeds and establishment of native species

Other:

(1) Each State receives a minimum of 1/2% of combined NHS and Interstate Maintenance apportionments. The NHS apportionments are based on the following factors:

- 25% - Total lane miles of principal arterials
- 35% - Total vehicle miles of travel on principal arterials
- 30% - Diesel fuel used on all highways
- 10% - Total lane miles of principal arterials per capita

(2) States may transfer up to 50% of NHS apportionments to their Interstate Maintenance, STP, CMAQ, Highway Bridge or Recreational Trail apportionments. Up to 100% may be transferred to STP if approved.

(3) SAFETEA-LU requires a portion of NHS fund authorizations be set-aside for:

- Alaska Highway - \$30M
- Guam, American Samoa, the Virgin Islands and the Commonwealth of Northern Mariana Islands - \$40M (FFY 2005 to 2006) and \$50M (FFY 2007 to 2009)

Program Contact: US DOT, FHWA, Office of Interstate and Border Planning, HEPI-20, Room E74-313, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-5010.

<http://www.fhwa.dot.gov/hep10/nhs/>

C.1.i National Scenic Byways Program

Program Purpose: The National Scenic Byways program recognizes roads with outstanding scenic, historic, cultural, natural, recreational and archaeological qualities. It enables designation of these roads as *National Scenic Byways*, *All-American Roads* or *America's Byways*. Grants and technical assistance are provided to States and Tribal governments to implement projects on these roads and their scenic roads and byways. The program supports planning, design and development.

Program Eligibility: Eligible activities include:

- Safety improvements to highways designated as scenic byways
- Construction of facilities along such highways for pedestrian and bicycle service, rest area turnouts, overlooks and interpretive facilities
- Improvements to such highways to improve access for recreational purposes
- Protection of historical and cultural resources along such highways
- Tourist information and scenic byway marketing plans and programs

National Scenic Byways Program

Federal Participation: 80%

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Allocation

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU Sections: 1101(a)(12), 1802
- 23 U.S.C. 162

Administering Agency: US DOT - FHWA

Passing lanes are not eligible for program funding. Eligible scenic byway activities may be also funded through the Surface Transportation Program (STP) - Transportation Enhancements program.

Program Contact: US DOT, FHWA, Office of Planning, Environment and Realty, HEP-2, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-2048.

<http://www.bywaysonline.org>

C.1.j Projects of National and Regional Significance Program (PNRS)

Program Purpose: The Projects of National and Regional Significance program supports very high-cost transportation infrastructure projects of national or regional importance. These projects are large and typically not adequately funded. The program is intended to improve economic productivity, facilitate international trade, relieve congestion and enhance the movement of passengers and freight.

Program Eligibility: An eligible project is any surface transportation project eligible for assistance, including an eligible freight railroad project, with a total cost greater than or equal to the lesser of:

- (1) \$500,000,000 or
- (2) 75% of the amount of federal highway funds apportioned to the State in which the project is located for the most recent completed fiscal year.

Eligible activities and costs include:

- Development phase activities - planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design and other preconstruction activities
- Cost of construction, reconstruction, rehabilitation, acquisition of right-of-way, environmental mitigation, construction contingencies, equipment acquisition and operational improvements

Projects of National and Regional Significance Program

Federal Participation: 80% - General

Period Available: Until Expended

Fund: Highway Trust Fund

Distribution Method: Allocation

Type of Authority: Contract

Subject to Obligation Limitation: Special No-Year Limitation, until used

Regulatory Reference:

- SAFETEA-LU Sections: 1101(a) (15), 1102, 1301, 1302, 1702, 1934, 1935, 1936, 1953, 1959, 1964
- (Pending) 23 CFR Part 505

Administering Agency: US DOT - FHWA

Other:

- (1) Request-for-funding applications are solicited by the Secretary of Transportation. Funds are awarded competitively.
- (2) Projects are evaluated on their ability to:
 - Generate national economic benefits

- Reduce congestion
- Improve transportation safety
- Enhance the national transportation system
- Garner support for non-federal financial commitments and the degree to which the federal investment is leveraged
- Provide evidence of stable and dependable financing for construction, maintenance and operation of the facility
- Use new technologies that enhance project efficiency
- Help maintain or protect the environment

(3) Program funds are designated for projects listed in SAFETEA-LU Section 1301(m). These are:

- High Priority Projects listed in Section 1702 and numbered 3677 or higher
- Projects of National and Regional Significance listed in Section 1301 and numbered 19 or higher
- National Corridor Infrastructure Improvement Program projects listed in Section 1302 and numbered 28 or higher or
- Any transportation improvement project listed in Section 1934

(3) For each project already listed in Section 1301(m), the Secretary must allocate program funds, as follows: 10% in 2005, 20% in 2006, 25% in 2007 and 2008 and 20% in 2009.

Program Contact: US DOT, FHWA, Office of Freight Management and Operations, HOFM-1, Room E84-440, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 266-2997.

http://www.ops.fhwa.dot.gov/freight/safetea_lu/1301_pnrs_guid.htm

C.1.k Transportation, Community and System Preservation Program (TCSP)

Program Purpose: The TCSP program is intended to address the relationship between transportation, community and system preservation plans and practices. It supports private sector-based initiatives to improve and support the transportation planning process. It also encourages cooperation among State, Tribal, regional and local governments.

Program Eligibility: Eligible projects:

- Improve the efficiency of the transportation system of the United States
- Reduce the impacts of transportation on the environment
- Reduce the need for costly future investments in public infrastructure
- Provide efficient access to jobs, services and centers of trade
- Examine community development patterns and identify strategies to encourage private sector development

Transportation, Community and System Preservation Program

Federal Participation: 80% - General

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Allocation

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory Reference: SAFETEA-LU Section 1117

Administering Agency: US DOT - FHWA

Transit-oriented development plans, traffic calming measures and other TCSP practices are eligible.

Other:

(1) The Secretary of Transportation issues grants to States, MPOs and local and Tribal governments. There must be an equitable distribution to a diversity of populations and geographic regions. Priority is given to applicants that:

- Have coordinated preservation or development plans that promote cost-effective investments and private sector strategies

- Have other TCSP policies such as those addressing high-growth areas, urban growth boundaries and “green corridors” for controlled growth
- Address environmental mitigation
- Encourage private sector involvement

Program Contact: US DOT, FHWA, Office of Planning, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-6654. http://www.fhwa.dot.gov/tcsp/pi_tcsp.htm

C.1.1 Truck Parking Facilities Program

Program Purpose: The Truck Parking Facilities program is a pilot program intended to address the shortage of long-term parking for commercial vehicles on the National Highway System.

Program Eligibility: Eligible activities include:

- Constructing safety rest areas that include commercial vehicle parking
- Constructing commercial vehicle parking facilities adjacent to commercial truck stops and travel plazas
- Opening existing facilities to commercial vehicles
- Promoting the availability of publicly or privately provided commercial vehicle parking on the NHS using Intelligent Transportation Systems and other means
- Constructing turnouts for commercial vehicles
- Making capital improvements to public commercial vehicle parking facilities to allow year-round use
- Improving the geometric design of interchanges for improved access to parking facilities

Trucking Parking Facilities Program

Federal Participation:

- 80% - General
- 100% - Certain Safety Improvements

Period Available: FFY 06-09

Fund: Highway Trust Fund

Distribution Method: Grant

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory Reference: SAFETEA-LU Section 1305

Administering Agency: US DOT - FHWA

Other:

(1) States, MPOs and local governments are eligible recipients. They must submit an application. Priority is given to applicants that:

- Report a severe shortage of commercial vehicle parking in the corridor
- Are in consultation and communications with affected State and local governments, community groups, providers of commercial vehicle parking and motorist and trucking organizations
- Demonstrate projects will have a positive effect on highway safety, traffic congestion and/or air quality

Program Contact: US DOT, FHWA, Office of Freight Management and Operations, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-2639.

http://www.ops.fhwa.dot.gov/freight/safetea_lu/1305_tpf.htm

C.2 FLEXIBLE FUNDING PROGRAMS

C.2.a Surface Transportation Program (STP)

Program Purpose: The Surface Transportation Program is intended to offer flexible transportation funding options to States and localities in support of a broad and diverse array of federal-aid eligible projects.

Program Eligibility: Eligibility activities include construction, reconstruction, rehabilitation, resurfacing, restoration and operational improvement for highways including Interstate highways and bridges on public roads of all functional classifications. Eligible activities also include:

- Seismic retrofit, painting and application of calcium magnesium acetate, sodium acetate/formate or other environmentally acceptable, minimally corrosive anti-icing and de-icing composition on bridges and other elevated structures
- Mitigation of damage to wildlife, habitat and ecosystems
- Capital costs for transit projects including vehicles and facilities used for intercity passenger bus service, whether publicly or privately owned
- Carpool projects, fringe and corridor parking facilities, bicycle and pedestrian service, including public sidewalk modifications to comply with the Americans with Disabilities Act
- Highway and transit safety infrastructure improvements and programs, hazard elimination, hazard mitigation related to wildlife crossings and railway-highway road crossings

Surface Transportation Program

Federal Participation:

- 80% - General
- 90% - Interstate HOV or Auxiliary Lanes

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Apportionment

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU Sections: 1101(a)(4), 1103(f), 1113, 1603, 1960, 6006
- 23 U.S.C. 133(d)(3), 104(b)(3)

Administering Agency: US DOT - FHWA

- Intersections with high accident rates and congestion, with a level of service no better than “F” during peak travel hours and located on a federal-aid highway
- Highway and transit research, development and technology programs
- Infrastructure-based intelligent transportation systems capital improvements
- Development of management systems
- Capital and operating costs for traffic monitoring and system management, including advanced truck stop electrification systems
- Surface transportation planning programs
- Transportation enhancement activities
- Transportation control measures
- Environmental restoration and pollution abatement
- Control of noxious weeds and establishment of native species
- Participation in eligible natural habitat and wetland mitigation projects, including mitigation banks and State and regional conservation efforts

Before apportionment to the States, program funds are set aside for:

- Operation Lifesaver - \$560,000 each fiscal year
- Rail-Highway Crossing Hazard Elimination in High Speed Rail Corridors - \$5.25M – FFY 2005, \$7.25 M – FFY 2006, \$10M – FFY 2007, \$12.5M – FFY 2008 and \$15M – FFY2009
- On-the-Job Training/Supportive Services – \$10M each fiscal year for administration
- Disadvantaged Business Enterprise Training – \$10M each fiscal year for administration

Other:

(1) Each State receives a minimum of ½% of the funds apportioned for the Surface Transportation Program. As a rule, State apportionments are based on the following factors:

- 25% - Total lane miles of Federal-aid highways

- 40% - Vehicle miles traveled on lanes on federal-aid highways
- 35% - Estimated tax payments into the Highway Account of the Highway Trust Fund

(2) A portion of a State's Equity Bonus is added to its STP apportionment.

(3) 10% of each State's apportionment is set-aside for safety construction activity such as hazard elimination and railway-highway crossings.

(4) 10% of each State's apportionment is set-aside for transportation enhancement activity.

(5) 50% (62.5% of the remaining 80%) is divided between urbanized areas over 200,000 in population and the remaining areas of the State.

(6) The remaining 30% (37.5% of the remaining 80%) may be used in any area of the State.

(7) Areas of less than 5,000 population are guaranteed not less than 110% of a State's FFY1991 pre-ISTEA secondary road program apportionment.

Program Contact: US DOT, FHWA, Office of Program Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-4653.

<http://www.fhwa.dot.gov/safetealu/factsheets/stp.htm>

C.2.b STP – Transportation Enhancements (STP-TE)

Program Purpose: The Transportation Enhancements program is a component of the larger Surface Transportation Program (C.2.a above). The purpose of the program is to strengthen the cultural, aesthetic and environmental aspects of the national multi-modal transportation system.

Program Eligibility: Eligible projects must have at least one of 12 qualifying activities:

- Facilities for pedestrians and bicycles
- Safety and education for pedestrians and bicyclists
- Scenic easements and scenic or historic site acquisition, including historic battle fields
- Scenic or historic highway programs including tourist and welcome center facilities
- Landscaping and other scenic beautification
- Historic preservation
- Rehabilitation and / or operation of historic transportation buildings, structures or facilities, including historic railroad facilities and canals
- Preservation of abandoned railway corridors, including conversion and use for pedestrian or bicycle trails
- Inventory control and removal of outdoor advertising
- Archaeological planning and research
- Environmental mitigation to address highway runoff pollution or reduction in vehicle-caused wildlife mortality while maintaining habitat connectivity

Surface Transportation Program – Transportation Enhancements

Federal Participation: 80% - General

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: 10% Set Aside from STP Apportionment

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory Reference:

- SAFETEA-LU Sections: 1113, 1122
- 23 U.S.C. 101(a)(35), 133(d)(2)

Administering Agency: US DOT – FHWA

- Establishment of transportation museums

SAFETEA-LU establishes a pilot program for States to assume federal responsibility in project environmental review and decision-making, including activity related to transportation enhancements.

Other:

- (1) A State's TE funding is derived from a set-aside from its larger Surface Transportation Program apportionment.
- (2) As established by SAFETEA-LU - after 2005 - a State's TE set-aside is 10% or the amount set aside in 2005, whichever is greater.
- (3) Funds from other federal agencies and the value of other contributions may be credited toward the non-federal share of a TE project or group of projects. The aggregate however must not exceed 80% of the federal share.

Program Contact: US DOT, FHWA, Office of Natural and Human Environment, HEPN-50, Room E74-474, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-5013.

<http://www.fhwa.dot.gov/environment/te/index.htm>

C.3 NON-MOTORIZED FUNDING PROGRAM

C.3.a. Recreational Trails Program

Program Purpose: The purpose of the Recreational Trails program is to develop and maintain recreational trails and trail-related facilities for non-motorized and motorized uses. It encourages trail development, construction, maintenance and rehabilitation. Trail uses may include hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving and off-road motorized vehicle uses.

Program Eligibility: Eligible activities include:

- Maintenance and restoration of existing trails
- Development and rehabilitation of trailside and trailhead facilities
- Purchase and lease of trail construction and maintenance equipment
- Construction of new trails (with some restrictions for new trails on Federal lands)
- Acquisition of easements or property for trails
- Assessment of trail conditions for accessibility and maintenance
- Development and dissemination of related publications, safety educational programs and environmental protection

Other:

(1) Program funds are distributed to States by statutory formula. 50% is apportioned equally among all States. 50% is apportioned by the estimated amount of non-highway recreational fuel use in each State.

Recreational Trails Program

Federal Participation:

- 80% - General
- 95% - With Other Federal Agency Participation

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Apportionment

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU Sections: 1101(a)(8), 1109
- 23 U.S.C. 104(h), 206

Administering Agency: US DOT - FHWA

(2) The Governor must designate a State agency or agencies to administer the program and issue grants. Moreover, the State must have a State recreational trail advisory committee representing motorized and non-motorized recreational trail users.

(3) States may make grants to private organizations or to municipal, county, State, Federal or other government agencies.

(4) States must balance funding between motorized, non-motorized and diverse trail use:

- 45% - diverse trail use
- 30% - non-motorized recreation
- 30% - motorized recreation

(5) SAFETEA-LU clarifies education funds may be used for publications, patrol programs and trail-related training.

(6) SAFETEA-LU eliminates the ability of States to waive set-asides for non-motorized and motorized recreation.

(7) Program funds may be used to match other federal program funds for eligible purposes. Other federal agency funds may be used to fulfill the non-federal share; however the aggregate must not exceed 95%.

(9) Program funds may not be used for:

- Property condemnations
- Constructing new trails for motorized use on National Forest or Bureau of Land Management lands unless the project is consistent with resource management plans
- Enabling motorized access on otherwise non-motorized trails

Program Contact: US DOT, FHWA, Trails and Enhancement Program, HEPN-50, Room E74-474, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-5013.

<http://www.fhwa.dot.gov/environment/rectrails/index.htm>

C.4 SAFETY FUNDING PROGRAMS

C.4.a Alcohol-Impaired Driving Countermeasures Incentive Program (Section 410)

Program Purpose: The purpose of the Alcohol-Impaired Driving Countermeasures Incentive Grant program is to reduce collisions resulting from driving while under the influence of alcohol or other controlled substances. States may use grant funds for the following eligible activities:

- High visibility enforcement
- Training and equipment for law enforcement
- Advertising and educational campaigns that publicize checkpoints, increase law enforcement efforts and target impaired drivers under 34 years of age
- State impaired-operator information systems
- Vehicle or license plate impoundment

Program Eligibility: Criteria for eligibility include:

Low Fatality Rate Criteria – Eligible jurisdictions demonstrating an alcohol-related fatality rate of 0.5 or less per 100,000,000 VMT as of the date of the grant or

Programmatic Criteria – Eligible jurisdictions meeting three (3) of the below criteria by

FFY2006, four (4) criteria by FFY 2007 and five (5) criteria by FFYs 2008 and 2009:

- Programs for high visibility law enforcement campaigns using checkpoints and/or saturation patrols
- Prosecution and adjudication outreach programs that educate prosecutors and judges
- Programs to increase the rate of testing drivers involved in fatal crashes

Alcohol Impaired Driving Countermeasures Incentive Program (Section 410)

Federal Participation:

- 75% - 1st and 2nd Year of Grant
- 50% - 3rd and 4th Year of Grant
- 25% - 5th and 6th Year of Grant

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Project Grant

Type of Authority: Contract.

Subject to Obligation Limitation: Yes

Regulatory Reference:

- SAFETEA-LU Sections: 1113, 1122, 2007, 6003
- 23 U.S.C. 402(d), 410
- 49 CFR 1.50

Administering Agency: US DOT - NHTSA

- Laws that impose stronger sanctions or penalties for high-risk drivers
- Effective alcohol rehabilitation for repeat offenders or program referrals to DWI courts
- Effective strategies to prevent drivers under 21 from obtaining alcoholic beverages and preventing others from making alcoholic beverages available to them
- Administrative driver license suspensions or revocation programs for individuals driving under the influence of alcohol
- Programs for which a significant portion of fines or surcharges collected from those fined for driving while under the influence are returned to communities for their creation and implementation of impaired driving prevention programs

Other:

(1) **High Fatality Rate Grants** – These grants are available to assist the ten (10) States with the highest impaired driving-related fatalities. At least 50% of the grant allocations must be used for Sobriety Check Point and/or Saturation Patrol programs.

(2) “States” are defined as the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Island and the Bureau of Indian Affairs.

Program Contact: US DOT, NHTSA, Regional Operations and Program Delivery Office, 1200 New Jersey Avenue, SE, West Building, Washington, DC 20590. (202) 366-2685.

http://www.nhtsa.gov/nhtsa/whatsup/TEA21/GrantMan/HTML/alcohol_impaireddriving.html

http://www.nhtsa.gov/nhtsa/whatsup/TEA21/GrantMan/HTML/Section_410_Legislation1.html

C.4.b Child Safety and Child Booster Seat Incentive Program (Section 2011)

Program Purpose: SAFETEA-LU establishes a new incentive grant program for the enactment and enforcement of child restraint laws requiring children up to 65 pounds and under 8 years of age to be properly restrained in a child restraint.

Program Eligibility: Program grants may be used only for child safety seat and child restraint programs. Not more than 50% of a grant received in a fiscal year may be used for purchasing and distributing safety seats and restraints for low-income families. The remaining amount may be used to carry out safety seat and restraint programs including:

- Enforcement of child restraint laws
- Training child passenger safety professionals, police officers, fire and emergency medical personnel, educators and parents on child safety seats and child restraints
- Educating the public on the proper use and installation of safety seats and restraints

Other:

(1) States must certify they meet program eligibility requirements.

(2) States must demonstrate a maintenance-of-effort.

(3) “States” are defined as the 50 States, the District of Columbia and Puerto Rico.

Program Contact: US DOT, NHTSA, Regional Operations and Program Delivery Office, 1200 New Jersey Avenue, SE, West Building, Washington, DC 20590. (202) 366-0743.

Section 2011 Child Safety and Child Booster Seat Incentive Grants Implementing Guidance

Child Safety and Child Booster Seat Incentive Program

Federal Participation:

- 75% - First 3 Years of Grant
- 50% - 4th Year of Grant

Period Available: FFY 06-09

Fund: Highway Trust Fund

Distribution Method: Grant

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory Reference:

- SAFETEA-LU Section 2011
- 23 U.S.C. 405(f)
- P.L. 107-318

Administering Agency: US DOT – NHTSA

C.4.c Highway Safety Improvement Program (HSIP)

Program Purpose: The Highway Safety Improvement program represents a new “core” federal-aid program with its own funding source. Its purpose is to achieve a significant reduction in traffic fatalities and injuries on public roads. The program requires a data-driven, strategic approach to improving highway safety. It is focused on results.

Program Eligibility: Commencing in 2006, States with Strategic Highway Safety Plans (SHSP) may obligate HSIP funds. The funds may be used for projects on any public road or publicly-owned bicycle and pedestrian pathway or trail. The HSIP funds are apportioned to States based on the following factors:

- 33-1/3% - Lane miles of federal-aid highways
- 33-1/3% - Vehicle miles traveled on lanes on federal-aid highways
- 33-1/3% - Number of fatalities on the federal-aid system

Highway Safety Improvement Program

Federal Participation:

- 90% - General
- 100% - Certain Safety Improvements

Period Available: FFY 06-09

Fund: Highway Trust Fund

Distribution Method: Apportionment

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU Sections: 1401(a) (f)
- 23 U.S.C. Section 148(f)
- 23 CFR 924

Administering Agency: US DOT – FHWA

Other: Each State is intended to receive at least 1/2 of 1% of apportioned program funds however there are restrictive mandates, as follows:

(1) **High-Risk Rural Roads.** SAFETEA-LU sets aside \$90M each fiscal year for construction and operational improvements on *high-risk rural roads*. These roads are functionally classified as “rural major,” “minor collector” or “rural local” (a) with injury crash rates above the statewide average for such functionally classified roads or (b) likely to experience increased traffic that will result in a crash rate in excess of the average statewide rate. The *high-risk rural roads* set-aside is applied in proportion to a State’s HSIP apportionment. If a State certifies that it has addressed safety conditions on its *high-risk rural roads*, it may use its HSIP funds for any eligible safety project.

- (2) Also within HSIP, SAFETEA-LU sets aside \$220M annually for *railroad-highway crossing* improvements.
- (3) To use HSIP funds each State, by October 2007, must have a Strategic Highway Safety Plan (SHSP) in place that identifies and analyzes safety problems and opportunities for correcting them. The plan must include a crash data system that performs problem identification and countermeasure analysis.
- (4) If States do not have the SHSP in place by October 2007, their subsequent HSIP apportionments are frozen at the 2007 level and may only be used for railway-highway crossing and hazard elimination projects.
- (5) As a condition of obligating its HSIP funds, a State must submit an annual report to the Secretary of Transportation identifying at least 5% of its roadway locations with the most severe safety needs. An assessment on remedies, costs and impediments for improving these locations must be included.
- (6) States must also submit a report to the Secretary of Transportation describing progress on safety improvement projects, their effectiveness and contribution to reducing traffic fatalities, injuries and collisions as well as railway-highway crossing collisions.

Program Contact: US DOT, FHWA, Office of Safety Programs, 1200 New Jersey Avenue, SE, West Building, Washington, DC 20590. (202) 366-2157.

<http://safety.fhwa.dot.gov/safetealu/factsheet1401hrrr.htm>

http://safety.fhwa.dot.gov/safetealu/qa_programarea.htm#Toc118108087

C.4.d Motorcyclist Safety Program

Program Purpose: The Motorcyclist Safety Program is a new SAFETEA-LU program of incentive grants to reduce the number of single and multi-vehicle crashes involving motorcyclists. A State may use the grants only for motorcycle safety training and awareness programs, including improvement of training curricula, delivery of training in urban and rural areas, recruitment or retention of safety instructors, public awareness and outreach programs.

Program Eligibility: Eligibility is based on six (6) criteria. A State must meet one of the following criteria in the first year in which it receives a grant and two criteria in subsequent fiscal years:

- An effective Motorcycle Rider Training Course offered statewide
- A Statewide Motorcyclist Awareness Program
- A Reduction of Fatalities and Crashes involving motorcycles in the preceding years
- A Statewide Impaired Driving Program, including specific measures to reduce impaired motorcycle driving
- A Reduction of Fatalities and Accidents involving alcohol or drug impaired motorcyclists for the preceding year
- Use of all fees collected from motorcyclists for training and safety programs

Motorcyclist Safety Program

Federal Participation: 100%

Period Available: FFY 06-09

Fund: Highway Trust Fund

Distribution Method: Grant

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU Section 2010
- 45 CFR 1.50

Administering Agency: US DOT - NHTSA

Other:

- (1) States must certify their compliance to program criteria.
- (2) States qualifying for a grant will receive at least \$100,000. The amount however must not exceed 25% of the amount apportioned to the State for FY2003.
- (3) States must demonstrate a maintenance-of-effort.

(4) An agency of a State may sub-allocate funds from the grant to a nonprofit organization in the State.

(5) “States” are defined as the 50 States, the District of Columbia and Puerto Rico.

Program Contact: US DOT, NHTSA, Regional Operations and Program Delivery Office, 1200 New Jersey Avenue, SE, West Building, Washington, DC 20590. (202) 366-0599.

http://www.nhtsa.gov/nhtsa/whatsup/TEA21/GrantMan/HTML/Sec_2010_MC.html

http://www.nhtsa.gov/nhtsa/whatsup/TEA21/GrantMan/HTML/motorcycle_safety.html

C.4.e Occupant Protection Incentive Grant Program

Program Purpose: The purpose of the Occupant Protection Incentive program is to reduce roadway deaths and injuries resulting from unrestrained or improperly restrained occupancy within a motor vehicle. A State may use the grant funds only to implement and enforce occupant protection programs.

Program Eligibility: A State is eligible for an incentive grant by adopting or demonstrating it has implemented at least four (4) of the following criteria:

- A Safety Belt Use Law applying to all vehicles
- A Safety Belt Law providing for Primary Enforcement
- Minimum Fines or Penalty Points for safety belt and child safety seat use law violations
- A statewide Special Traffic Enforcement Program (STEP) for occupant protection that emphasizes publicity
- A statewide Child Passenger Protection Program that includes education on proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraint systems
- A Child Passenger Protection law that requires minors to be properly secured in a child safety seat or other appropriate restraint system

Occupant Protection Incentive Program

Federal Participation:

- 75% - 1st and 2nd Year of Grant
- 50% - 3rd and 4th Year of Grant
- 25% - 5th and 6th Year of Grant

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Grant

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU Section 2004
- 23 U.S.C. 405

Administering Agency: US DOT - NHTSA

Other:

- (1) States must certify compliance to program criteria.
- (2) State must demonstrate a maintenance-of-effort.

(3) “States” are defined as the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands and the Bureau of Indian Affairs.

Program Contact: US DOT, NHTSA, Regional Operations and Program Delivery Office, 1200 New Jersey Avenue, SE, West Building, Washington, DC 20590. (202) 366-0743.

http://www.nhtsa.gov/nhtsa/whatsup/TEA21/GrantMan/HTML/405_amended_FINALReg_12-05.html

C.4.f Safe-Routes-to-School Program

Program Purpose: The Safe-Routes-to-School program is intended to enable children, including those with disabilities, to walk and bicycle safely to school. Its purpose is to (a) make walking and bicycling to school safe and appealing and (b) support projects that improve safety and reduce traffic, fuel consumption and air pollution in the vicinity of schools. Projects may be planned on any public road or any bicycle or pedestrian system in the vicinity of schools.

Program Eligibility: Eligible projects include the planning, design and construction of infrastructure projects that substantially improve the ability of students to walk and bicycle to school, including:

- Sidewalk improvements
- Traffic calming and speed reduction improvements
- Pedestrian and bicycle crossing improvements
- On-street bicycle facilities
- Off-street bicycle and pedestrian facilities
- Secure bike parking
- Traffic diversion improvements in the vicinity of schools

Safe Routes to School Program

Federal Participation: 100%

Period Available: Available Until Expended

Fund: Highway Trust Fund

Distribution Method: Apportionment

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory Reference:

- SAFETEA-LU Section 1404
- 49 CFR Part 18

Administering Agency: US DOT – FHWA

Other:

- (1) Eligible construction and capital projects must be within two (2) miles of a primary or middle school (grades K-8).
- (2) Program funds are based on the State's relative share of total enrollment in primary and middle schools.
- (3) Each State receives no less than \$1 million.

(4) Each State must set aside between 10% and 30% of its funds for non-infrastructure projects.

These include:

- Public awareness and outreach
- Traffic education and enforcement
- Student sessions on bicycle and pedestrian safety, health and environment
- Training for volunteers and managers of safe-routes-to-school programs

(5) States receiving program funds must use a sufficient amount to fund a full-time position to coordinate its safe-routes-to-school program. Funds administered by State departments of transportation are also intended to provide financial assistance to state, regional and local agencies including non-profit organizations that demonstrate the ability to meet the requirements of the program.

Program Contact: US DOT, FHWA, Office of Safety, HSST, 1200 New Jersey Avenue, SE Washington, D.C. 20590. (202) 366-2205. <http://safety.fhwa.dot.gov/saferoutes/>

C.4.g Safety Belt Performance Program (Section 406)

Program Purpose: The Safety Belt Performance program is a new SAFETEA-LU program of incentive grants to encourage the enactment and enforcement of laws requiring the use of safety belts in passenger motor vehicles. States may use these grants for any safety purpose that (a) corrects or improves a hazardous roadway location or (b) proactively addresses highway safety problems. However, at least \$1M received must be obligated for behavioral highway safety activity.

Program Eligibility: A State is eligible for an incentive grant if it did not have a conforming Safety Belt Use Law for all passenger motor vehicles in effect on or before December 31, 2002 and either:

- Enacts, for the first time after December 31, 2002, and has in effect and is enforcing a conforming Safety Belt Use Law for all passenger motor vehicles or
- After December 31, 2005, has a State safety belt use rate of 85% or more for each of the two consecutive calendar years immediately preceding the fiscal year of the grant.

Safety Belt Performance Program

Federal Participation: 100%

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Grant

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU Section 2005
- Section 406, Chapter 4, Title 23

Administering Agency: US DOT - NHTSA

Other:

(1) If the total amount of incentive grants provided for a fiscal year exceeds available funds for that fiscal year, grants are made to States in the order in which they meet either of the above two (2) criteria. However, States eligible for a grant but did not receive one and that continue to meet either criteria in the next fiscal year are eligible for a catch-up grant.

(2) "Passenger motor vehicles" are defined as passenger cars, pickup trucks, vans, minivans and sport utility vehicles with gross vehicle weight ratings of less than 10,000 pounds.

Program Contact: US DOT, NHTSA, Regional Operations and Program Delivery Office, 1200 New Jersey Avenue, SE, West Building, Washington, DC 20590. (202) 366-3990.

http://www.nhtsa.gov/nhtsa/whatsup/TEA21/GrantMan/HTML/Sec_2005_406.html

[Section 406 Safety Belt Performance Grants Implementing Guidance](#)

C.4.h State and Community Highway Safety Grant Program (Section 402)

Program Purpose: The purpose of the State and Community Highway Safety Grant is to reduce traffic accidents, deaths, injuries and property damage on the Nation's highways. States may use grant funds only for highway safety purposes. At least 40% of the funds must be expended by political subdivisions within the State.

Program Eligibility: Program grants are issued by formula and require submission of a Performance Plan, which establishes goals and performance measures to improve highway safety. Grant funds may be used for problems identified within national priority areas:

- Alcohol and other Drug Countermeasures
- Police Traffic Services
- Occupant Protection
- Traffic Records
- Emergency Medical Services
- Motorcycle Safety
- Pedestrian/Bicycle Safety
- Speed Control

State and Community Highway Safety Grant Program

Federal Participation: 80%

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Formula Grant

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory Reference:

- SAFETEA-LU Sections: 2001, 2002
- 23 U.S.C. 402

Administering Agency: USDOT – NHTSA and FHWA

Eligibility may also be extended to programs constituting a highway safety program such as a pupil transportation safety program, for which effective countermeasures have been identified.

Other:

(1) **A Highway Safety Plan and Performance Plan**, which describe State activities in achieving performance goals, is required. SAFETEA-LU also requires assurance that activity in support of national highway safety goals will be implemented, including:

- National law enforcement mobilizations

- Sustained enforcement of statutes addressing impaired driving, occupant protection and speed
- Annual safety belt use surveys
- Development of timely and effective statewide data systems

(2) Program formula grants are based on:

- 75% - Ratio of the State's population in the latest federal census to the total population in all States
- 25% - Ratio of public road miles in the State to the total public road miles in all States

(3) "States" are defined as the 50 States, federally recognized Indian Tribes, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands and the Bureau of Indian Affairs.

(4) In FFY 2006, the apportionment to the Bureau of Indian Affairs increased from 3/4th of 1% to 2%.

Program Contacts:

(1) US DOT, NHTSA, Regional Operations and Program Delivery Office, 1200 New Jersey Avenue, SE, West Building, Washington, DC 20590. (202) 366-2715.

[23 CFR Part 1200 - Uniform Procedures for State Highway Safety Programs](#)

[23 CFR Part 1205 - Highway Safety Programs: Determinations of Effectiveness](#)

D. PUBLIC TRANSPORTATION PROGRAMS

This federal-aid program supports all forms of public transportation. It addresses the mass transportation needs of State, regional, local and Tribal governments and is administered by the US Department of Transportation Federal Transit Administration (FTA).⁵ This section begins with a Funding Authorizations Table followed by descriptions of each funding program.

Table 3: Federal Public Transportation Funds

Funding Authorizations Table FFYs 2005 – 2009 (in Millions)						
Program / Funding	2005	2006	2007	2008	2009	Total
D.1 Elderly and Persons with Disabilities	94.7	112	117	127	133.5	584.2
D.2 Rural and Small Urban Areas	250.9	388	404	438	465	1,945.9
D.3 Job Access and Reverse Commute	124	138	144	156	165	727.0
D.4 New Freedom	0	78	81	87.5	92.5	339.0

D.1 TRANSPORTATION FOR ELDERLY AND PERSONS WITH DISABILITIES PROGRAM (5310)

Program Purpose: The purpose of the Transportation for Elderly and Persons with Disabilities program is to accommodate the transportation needs of the elderly and persons with disabilities where public transportation services are unavailable, insufficient or inappropriate. The program is designed to supplement other FTA capital assistance programs by funding projects for the elderly and disabled in all areas – urbanized, small urban and rural. Funds are apportioned based on each State’s share of population for these groups. States must apply for funds on behalf of local private non-profit agencies and certain public bodies.

⁵ The **Public Transportation on Indian Reservations Program** is a component of the Rural and Small Urban Areas Program. Authorizations for the Tribal program total about \$45M.

Program Eligibility: Program funds may be used for eligible capital expenses needed for specialized transportation services. Projects must provide the maximum feasible coordination of transportation services and the maximum feasible participation of private-for-profit operators. Grants may be used for:

- Purchase and refurbishment of wheelchair accessible vehicles
- Communications equipment
- Passenger bus shelters
- Dispatch and data systems and computers

Transportation for Elderly and Persons with Disabilities Program (Section 5310)

Federal Participation: 80%

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Formula Grant

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory Reference: 49 U.S.C. 5310

Administering Agency: US DOT – FTA

- Acquisition of transportation services under contract, lease or other arrangement

Other:

(1) Program funds are allocated to States by formula based on the population of elderly persons and persons with disabilities.

(2) SAFETEA-LU allows States eligible for sliding scale match - under FHWA programs - to use match ratio for capital projects.

(3) Funds provided under other federal programs (other than US DOT with the exception of the Federal Lands Highway) may be used as match for capital funds.

(4) The State must be designated by the Governor to administer the program. It must submit to FTA a program-of-projects identifying all sub-recipients and projects.

(5) Program projects must be included in the STIP.

(6) Compliance with FTA's annual list of certifications and assurances is required.

(7) Eligible sub-recipients include *a)* private non-profit organizations, *b)* public bodies approved by the State to coordinate services and *c)* public bodies which certify that no non-profit corporation or association is readily available in an area to provide the services.

Program Contact: US DOT, FTA, Office of Program Management, East Building, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-2053.

http://www.fta.dot.gov/funding/grants/grants_financing_3556.html

D.2 RURAL AND SMALL URBAN AREAS PROGRAM (5311)

Program Purpose: The purpose of the Rural and Small Urban Areas program is to (a) improve, initiate or continue public transportation service in non-urbanized area (rural and small areas under 50,000 population) and (b) provide technical assistance for rural transportation providers. The goals of the program are to:

- Enhance access in non-urbanized areas to health care, shopping, education, employment, public services and recreation
- Assist in the maintenance, development, improvement and use of public transportation systems in rural and small urban areas
- Encourage and facilitate the most efficient use of all federal funds provided for passenger transportation in non-urbanized areas through coordination of programs and services
- Assist in the development and support of inter-city bus transportation
- Provide for the participation of private transportation providers in non-urbanized transportation to the maximum extent feasible

Rural and Small Urban Areas Program

Federal Participation:

- 50% - Operating Assistance
- 80% - Capital / Project Administration
- 90% - Capital and Project Administration for projects compliant with ADA and CAAA or bicycle access projects

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Formula Grant

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory Reference: 49 U.S.C. 5311

Administering Agency: US DOT – FTA

An additional program purpose is to provide direct grants to Tribal governments for the provision of public transportation on Indian reservations (through a set aside within the larger program). The **Public Transportation on Indian Reservations** program is a component of this program. Authorizations for the Tribal component total about \$45M – with \$8M in 2006, \$10M in 2007, \$12M in 2008 and \$15M in 2009.

Program Eligibility: Funds may be used for capital, operating and project administration assistance to State agencies, local public bodies and nonprofit organizations, including Tribal governments and Tribal operators of public transportation services.

Other:

- (1) State apportionments are based on a statutory formula with 20% allocated by the ratio of non-urbanized land area of each State to the non-urbanized land area of all States, with no State receiving more than 5% of funds.
- (2) A State agency must be designated by the Governor to administer the program.
- (3) Funded projects must be listed in the STIP.
- (4) The State and its sub-recipients must agree to a standard labor protection warranty and environmental assessments may be required.
- (5) Compliance with the FTA annual list of certifications and assurances is required.
- (6) States must spend 15% of funds to support rural inter-city bus service unless the Governor certifies this service is adequately met.
- (7) Other federal funds may be used for half of the local match requirement. Income from purchase-of-service contracts with human service agencies may be used for the entire local share for operating assistance.

Program Contact: US DOT, FTA, Office of Resource Management and State Programs, East Building, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-2053.

http://www.fta.dot.gov/funding/grants/grants_financing_3555.html

D.3 JOB ACCESS AND REVERSE COMMUTE FORMULA PROGRAM (5316)

Program Purpose: The purpose of the Job Access and Reverse Commute program is to provide grants to local governments, nonprofit organizations and designated recipients of federal transit funding. It is meant to connect welfare recipients and low-income persons to employment and support services.

Program Eligibility: *Job Access* grants finance the planning, capital and operating cost of eligible transit projects. *Reverse Commute* grants finance reverse commute bus, train and carpool services from urban, rural and suburban locations to suburban work places. Eligible activities include:

- Delivery of job access and reverse commute services and
- Administration, planning and provision of technical assistance

Eligible applicants are State and local government agencies, non-profit agencies and transit providers. Eligible beneficiaries are low-income individuals and those traveling to suburban work places.

Job Access and Reverse Commute Program

Federal Participation:

- 80% - Capital Projects
- 50% - Operating Projects

Period Available: FFY 05-09

Fund: Highway Trust Fund

Distribution Method: Project Grant

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU Section 5316
- 49 U.S.C. 5317

Administering Agency: US DOT – FTA

Other:

- (1) A funded project must be a product of a locally coordinated public transit human services plan, competitively selected and included in the STIP prior to grant award.
- (2) To access funds, the recipient must execute a grant agreement with the FTA.
- (3) Other federal funds may be used for local match, such as the US Department of Health and Human Services temporary assistance to needy families, the US Department of Labor welfare-to-work and the FHWA state planning and research funds.
- (3) 60% of funds must be distributed among recipients in urbanized areas with populations of 200,000 or more in the ratio that bears to the number of recipients in all urbanized areas.

(4) 20% of funds must be distributed to States in the ratio that the number of eligible low-income individuals and welfare recipients in urbanized areas (with populations of less than 200,000) in each State bears to the number in all urbanized areas.

(5) 20% of funds must be distributed to States in the ratio that the number of eligible low-income individuals and welfare recipients (in other than urbanized areas) in each State bears to the number in all other than urbanized areas.

Program Contacts: US DOT, FTA, Office of Transit Programs, East Building, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-2053.

http://www.fta.dot.gov/funding/grants/grants_financing_3550.html

D.4 NEW FREEDOM PROGRAM (5317)

Program Purpose: The purpose of the New Freedom program is to provide grants for public transportation services and alternatives beyond those required by the Americans with Disabilities Act. The program is intended to assist disabled individuals with transportation to and from jobs and employment services.

Program Eligibility: To be eligible, a project must be a new or alternative public transportation service beyond that required by the ADA.

- The project must assist disabled individuals with transportation to and from jobs and employment support services.
- Capital and operating expenses are eligible for funding.
- 10% of program funds may be used for program administration, planning and technical assistance.

Other:

- (1) An eligible recipient is designated by the Governor of the State in consultation with local officials and local public transportation providers in urbanized areas with populations above 200,000.
- (2) The State is the eligible recipient in urbanized areas between 50,000 and 200,000 population and in non-urbanized (rural) areas.
- (3) Public agencies, nonprofit agencies, public transportation providers, private transportation providers and human services transportation providers are eligible grant sub-recipients.
- (4) State funding is apportioned by formula:

New Freedom Program

Federal Participation:

- 80% - Capital Expenses
- 50% - Operating Assistance
- 905 - ADA and Clean Air Act compliant Vehicle Equipment
- 100% - Planning, Administration, Technical Assistance

Period Available: FFY 06-07

Fund: Highway Trust Fund

Distribution Method: Project Grant

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- SAFETEA-LU Section 5317
- 49 U.S.C. 5317

Administering Agency: US DOT – FTA

- 60% is apportioned for areas of 200,000 or more in population in the ratio that the number of individuals with disabilities in each urbanized area bears to the number in all urbanized areas.
- 20% is apportioned among States in the ratio that the number of individuals with disabilities in urbanized areas (with population of less than 200,000) in each State bears to the number in all States.
- 20% is apportioned among States in the ratio that the number of individuals with disabilities (in other than urbanized areas) of each State bears to the number in all States.

(2) Submission of a FTA application for funds is required. A resolution by the authorized public body approving the filing of the application is required.

(3) Applications must include information on legal capacity, coordinated regional planning and compliance with FTA certifications and assurances.

(4) Funded programs and projects must be included in a locally-coordinated public transit human service transportation plan, an urbanized area transportation improvement program (TIP) and in the STIP.

Program Contact: US DOT, FTA, Office of Transit Programs, East Building, 1200 New Jersey Avenue, SE, Washington, DC 20590. (202) 366-2053.

http://www.fta.dot.gov/funding/grants/grants_financing_3549.html

E. OTHER FUNDING PROGRAMS

E.1 OUTDOOR RECREATION, ACQUISITION, DEVELOPMENT AND PLANNING PROGRAM

Program Purpose: The purpose of the Outdoor Recreation, Acquisition, Development and Planning program is to assist States and their political subdivisions in (a) preparing Statewide Comprehensive Outdoor Recreation Plans (SCORPs) and (b) acquiring and developing outdoor recreation areas and facilities for the general public.

Program Eligibility: Eligible activities include:

- Outdoor recreation projects for picnic areas, campgrounds, tennis courts, boat launching ramps, bike trails, outdoor swimming pools and support facilities such as roads
- Revision and update of existing SCORPs including planning, statewide surveys, technical studies, data collection and analysis and other planning purposes related to SCORP refinement and improvement

Outdoor Recreation, Acquisition, Development and Planning Program

Federal Participation: 50% - General

Period Available: FFY 05 – FFY 09

Fund: Land and Water Conservation Fund

Distribution Method: Grant Award

Type of Authority: Contract

Subject to Obligation Limitation: Yes

Regulatory References:

- Land and Water Conservation Fund Act of 1965
- 16 U.S.C. 1-4 et seq.
- Public Laws 88-578, 90-401, 91-485

Administering Agency: US DoI - NPS

Other:

- (1) The funded facilities must be open to the general public and not limited to special groups. Every site acquired or developed with program assistance must remain available and accessible for public outdoor use in perpetuity.
- (2) Basic - not elaborate - facilities are favored for funding.
- (3) Program funds may not be used for the operation and maintenance of facilities. States must demonstrate a maintenance-of-effort.

(4) The Governor must appoint a State Liaison Officer to administer the program. The officer must furnish assurance that the project is in accordance with the State SCORP.

(5) Project proposals are submitted to the US DoI - National Park Service through the State Liaison Officer. The officer makes the determination on project eligibility, priority need and level and ranking of fund assistance.

(6) Not more than 50% of project cost may be federally-financed. Under certain conditions, all or part of the project local match may be from other federal assistance programs.

(7) 40% of the first \$225M, 30% of the next \$275M and 20% of all additional appropriations is apportioned equally among the States. The remaining is apportioned on the basis of need.

(8) "States" are defined as the 50 States, the District of Columbia, Puerto Rico, the Virgin Island, American Samoa, the Northern Mariana Island and Guam.

(9) Indian Tribal Governments qualify for program assistance.

Program Contact: US DoI, NPS, State and Local Assistance Program, 1849 C Street, NW, Washington, DC 20240. (202) 354-6900.

<http://www.nps.gov/ncrc/programs/lwcf/index.htm>

E.2 RIVERS, TRAILS AND CONSERVATION ASSISTANCE PROGRAM

Program Purpose: The purpose of the Rivers, Trails and Conservation Assistance program is to implement the resource conservation and outdoor recreation objectives of the National Park Service in communities across America. The intent is to create local, regional and state networks of parks, rivers, trails, greenways and open spaces by collaborating with community partners in every State.

Program Eligibility: Eligible activities include:

- Development and redevelopment of new and existing trail and greenway systems
- Conservation and restoration of river resources, access and views
- Conversion of abandoned railways to multi-purpose trails
- Preservation of open space
- Establishment of new conservation organizations and alliances

Rivers, Trails and Conservation Assistance Program

Federal Participation: Not applicable

Period Available: FFY 05 – FFY 09

Fund: Not Applicable

Distribution Method: Advisory Services and Counseling

Type of Authority: Contract

Subject to Obligation Limitation: Not Applicable

Regulatory References:

- Wild and Scenic Rivers Act of 1968
- National Trails System Act
- Outdoor Recreation Act of 1963
- 16 U.S.C. 797-828c, 1241, 1271-1287, 4601-3 as amended
- Public Laws 88-29, 90-543

Administering Agency: US DoI - NPS

Other:

- (1) This program provides advisory services and counseling. **There are no direct grant awards.** Staff from the Rivers, Trails and Conservation Assistance program work directly with awarded applicants.
- (2) Private non-profit organizations and federal, state and local governments are eligible.
- (3) Assistance is for one (1) year and may be renewed for a second year if warranted.
- (4) The criteria for selecting program assistance proposals include:

- Initial project partners are identified and a lead project partner is designated. The lead partner may be a federal, state or local agency, Tribal government, non-profit organization or citizens' group.
- The roles and contributions of project partners are identified.
- The project has clearly stated goals and measurable results are anticipated.
- The project supports the NPS and RTCA mission and goals.
- The project protects important natural resources or enhances outdoor recreation.
- The lead project partners are committed to significant public involvement and outreach.
- The lead project partners are committed to cooperate and provide or obtain the resources necessary to implement the project.
- Evidence of broad support.

(4) Preference is given to projects that:

- Provide physical connections among resources
- Include a NPS area as a project partner
- Incorporate both resource conservation and outdoor recreation
- Partner within a health organization

Program Contact: US DoI, NPS, Rivers, Trails and Conservation Assistance Program, 1849 C Street, NW, Org. Code 2220, Washington, D.C. 20240. (202) 354-6900.

<http://www.nps.gov/ncrc/programs/rtca/index.htm>

F. INNOVATIVE FINANCE METHODS

F.1 GRANT ANTICIPATION REVENUE VEHICLE (GARVEE)

A Grant Anticipation Revenue Vehicle or GARVEE is a debt financing instrument authorized to receive Federal reimbursement of debt service and related financing costs under Section 122 of Title 23, United States Code. GARVEEs can be issued by a state, a political subdivision of a state or a public authority. States can receive federal-aid reimbursement for a wide array of debt-related costs incurred in connection with an eligible debt financing instrument, such as a bond, note certificate, mortgage or lease. Reimbursable debt-related costs include interest payments, retirement of principal and any other cost incidental to the sale of an eligible debt instrument.

In general, projects funded with the proceeds of a GARVEE debt instrument are subject to the same requirements as other federal-aid projects with the exception of the reimbursement process. Instead of reimbursing construction costs as they are incurred, the reimbursement of GARVEE project costs occurs when debt service is due. For a GARVEE, a state may request partial conversion of AC project(s) to coincide with debt service payments, allowing for effective use of obligation authority.

For more information: <http://www.fhwa.dot.gov/innovativefinance/brochure/garvee.htm>

F.2 PUBLIC PRIVATE PARTNERSHIPS (PPP)

Public-private partnerships are contractual agreements formed between a public agency and private sector entity that allow for greater private sector participation in the delivery of transportation projects.

Traditionally, private sector participation has been limited to separate planning, design or construction contracts on a fee for service basis – based on the public agency’s specifications.

Expanding the private sector role allows the public agencies to tap private sector technical, management and financial resources in new ways to achieve certain public agency objectives

such as greater cost and schedule certainty, supplementing in-house staff, innovative technology applications, specialized expertise or access to private capital. The private partner can expand its business opportunities in return for assuming the new or expanded responsibilities and risks.

For more information: <http://www.fhwa.dot.gov/ppp/defined.htm#1>

F.3 STATE INFRASTRUCTURE BANK (SIB)

A State Infrastructure Bank or SIB functions as a revolving fund. Much like a bank, it enables loans and other credit products to public and private sponsors of Title 23 highway construction projects or Title 49 transit capital projects. Federally capitalized SIBs were first authorized under the provisions of the NHS Act. The pilot program was originally available to only 10 states and was later expanded to include 38 states and Puerto Rico. TEA-21 established a new pilot program for the states of California, Florida, Missouri and Rhode Island. The initial infusion of federal and state matching funds was critical to the start-up of a SIB, but states have the opportunity to contribute additional state or local funds to enhance capitalization.

SIB assistance may include loans (at or below market rates), loan guarantees, standby lines of credit, letters of credit, certificates of participation, debt service reserve funds, bond insurance and other forms of non-grant assistance. As loans are repaid, a SIB's capital is replenished and can be used to support a new cycle of projects.

SIBs may also be structured to leverage additional resources. A "leveraged" SIB would issue bonds against its capitalization, increasing the amount of funds available for loans.

For more information: <http://www.fhwa.dot.gov/innovativefinance/brochure/credit.htm>

APPENDIX

A -1 Program Descriptions Table

A-2 Program Authorizations Table

B Case Study: Jamestown S’Klallam Tribe

C Terms and Acronyms

D State Departments of Transportation

E Summary: Safe, Accountable, Flexible, Efficient Transportation Equity Act – A
Legacy for Users (SAFETEA-LU)

F References

APPENDIX A – 1

TRIBAL TRANSPORTATION FEDERAL FUNDING RESOURCES PROGRAM DESCRIPTIONS TABLE

Funding Program		Funding Purpose	Administering Agency	Federal Share
B - Federal Lands Highway				
B.1	Emergency Relief – Federal Roads	Assistance for roads to and within federal and Indian lands, damaged by natural disaster or catastrophic failure	US DOT - FHWA	100%
B.2	Indian Reservation Roads	Indian reservation road and bridge infrastructure planning, maintenance, repair and construction	USDOT-FHWA USDOI - BIA	100%
B.3 (a) (b)	IRR and BIA Road Maintenance	Reservation road system maintenance on both the BIA and larger IRR systems.	US DOT-FHWA US DOI - BIA	100%
B.4	IRR Bridges	Indian reservation bridge planning, design, engineering, preconstruction, construction, inspection and repair	US DOT – FHWA US DOI - BIA	100%
B.5	Park Roads & Parkways	National park road planning, engineering and construction	US DOT – FLH US DOI – NPS / FWS	100%
B.6	Public Lands Highways	Indian reservation, national park and public lands roadway, parkway and transit planning, research, engineering and construction	US DOT – FHWA US DOI	100%
B.7	Refuge Roads	Maintenance and improvements to National Wildlife Refuge System roads	US DOT – FHWA US DOI - FWS	100%
C - Federal-Aid Highway				
C.1 Highway				
C.1.a	Congestion Mitigation – Air Quality Improvement	Assistance to reduce transportation related emissions in air quality non-attainment and maintenance areas	US DOT - FHWA	80% - 100%
C.1.b	Equity Bonus	Percentage of funding based on State contribution to Highway Trust Fund (Highway Account)	US DOT - FHWA	80% - 100%
C.1.c	Ferry Boat Discretionary	Ferry boat and terminal facilities construction	US DOT - FHWA	80%
C.1.d	Highway Bridge	Deficient bridge replacement, rehabilitation or retrofit	US DOT – FHWA	80% – 90%

C.1.e	Highway for LIFE Pilot	Promotion of higher-level highway construction technologies, performance standards and business practices	US DOT - FHWA	80% - 100%
C.1.f	High Priority Projects	Priority projects identified in SAFETEA-LU	US DOT - FHWA	80%
C.1.g	National Corridor Infrastructure Improvement	Highway construction in national corridors for economic growth, international and inter-regional trade	US DOT - FHWA	80% - 100%
C.1.h	National Highway System	Urban and rural road and transit improvements on the National Highway System	US DOT - FHWA	80% - 100%
C.1.i	National Scenic Byways	Scenic roadway planning, design and development.	US DOT - FHWA	80%
C.1.j	Projects of National and Regional Significance	Highway construction in corridors of national significance for economic growth, international trade or inter-regional trade	US DOT - FHWA	80%
C.1.k	Transportation, Community and System Preservation	Transportation, community and system preservation planning	US DOT - FHWA	80%
C.1.l	Truck Parking Facilities	Parking facilities for commercial vehicles on the National Highway System	US DOT - FHWA	80% - 100%
C.2 Flexible				
C.2.a	Surface Transportation Program	Highway, bridge and transit planning and safety	US DOT - FHWA	80% - 100%
C.2.b	STP - Transportation Enhancements	Multi-modal transportation system enhancements	US DOT - FHWA	80%
C.3 Non-Motorized				
C.3.a	Recreational Trails	Trail construction, restoration, rehabilitation and maintenance	US DOT - FHWA	95%
C.4 Safety				
C.4.a	Alcohol-Impaired Driving Countermeasures Incentive	Traffic safety programs to address driving-under-the-influence (DUI) issues	US DOT - NHTSA	25% - 75%
C.4.b	Child Safety-Child Booster Seat Incentive	Training and enforcement related to child restraint laws	US DOT - NHTSA	50% - 75%
C.4.c	Highway Safety Improvement	Traffic fatality and injury reduction on public roads	US DOT - FHWA	90% - 100%

C.4.d	Motorcyclist Safety	Motorcyclist safety training, public awareness and outreach	US DOT - NHTSA	100%
C.4.e	Occupant Protection Incentive	Implementation and enforcement of occupant protection programs	US DOT - NHTSA	25% - 75%
C.4.f	Safe-Route-to-School	School walk and bicycle route planning and development	US DOT - FHWA	100%
C.4.g	Safety Belt Performance	Support for enactment and enforcement of vehicle safety belt laws	US DOT - NHTSA	100%
C.4.h	State-Community Highway Safety	Reduce roadway fatalities and injury accidents	US DOT - NHTSA	80%
D - Public Transportation				
D.1	Elderly and Persons with Disabilities	Transportation service for urban and rural elderly and disabled	US DOT - FTA	80%
D.2	Rural and Small Urban Areas	Capital and operating assistance for rural public transportation services	US DOT - FTA	50% - 90%
D.3	Job Access and Reverse Commute	Transportation service for welfare recipients and low-income to suburban employment	US DOT - FTA	50% -80%
D.4	New Freedom	Public transportation service alternatives, beyond those required by the ADA	US DOT - FTA	50% - 100%
E - Other Funding Programs				
E.1	Outdoor Recreation, Acquisition, Development and Planning	Acquisition and development of outdoor recreation areas and facilities for the general public	US DOI - NPS	50%
E.22	Rivers, Trails and Conservation Assistance	Technical assistance for resource conservation and outdoor recreation	US DOT - NPS	N.A.

US DOI – United States Department of the Interior

- **BIA** – Bureau of Indian Affairs
- **FWS** – Fish and Wildlife Service
- **NPS** – National Park Service

US DOT – United States Department of Transportation

- **FHWA** – Federal Highway Administration
- **FTA** – Federal Transit Administration
- **FLH** – Federal Lands Highway
- **NHTSA** – National Highway Traffic Safety Administration

APPENDIX A – 2

TRIBAL TRANSPORTATION FEDERAL FUNDING RESOURCES PROGRAM AUTHORIZATIONS TABLE FFY 2005 – 2009 (IN MILLIONS)

Fund Source		2005	2006	2007	2008	2009	Total
B – Federal Lands Highway							
B.1	Emergency Relief – Federal Roads			<i>Funding levels determined as needed</i>			
B.2	Indian Reservation Roads (IRR)	300	330	370	410	450	1,860.0
B.3.a	IRR Maintenance			<i>Component of the larger IRR Program</i>			
B.3.b	BIA Maintenance	25.5	25.5	25.5	25.5	25.5	127.5
B.4	IRR Bridges	14	14	14	14	14	70.0
B.5	Park Roads & Parkways	180	195	210	225	240	1,050.0
B.6	Public Lands Highways	260	280	280	290	300	1,410.0
B.7	Refuge Roads	29	29	29	29	29	145.0
C – Federal – Aid Highway							
C.1 Highway Funding							
C.1.a	Congestion Mitigation – Air Quality Improvement	1,667	1,694	1,721	1,794	1,777	8,653.0
C.1.b	Equity Bonus	7,428	6,873	8,327	9,175	9,093	40,896.0
C.1.c	Ferry Boat Discretionary	38	55	60	65	67	285.0
C.1.d	Highway Bridge	4,188	4,254	4,320	4,388	4,457	21,607.0
C.1.e	Highway for LIFE Pilot	0	15	20	20	20	75.0
C.1.f	High Priority Projects	2,966	2,966	2,966	2,966	2,966	14,830.0
C.1.g	National Corridor Infrastructure Improvement	195	390	487	487	390	1,949.0
C.1.h	National Highway System	5,911	6,005	6,111	6,208	6,307	30,542.0
C.1.i	National Scenic Byways	26.5	30	35	40	43.5	175.0
C.1.j	Projects of National and Regional Significance	178	356	445	445	356	1,780.0
C.1.k	Transportation, Community and System Preservation	25	61.3	61.3	61.3	61.3	270.2
C.1.l	Truck Parking Facilities	0	6.3	6.3	6.3	6.3	25.2
C.2 Flexible Funding							
C.2.a	Surface Transportation Program	6,860	6,270	6,370	6,473	6,577	32,550.0
C.2.b	Surface Transportation Program – Transportation Enhancements			<i>Component of larger STP Program</i>			-
C.3 Non-Motorized Funding							
C.3.a	Recreational Trails	60	70	75	80	85	370.0

C.4 Safety Funding							
C.4.a	Alcohol-Impaired Driving Countermeasures Incentive	38.7	120	125	131	139	553.7
C.4.b	Child Safety – Child Booster Seat Incentive	0	6	6	6	7	25.0
C.4.c	Highway Safety Improvement	0	1,236	1,256	1,276	1,296	5,064.0
C.4.d	Motorcyclist Safety	0	6	6	6	7	25.0
C.4.e	Occupant Protection Incentive	19.8	25	25	25	25	119.8
C.4.f	Safe-Routes-to-School	54	100	125	150	183	612.0
C.4.g	Safety Belt Performance	0	124.5	124.5	124.5	124.5	498.0
C.4.h	State-Community Highway Safety	163.7	217	220	225	235	1,060.7
D – Public Transportation							
D.1	Elderly and Persons with Disabilities (Section 5310)	94.7	112	117	127	133.5	584.2
D.2	Rural Public Transportation Program (Section 5311)	250.9	388	404	438	465	1,945.9
D.3	Job Access and Reverse Commute (Section 5316)	124	138	144	156	165	727.0
D.4	New Freedom (Section 5317)	0	78	81	87.5	92.5	339.0
E – Other Funding Programs							
E.1	Outdoor Recreation, Acquisition, Development and Planning	89.7	27.9	27.9	-	-	145.5
E.2	Recreational Trail and Conservation Assistance	8.2	8.0	7.7	-	-	23.9

Notes

- (1) BIA Maintenance and IRR Bridge program authorizations are estimates.
(2) Outdoor Recreation, Acquisition, Development and Planning Program totals represent annual State apportionments.
(3) Recreational Trail and Conservation Assistance Program totals represent program obligations.

APPENDIX B: JAMESTOWN S'KLALLAM TRIBE, BLYN, WASHINGTON

Tribal Transportation Funding - Case Study

A. Overview.

Jamestown S'Klallam is a rural tribal community located on the upper Olympic Peninsula in Washington State. Without a formal reservation, its services and government are based in the village of Blyn in Clallam County. The location is remote and scenic. It is flanked by the Strait of Juan de Fuca on the north and the Olympic National Forest further south. The nearest cities are Sequim and Port Angeles, six and 17 miles west of the village. There are 574 tribal members. Over half (52 percent) reside in Clallam County. The tribe's economic properties include the *Seven Cedars Casino*.



Jamestown S'Klallam received federal recognition in 1981. A five-member Tribal Council administers its government. With an Executive Director, the Council oversees and directs a professional workforce of nearly 400. The four major units of government are *Administration and Planning, Economic Development, Health and Human Services* and *Natural Resources*.

Jamestown S'Klallam tribal lands and properties comprise 1,041 acres. Most are concentrated in the "Blyn Basin." Here, tribal land abuts Sequim Bay, which forms its north border. The south border ends abruptly on the north shoulder of US101 - a four-lane regional transportation corridor. Constrained by this and natural features such as wetlands, streams and tidal flats, the Tribe has purchased and is developing land on the south side of the US101 corridor.

B. Tribal Transportation Planning.

The Jamestown S’Klallam Tribal Council adopted an Updated Comprehensive Transportation Plan in 2003. The goal of the Plan is to enable the safe and efficient movement of people, goods and services to and from tribal lands and property. The Plan objectives are to:

- Improve and strengthen the Tribe’s transportation infrastructure
- Update the Indian Reservation Roads (IRR) inventory
- Identify a six-year transportation improvement program, which is compatible with and incorporated in federal, state, County and regional capital programs and
- Outline a twenty-year transportation program which reflects the economic, cultural and environmental values of the tribal community.

To accommodate its transportation objectives, Tribal government is actively developing on both sides of the US101 corridor. On the south side, there is a new 10,533 square foot social services building. Plans are underway for additional casino, hotel and recreational services. The Tribe’s administrative offices, community centers and new dental clinic are located on the north side.

On the north shoulder of US101 is the Tribe-constructed *Sequim Bay Scenic Pullout*. Underneath US101,

is the Tribe-constructed *Pedestrian Tunnel*, for passage to its north and south properties. On either side of US101 are two (2) public transit stops; both constructed by the Tribe.



C. US 101 Sequim Bay Scenic Pullout – Transit Shelter.

Funding Sources

- FHWA Coastal Corridor: \$138,665
- FHWA Public Lands Highway: \$135,728
- FHWA Scenic Byway – Heritage Corridor: \$171,749

The US101 Sequim Bay Scenic Pullout and Transit Shelter is a vehicular pullout on the north shoulder of US 101, adjacent and immediately west of the Jamestown S’Klallam campus. The facility offers a scenic respite for travelers on US101. It is modern and aesthetically pleasing with paved parking stalls, curbing, striping and guardrails. It contains a public transit stop for the general public, which is recessed with concrete sidewalks, benches and landscaping. Two (2) interpretive



kiosks, a hand-carved relief panel and interior totems are artistically integrated into the design.

According to Annette Nesse, Jamestown S’Klallam Director of Administration:

“The original concept was a result of our interest in developing tourism. This was prior to the construction of the *Seven Cedars Casino*. There were no pull-outs in the vicinity of the tribal campus which includes a magnificent view of Sequim Bay. So we decided to address several issues with the pull-out concept. It is a safe way to access the tribal campus from US101, a safe place to travel off US101 to view Sequim Bay and it allows travelers to access the tribal campus without clogging local roads and tribal parking.”

Planning, design and construction covered four years, from 1993 to 1996:

- Phase I involved excavation, grading, curbing, paving, striping and guardrail installation.
- Phase II involved partial construction of the rock retaining wall, completion of two (2) interpretive kiosks and installation of the recessed public bus stop with sidewalks.
- Phase III completed the rock retaining wall and installed interpretive signs, the relief panel and interior totem. The hand carved interpretive panel and totem pole provide educational

enhancement and visual effect. The interpretive signage describes local and Native American history, and the environmental biographies of surrounding estuary and wetlands.

Project Funding. The effort was funded with US DOT Federal Highway Administration Coastal Corridor, Public Lands Highway and Scenic Byway – Heritage Corridor grants. The Washington State Department of Transportation (WSDOT) provided “match” with land appraisals. The *Clallam Transit* and *Jefferson Transit* authorities participated in the design of the transit shelter and agreed to adjust their system schedules to incorporate the new stop. Several of the Jamestown S’Klallam Tribe’s industries were involved in the project.



Project Timeline.

1993: Project funding – Phase I: FHWA Coastal Corridor Grant

1994: WSDOT land appraisal as match. Facility design and engineering.

1995: Project Funding – Phase II: FHWA Public Lands Highway Grant

- Construction, clearing, grubbing, asphalt paving, striping and curbs.
- Retaining walls, sidewalks, bus shelter, informational kiosk, site electrical / lighting of bus shelter, interpretive signs, landscaping.

1996: Project Funding – Phase III: FHWA National Scenic Byways – Heritage Corridor Grant

- Large rock retaining wall, had carved totems, additional interpretive signage.

D. US101 Pedestrian Tunnel.

Funding Source

IRR Planning and Construction: \$1.4 Million

The pedestrian tunnel concept developed during planning for the Tribe's campus expansion in early 2000. According to Annette Nesse, the expansion was constrained by Sequim Bay:

"We maxed out in our ability to expand north of US101 (because of the Sequim Bay coastline) but there was enough property for development south of the freeway. It dawned on me that if we expanded south, US101 would bi-sect the campus. The question became – how do we get people back and forth? We considered several options – an overpass, a tunnel, a shuttle and just driving across. We ran those options by the local DOT and asked what was best from their perspective. It was agreed that the most aesthetic and efficient option was the tunnel concept. That's how we got started. It snow balled from there."

Construction began in 2003 at milepost 271.5. The tunnel's south ramp connects to the tribal social services building. It also connects to a new public transit stop. The north portal opens at the east end of the Sequim Bay Scenic Pullout – Transit Stop (discussed above). The tunnel has underground utilities and a drainage system.

Project Funding. The project was funded with IRR planning and construction funds authorized by the US Department of the Interior – Bureau of Indian Affairs. Much of the BIA activity was coordinated through Joe Bonga, P.E., Area Road Engineer in the BIA Northwest Region Office.



According to Bonga, the Jamestown S'Klallam had a sound proposal and presented a clear and compelling need for the facility. The project was listed in the BIA NW Region (TIP) and resulted in the award of a 638 Contract. "The Tribe was the leader" in the process, he recalled.

Bonga noted WSDOT was initially lukewarm but became a willing partner once it was explained IRR funds would be used for most of the planning, design and construction. The Tribe share would also cover planning, landscaping and aesthetic features.



According to the WSDOT Olympic Region Transportation Planning Manager, Robert “Bob” Jones, the Tribe approached his agency in 2000. He explained WSDOT did not have funds but if resources could be found, “our next question was how can we make it happen?”

Jones recalls the project was “a great experience [that] opened communications and resulted in a first class facility.” The project was listed in the Olympic Region Transportation Planning Organization (RTPO) TIP and the STIP.



Discussions within the RTPO resulted in a partnership with the Tribe, *Clallam Transit*, *Jefferson Transit* and Clallam County. Together they agreed to link the tribal projects to another federally-funded regional project - the *Olympic Discovery Trail* - developing along the County coastline. Coordinating these facilities would create a safe, uninterrupted non-motorized system, from the regional trail and scenic pullout under US101, via the tunnel, to the north and south transit stops.

Jones noted a Jamestown S’Klallam official today holds a leadership position in the Olympic Region RTPPO, chairing its policy board.

Project Timeline:

2000: Tunnel concept developed.

2001: BIA and WSDOT plan review.

Developer agreement. 638 Contract design and engineering award.

2002: 638 Contract construction award.

2003: WSDOT Air Space Lease with maintenance, rent and ownership

provisions. Pre-construction meeting. Start of construction.

2004: Project substation completed. Tunnel construction completed. Opening ceremony.



APPENDIX C: TERMS AND ACRONYMS

Allocation	An administrative distribution of funds for programs that do not have a statutory distribution formula.
Americans With Disabilities Act (ADA)	Legislation defining the responsibilities of and requirements for transportation providers to make transportation accessible to individuals with disabilities.
Annual Funding Agreement	A negotiated annual written funding agreement between a Self-Governance Indian Tribal Government (ITG) and the Secretary of the Interior, authorizing the ITG to plan, conduct, consolidate and administer programs, services, functions and activities or portions thereof previously administered by the Department of the Interior through the BIA, and other programs for which appropriations are made available for the ITG through the Secretary of the Interior from agencies other than Department of the Interior.
Apportionment	The distribution of funds as prescribed by a statutory formula.
Appropriation	Authorization of funding expenditures from Congress.
Arterial Highway	A major highway used primarily for through traffic.
Arterial Street	A class of street serving major traffic movements (high-speed, high volume) for travel between major points.
Attainment Area	An area considered to have air quality that meets or exceeds the U.S. Environmental Protection Agency (EPA) health standards used in the Clean Air Act. Nonattainment areas are areas considered not to have met these standards for designated pollutants. An area may be an attainment area for one pollutant and a nonattainment area for others.
Authorization	Basic substantive legislation or that which empowers an agency to implement a particular program and also establishes an upper limit on the amount of funds that can be appropriated for that program
Authorization Act	Basic substantive legislation that establishes or continues Federal programs or agencies and establishes an upper limit on the amount of funds for the program(s). The current authorization act for surface transportation programs is the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).
Average Annual Daily Traffic (AADT)	The total volume of traffic on a highway segment for one year, divided by the number of days in the year.
BIA Classification of Roads	An identification of specific roads or trails that take into account current and future traffic generators, and relationships to connecting or adjacent BIA, State, county, Federal, and/or local roads.
BIA Roads System	Those existing and proposed roads for which the BIA has or plans to obtain legal right(s)-of-way. This includes only roads for which the BIA has the primary responsibility to construct, improve and maintain. Any additions or deletions to this system must be supported by resolution from the Indian Tribal Government.
BIA/FHWA Memorandum of Agreement	An agreement between the BIA and the FHWA which contains mutually agreeable roles and responsibilities for the administration of the IRR and BIA Bridge programs.
Bikeway	A facility designed to accommodate bicycle travel for recreational or commuting purposes. Bikeways are not necessarily separated facilities; they may be designed and operated to be shared with other travel modes.
Bridge Management System (BMS)	A systematic process that provides, analyzes and summarizes bridge information for use in selecting and implementing cost-effective bridge construction, rehabilitation and maintenance programs.
Clean Air Act Amendments (CAAA)	The original Clean Air Act was passed in 1963, but the national air pollution control program is actually based on the 1970 version of the law. The 1990 Clean Air Act Amendments are the most far-reaching revisions of the 1970 law. The 1990 amendments made major changes in the Clean Air Act.
Code of Federal Regulations (CFR)	A compilation of the general and permanent rules of the executive departments and agencies of the Federal Government as published in the Federal Register. The code is

	divided into 50 titles that represent broad areas subject to Federal regulation.
Collector (Highway)	In rural areas, routes that serve intra-county rather than statewide travel. In urban areas, streets that provide direct access to neighborhoods and arterials.
Conformity	Process to assess the compliance of any transportation plan, program or project with air quality implementation plans. The conformity process is defined by the Clean Air Act.
Congestion Management System (CMS)	Systematic process for managing congestion. Provides information on transportation system performance and finds alternative ways to alleviate congestion and enhance the mobility of people and goods, to levels that meet state and local needs.
Congestion Mitigation & Air Quality Improvement Program (CMAQ)	A categorical federal-aid funding program created with ISTEA and continued in SAFETEA-LU. Directs funding to projects that contribute to meeting National air quality standards. CMAQ funds generally may not be used for projects that result in the construction of new capacity for SOVs (single-occupant vehicles).
Dedicated Funds	Any funds dedicated at their source (e.g., sales taxes, gasoline taxes, and property taxes), rather than through an allocation from the pool of general funds.
Department of Transportation (US DOT)	Establishes the nation's overall transportation policy. Under its umbrella there are ten administrations whose jurisdictions include highway planning, development and construction; urban mass transit; railroads; aviation; and the safety of waterways, ports, highways, and oil and gas pipelines. The Department of Transportation (US DOT) was established in October 15, 1966 by 49 U.S.C. 102 and 102 note, "to assure the coordinated, effective administration of the transportation programs of the Federal Government" and to develop "national transportation policies and programs conducive to the provision of fast, safe, efficient, and convenient transportation at the lowest cost consistent therewith."
Dial-A-Ride	Term for demand-responsive systems usually delivering door-to-door service to clients, who make request by telephone on an as-needed reservation or subscription basis.
Driving Under the Influence (DUI)	The driving or operating of any vehicle or common carrier while drunk or under the influence of liquor or narcotics.
Emergency Preparedness Plan	A comprehensive plan which identifies potential emergencies and their impact on the community, and identifies operating procedures and actions to put in place during actual emergencies.
Enhancement Activities	Activities related to a particular transportation project that 'enhance' or contribute to the existing or proposed project. Examples include facilities for pedestrians or cyclists, landscaping or other scenic beautification projects, historic preservation, control and removal of outdoor advertising, archaeological planning and research, and mitigation of water pollution due to highway runoff.
Environmental Impact Statement (EIS)	Report developed as part of the National Environmental Policy Act requirements, which details any adverse economic, social and environmental effects of a proposed transportation project for which Federal funding is being sought. Adverse effects could include air, water or noise pollution; destruction or disruption of natural resources; adverse employment effects; injurious displacement of people or businesses; or disruption of desirable community or regional growth.
Environmental Restoration	Re-establishment (including all site preparation activities) of natural habitats or other environmental resources on a site where they formerly existed or currently exist in a substantially degraded state. This can include the restitution for the loss, damage or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water of any commodity transported by a motor carrier. This also may include the on-site or offsite replacement of wetlands and other natural habitats lost through development activities.
Federal Highway Administration (FHWA)	A branch of the US DOT that administers the federal-aid highway program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges. The FHWA also administers the Federal Lands Highway Program, including survey, design and construction of forest highway system roads, parkways and park

	roads, Indian reservation roads, defense access roads and other Federal lands roads. FHWA became a component of the US DOT in 1967 pursuant to the Department of Transportation Act (49 U.S.C. app. 1651 note).
Federal Lands Highway Program (FLHP)	Provides funds to construct roads and trails within (or, in some cases, providing access to) Federal lands. There are four categories of FLHP funds: Indian Reservation Roads, Public Lands Highways, Park Roads and Parkways and Refuge Roads. Funds available to the US Forest Service may be used for forest development roads and trails. To be eligible for funding, projects must be open to the public and part of an approved Federal land management agency general management plan.
Federal Register	Daily publication which provides a uniform system for making regulations and legal notices issued by the Executive Branch and various departments of the Federal government available to the public.
Federal Transit Administration (FTA)	FTA is the principal source of federal assistance for the planning, development, and improvement of public or mass transportation systems. Formerly the Urban Mass Transportation Administration, FTA operates under the authority of the Federal Transit Act, as amended. The Act was repealed in 1994 and re-enacted as Chapter 53 of Title 49. FTA became a component of the US DOT on July 1, 1968. Its mission is to a) assist in the development of mass transportation facilities, equipment, techniques and methods, with the cooperation of public and private mass transportation companies, b) encourage the planning and establishment of area-wide urban mass transportation systems for economic and urban development, c) provide assistance to State and local governments and their instrumentalities in financing such systems and d) provide financial assistance to help implement national goals relating to mobility for elderly persons, persons with disabilities and economically disadvantaged persons.
Federal-aid Highway Program (FAHP)	An umbrella term for most of the Federal programs providing highway funds to the States. This is not a term defined in law. As used in this document, FAHP is comprised of programs administered by FHWA.
Ferry Boat	A boat providing fixed-route service across a body of water.
Financial Capacity	Refers to the ISTEA and SAFETEA-LU requirement that an adequate financial plan for funding and sustaining transportation improvements be in place prior to programming federally-funded projects. Generally refers to the stability and reliability of revenue in meeting proposed costs.
Financial Element	Financial information and documentation within a transportation plan or program (STIP, TIP or TTIP). The information pertains to implementing the transportation plan and may include revenue projections, revenue shortfalls, project costs and funding strategies.
Financial Plan	Documentation required to be included with a metropolitan transportation plan and TIP that demonstrates consistency between reasonably available and projected sources for federal, State, local and private revenues and the costs of implementing proposed transportation system improvements. This is optional for the long-range statewide transportation plan and STIP.
Financial Planning	The process of defining and evaluating funding sources, sharing the information and deciding how to allocate the funds.
Fiscal Constraint	The TIP or STIP includes sufficient financial information for demonstrating its projects can be implemented using committed, available or reasonably available revenue sources. This applies to each program year. Projects in air quality nonattainment and maintenance areas may be included in the first two years of the TIP or STIP only if funds are “available” or “committed.”
Fiscal Year – Federal (FFY)	The yearly accounting period beginning October 1 and ending September 30 of the subsequent calendar year. Fiscal years are denoted by the calendar year in which they end (e.g. FFY 1991 began October 1, 1990 and ended September 30, 1991).
Freeway	A divided arterial highway designed for the unimpeded flow of large traffic volumes. Access to a freeway is rigorously controlled and intersection grade separations are

	required.
Geographic Information System (GIS)	A system of hardware, software and data for collecting, storing, analyzing and disseminating information about areas of the Earth. For Highway Performance Monitoring System (HPMS) purposes, GIS is defined as a highway network (spatial data which graphically represents the geometry of the highways, an electronic map) and its geographically referenced component attributes (HPMS section data, bridge data, and other data including socioeconomic data) that are integrated through GIS technology to perform analyses. From this, GIS can display attributes and analyze results electronically in map form.
Goals	Generalized statements which broadly relate the physical environment to values.
Grants	A federal financial assistance award making payment in cash or in kind for a specified purpose. The term "grants-in-aid" is commonly restricted to grants to states and local governments.
High Occupancy Vehicle Lane	Exclusive road or traffic lane limited to buses, vanpools, carpools and emergency vehicles.
Highway	Any road, street, parkway or freeway/expressway that includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrail and protective structures in connection with highways. The highway further includes that portion of any interstate or international bridge or tunnel and the approaches thereto (23 U.S.C. 101a).
Highway Bridge Replacement and Rehabilitation Program (HBRRP)	Established under 23 U.S.C., Section 144, to enable the several states to replace and rehabilitate highway bridges when it is determined that the bridge is unsafe because of structural deficiencies, physical deterioration or functional obsolescence.
Highway Trust Fund (HTF)	An account established by law to hold Federal highway user taxes that are dedicated for highway and transit related purposes. The HTF has two accounts: the Highway Account and the Mass Transit Account.
Highway-Rail Grade Crossing (Rail)	A location where one or more railroad tracks are crossed by a public highway, road, street or a private roadway at grade, including sidewalks and pathways at or associated with the crossing.
Highway-User Tax	A charge levied on persons or organizations based on their use of public roads. Funds collected are usually applied toward highway construction, reconstruction and maintenance.
Historic Preservation	Protection and treatment of the Nation's significant historic buildings, landmarks, landscapes, battlefields, tribal communities and archeological sites; prominent federally-owned buildings; and State and privately-owned properties.
Indian Lands	Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, group, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.
Indian Reservation Roads (IRR)	Public roads that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, group, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians. Roads on the BIA Road System are also IRR roads.
Indian Tribal Government (ITG)	Duly formed governing body of an Indian Tribe.
Indian Tribe	Any Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

Infrastructure	1) In transportation planning, all the relevant elements of the environment in which a transportation system operates. 2) A term connoting the physical underpinnings of society at large including, but not limited to, roads, bridges, transit, waste systems, public housing, sidewalks, utility installations, parks, public buildings and communications networks.
Intelligent Transportation Systems (ITS)	The application of advanced technologies to improve the efficiency and safety of transportation systems.
Intermodal	The ability to connect, and the connections between, modes of transportation.
Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)	Legislative initiative by the U.S. Congress that restructured funding for transportation programs. ISTEA authorized increased levels of highway and transportation funding from FY92-97 and increased the role of regional planning commissions/MPOs in funding decisions. The Act also required comprehensive regional and Statewide long-term transportation plans with an increased emphasis on public participation and transportation alternatives.
Interstate Highway	Limited access, divided highway of at least four lanes designated by the FHWA as part of the Interstate System.
Interstate Highway System (IHS)	The system of highways that connects the principal metropolitan areas, cities and industrial centers of the United States. Also connects the US to internationally significant routes in Canada and Mexico.
Intrastate	Travel within the same state.
IRR Inventory	An inventory of roads which meet the following criteria: a) public roads strictly within reservation boundaries, b) public roads that provide access to lands, to groups, villages, and communities in which the majority of residences are Indian, c) public roads that serve Indian lands not within reservation boundaries and d) public roads that serve recognized Indian groups, villages and isolated communities not located within a reservation.
IRR Road/Bridge Inventory	An inventory of BIA owned IRR roads and bridges.
IRR TIP	A multi-year listing of road improvement projects programmed for construction by a BIA area office, with IRR Program funds, for the next 3-5 years. A separate IRR TIP is prepared for each State within the area office's jurisdiction.
IRR Transportation Planning Funds	Funds provided under 23 U.S.C., Section 204 (j), for transportation planning by Indian Tribal Governments.
Level of Service (LOS)	1) A qualitative assessment of a road's operating conditions. For local government comprehensive planning purposes, level of service means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service indicates the capacity per unit of demand for each public facility. 2) This term refers to a standard measurement used by transportation officials which reflects the relative ease of traffic flow on a scale of A to F, with free-flow being rated LOS-A and congested conditions rated as LOS-F.
Limitation on Obligations	Any action or inaction by an officer or employee of the United States that limits the amount of Federal assistance that may be obligated during a specified time period. A limitation on obligations does not affect the scheduled apportionment or allocation of funds; it just controls the rate at which these funds may be used.
Local Street	A street intended solely for access to adjacent properties.
Long Range Transportation Plan (LRTP)	A document resulting from regional or statewide collaboration and consensus on a region or state's transportation system, and serving as the defining vision for the region's or state's transportation systems and services. In metropolitan areas, the plan indicates all of the transportation improvements scheduled for funding over the next 20 years.
Management Systems	(1) Systems to improve identification of problems and opportunities throughout the entire surface transportation network, and to evaluate and prioritize alternative strategies, actions and solutions. (2) A systematic process, designed to assist decision makers in

	selecting cost-effective strategies/actions to improve the efficiency and safety of, and protect the investment in, the Nation's transportation infrastructure.
Metropolitan Planning Organization (MPO)	1) Regional policy body, required in urbanized areas with populations over 50,000, and designated by local officials and the governor of the state. Responsible in cooperation with the state and other transportation providers for carrying out the metropolitan transportation planning requirements of federal highway and transit legislation. 2) Formed in cooperation with the state, develops transportation plans and programs for the metropolitan area. For each urbanized area, a Metropolitan Planning Organization (MPO) must be designated by agreement between the Governor and local units of government representing 75% of the affected population (in the metropolitan area), including the central cities or cities as defined by the Bureau of the Census, or in accordance with procedures established by applicable State or local law.
Minor Arterials (Highway)	Roads linking cities and larger towns in rural areas. In urban areas, roads that link but do not penetrate neighborhoods within a community.
Mode	A specific form of transportation, such as automobile, subway, bus, rail or air.
Motorcycle	A two- or three-wheeled motor vehicle designed to transport one or two people, including motor scooters, minibikes and mopeds.
Motorized Vehicle	All vehicles that are licensed for highway driving. Specifically excluded are snow mobiles and minibikes.
Multimodal Transportation	Often used as a synonym for intermodalism. Congress and others frequently use the term intermodalism in its broadest interpretation as a synonym for multimodal transportation. Most precisely, multimodal transportation covers all modes without necessarily including a holistic or integrated approach.
National Highway System (NHS)	This system of highways designated and approved in accordance with the provisions of 23 U.S.C. 103(b). (23CFR500)
National Highway Traffic Safety Administration (NHTSA)	The NHTSA was established by the Highway Safety Act of 1970 (23 U.S.C. 401 note) to 1) carry out a congressional mandate to reduce the number of deaths, injuries and economic losses resulting from motor vehicle crashes on the Nation's highways, 2) provide motor vehicle damage susceptibility and ease of repair information, motor vehicle inspection demonstrations and protection of purchasers of motor vehicles having altered odometers and 3) provide average standards for greater vehicle mileage per gallon of fuel for vehicles under 10,000 pounds (gross vehicle weight).
National Scenic Byways Program (NSBP)	Designates roads that have outstanding scenic, historic, cultural, natural, recreational and archaeological qualities as All-American Roads or National Scenic Byways and provides grants for scenic byway projects.
National Trails System (NTS)	The network of scenic, historic and recreation trails created by the National Trails System Act of 1968. These trails provide for outdoor recreation needs, promote the enjoyment, appreciation and preservation of open-air, outdoor areas and historic resources and encourage public access and citizen involvement.
Nonattainment Area (NAA)	Any geographic area that has not met the requirements for clean air as set out in the Clean Air Act of 1990.
Notice of Funding Availability	Written notice to the respective area tribes that the BIA area office has received contractible program funds.
Objectives	Specific, measurable statements related to the attainment of goals.
Obligation	The Federal government's legal commitment (promise) to pay or reimburse the States or other entities for the Federal share of a project's eligible costs.
Obligation Limitation	A restriction or "ceiling" on the amount of Federal assistance that may be promised (obligated) during a specified time period. This is a statutory budgetary control that does not affect the apportionment or allocation of funds. Rather, it controls the rate at which these funds may be used.
Other Freeways And Expressways (Highway)	All urban principal arterials with limited access but not part of the Interstate system.

Other Principal Arterials (Highway)	Major streets or highways, many of multi-lane or freeway design, serving high-volume traffic corridor movements that connect major generators of travel.
P.L. 93-638 - Indian Self-Determination and Education Assistance Act, as amended	The response by Congress, in recognition of the unique obligation of the United States, to the strong expression of the Indian people for self-determination, assuring maximum Indian participation in the direction of education as well as other Federal services for Indian communities so as to render such programs and services more responsive to the needs and desires of Indian communities.
Paratransit	A variety of smaller, often flexibly scheduled-and-routed transportation services using low-capacity vehicles, such as vans, to operate within normal urban transit corridors or rural areas. These services usually serve the needs of persons that standard mass-transit services would serve with difficulty or not at all. Often, the patrons include the elderly and persons with disabilities.
Park	A place or area set aside for recreation or preservation of a cultural or natural resource.
Parkway	A highway that has full or partial access control, is usually located within a park or a ribbon of park-like developments and prohibits commercial vehicles. Buses are not considered commercial vehicles in this case.
Particulate Matter (PM10 and PM2.5)	Particulate matter consists of airborne solid particles and liquid droplets. It may be in the form of fly ash, soot, dust, fog and fumes. The particles are classified as "coarse" if smaller than 10 microns or "fine" if smaller than 2.5 microns. Coarse particles are produced in grinding operations or from the disturbance of dust by natural air turbulence, such as wind. Fine particles are by-products of fossil fuel combustion such as diesel and bus engines. They may travel to the lungs and are linked to respiratory ailments such as asthma and chronic bronchitis. Exposure may aggravate other medical conditions such as heart disease and emphysema and may cause premature death. Particulate matter contributes to diminished visibility and particle deposition (soiling).
Pavement Management System	A systematic process that provides, analyzes and summarizes pavement information for use in selecting and implementing cost-effective pavement construction, rehabilitation and maintenance programs. Pavement includes all road surface types including paved, gravel, improved or unimproved earth.
Pedestrian	Any person not in or on a motor vehicle or other vehicle.
Pedestrian Walkway	A continuous way designated for pedestrians and separated from motor vehicular through lanes by space or barrier.
Performance Measures	Indicators of how well the transportation system is performing, such as average speed, reliability of travel and accident rates. Used as factors in the decision making process.
Problem Identification	An element in the planning process which represents the gap between the desired vision, goals and objectives and the current or projected performance of the system.
Program Development	An element in the planning process in which improvements are formalized in the transportation improvement program and provide detailed strategies.
Programming	Prioritizing proposed projects and matching those projects with available funds to accomplish agreed upon and stated needs.
Public Authority	A federal, State, county, town or township, Indian tribe, municipal or other local government or instrumentality thereof, with authority to finance, build, operate or maintain highway facilities, either as toll or toll- free facilities.
Public Transit Agencies	A public entity responsible for administering and managing transit activities and services. Public transit agencies can directly operate transit service or contract out for all or part of the total transit service provided.
Public Transportation	Transportation by bus, rail or other conveyance, either publicly or privately owned, which provides to the public general service on a regular and continuing basis. Also known as "mass transportation", "mass transit" and "transit."
Public Road	Any road under the jurisdiction of and maintained by a public authority (federal, state, county, town or township, local government, or instrumentality thereof) and open to public travel.

Recreational Trails Program (RTP)	Provides funds to the States to develop and maintain recreational trails and trail-related facilities for motorized and non-motorized recreational trail uses.
Regionally Significant Project	A project on a transportation facility which serves regional transportation needs.
Relative Need Formula	An allocation formula used by the BIA to distribute construction funds to the 12 BIA area offices.
Right of Way	The land (usually a strip) acquired for or devoted to highway transportation purposes.
Rural Highway	Any highway, road or street that is not an urban highway.
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)	Authorized in 2005, SAFETEA-LU authorizes funding for federal transportation investments for federal fiscal years 2005 – 2009. Approximately \$244.1 billion is authorized for highway, highway safety, public transportation and other surface transportation programs. It represents the largest surface transportation investment in the Nation's history.
Safety Management System	A systematic process that has the goal of reducing the number and severity of transportation related accidents by ensuring all opportunities to improve safety are identified, considered and implemented as appropriate.
State	As defined in chapter 1 of Title 23 of the United States Code, any of the 50 States, comprising the United States, plus the District of Columbia and the Commonwealth of Puerto Rico. However, for some purposes (e.g., highway safety programs under 23 U.S.C. 402), the term may also include the Territories (the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands) and the Secretary of the Interior (for Indian Reservations).
State Infrastructure Bank (SIB)	A revolving fund mechanism for financing a variety of highway and transit projects through loans and credit enhancement. SIBs are designed to complement traditional Federal-aid highway and transit grants by providing States increased flexibility for financing infrastructure investments.
State Transportation Agency	The State highway department, transportation department or other State transportation agency to which Federal-aid highway funds are apportioned.
State Transportation Improvement Program (STIP)	A staged, multi-year, statewide, intermodal program of transportation projects, consistent with the statewide transportation plan and planning processes as well as metropolitan plans, TIPs and processes.
Statewide Comprehensive Outdoor Recreation Plan (SCORP)	A statewide recreation plan required by the Land and Water Conservation Fund Act of 1965. Addresses the demand for and supply of recreation resources within a State, identifies needs and new opportunities for recreation improvements and sets forth an implementation program to meet the goals identified by its citizens and elected leaders.
Statewide Transportation Plan	The official statewide intermodal transportation plan that is developed through the statewide transportation planning process.
Sub-Allocation	An administrative distribution of funds from BIA Central Office down to the BIA area.
Surface Transportation Program (STP)	Federal-aid highway funding program that funds a broad range of surface transportation capital needs including many roads, transit, sea and airport access, vanpool, bike and pedestrian facilities.
Transportation Conformity	Process to assess the compliance of any transportation plan, program or project with air quality implementation plans. The conformity process is defined by the Clean Air Act.
Transportation Control Measures (TCM)	Transportation strategies that affect traffic patterns or reduce vehicle use to reduce air pollutant emissions. These may include HOV lanes, provision of bicycle facilities, ridesharing and telecommuting. Such actions may be included in a SIP if needed to demonstrate attainment of the NAAQS.
Transportation Demand Management (TDM)	Programs designed to reduce demand for transportation through various means such as the use of transit and of alternative work hours.
Transportation Enhancement Activities (TE)	Activities for safe bicycle and pedestrian facilities, scenic routes, beautification, restoring historic buildings, renovating streetscapes or providing transportation museums and visitors centers.

Transportation Equity Act for the 21st Century (TEA-21)	Authorized in 1998, TEA-21 authorized federal funding for transportation investment for fiscal years 1998-2003. Approximately \$217 billion in funding was authorized, which was used for highway, transit and other surface transportation programs.
Transportation Improvement Program (TIP)	A document prepared by a metropolitan planning organization that lists projects to be funded with FHWA/FTA funds for the next one-to-three-year period.
Tribal Lands	Land held in trust for Indian people, restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, and fee lands owned by tribal governments.
Tribal Priority List	A list of transportation projects which the Indian Tribal Government considers a high priority.
Tribal TIP	A multi-year, financially constrained, list of proposed transportation projects to be implemented within or providing access to Indian country during the next 3-5 years. It is developed from the tribal priority list.
United States (US) Territories	Samoa, Guam, the Northern Marianas, Puerto Rico and the Virgin Islands.
United States Code	A consolidation and codification of all general and permanent laws of the U.S.
Urban Highway	Any road or street within the boundaries of an urban area.
Urbanized Area	Area that contains a city of 50,000 or more population plus incorporated surrounding areas meeting size or density criteria as defined by the U.S. Census.
Vehicle Miles of Travel (VMT)	The number of miles traveled nationally by vehicles for a period of 1 year. VMT is either calculated using 2 odometer readings or, for vehicles with less than 2 odometer readings, imputed using a regression estimate.

APPENDIX D: STATE DEPARTMENTS OF TRANSPORTATION

Alabama Department of Transportation

1409 Coliseum Blvd. - P.O. Box 303050
Montgomery, AL 36130-3050
(334) 242-6311
(334) 262-8041 Fax
Web Site: <http://www.dot.state.al.us>

Alaska Department of Transportation & Public Facilities

3132 Channel Drive
Juneau, AK 99811-2500
(907) 465-3900
(907) 586-8365 Fax
Web Site: <http://www.dot.state.ak.us>

Arizona Department of Transportation

206 S. 17th Avenue
Phoenix, AZ 85007
(602) 712-7011
(602) 712-6941 Fax
Web Site: <http://www.dot.state.az.us>

Arkansas Department of Transportation

10324 Interstate 30 - P.O. Box 2261
Little Rock, AR 72203-2261
(501) 569-2211
(501) 569-2400 Fax
Web Site: <http://www.arkansashighways.com/>

California Department of Transportation

1120 N Street - P.O. Box 942673
Sacramento, CA 94273-0001
(916) 654-5267
(916) 654-6608 Fax
Web Site: <http://www.dot.ca.gov>

Colorado Department of Transportation

4201 E. Arkansas Avenue
Denver, CO 80222
(303) 757-9201
(303) 757-9656 Fax
Web Site: <http://www.dot.state.co.us>

Connecticut Department of Transportation

2800 Berlin Turnpike - P.O. Box 317546
Newington, CT 06131-7546
(860) 594-3000
(860) 594-3008 Fax
Web Site: <http://www.ct.gov/dot>

Delaware Department of Transportation

800 Bay Road, Route 113 - P.O. Box 778

Dover, DE 19903-0778
(302) 760-2303
(302) 739-4329 Fax
Web Site: <http://www.deldot.gov/>

District of Columbia Department of Transportation

2000 14th Street, N.W., 6th Floor
Washington, DC 20004
(202) 673-6813
(202) 671-0127 Fax
Web Site: <http://ddot.dc.gov/main.shtm>

Florida Department of Transportation

605 Suwannee Street
Tallahassee, FL 32399-0450
(850) 414-5200
(850) 414-5201 Fax
Web Site: <http://www.dot.state.fl.us>

Georgia Department of Transportation

#2 Capitol Square, S.W.
Atlanta, GA 30334-1002
(404) 656-5206
(404) 657-8389 Fax
Web Site: <http://www.dot.state.ga.us>

Hawaii Department of Transportation

869 Punchbowl Street
Honolulu, HI 96813-5097
(808) 587-2150
(808) 587-2167 Fax
Web Site: <http://www.state.hi.us/dot/>

Idaho Transportation Department

3311 W. State Street - P.O. Box 7129
Boise, ID 83707
(208) 334-8807
(208) 334-3858 Fax
Web Site: <http://itd.idaho.gov>

Illinois Department of Transportation

2300 S. Dirksen Parkway
Springfield, IL 62764
(217) 782-5597
(217) 782-6828 Fax
Web Site: <http://dot.state.il.us>

Indiana Department of Transportation

Indiana Government Center North
100 N. Senate Avenue, Room N758
Indianapolis, IN 46204-2249
(317) 232-5525
(317) 232-0238 Fax
Web Site: <http://www.indot.in.gov/>

Iowa Department of Transportation

800 Lincoln Way
Ames, IA 50010
(515) 239-1111
(515) 239-1120 Fax
Web Site: <http://www.state.ia.us/government/dot>

Kansas Department of Transportation

Eisenhower State Office Building
700 Harrison
Topeka, KS 66603-3754
(785) 296-3461
(785) 296-1095 Fax
Web Site: <http://www.ksdot.org>

Kentucky Transportation Cabinet

Kentucky Transportation Cabinet Building
200 Mero Street
Frankfort, KY 40622
(502) 564-4890
(502) 564-4809 Fax
Web Site: <http://www.kytc.state.ky.us/>

Louisiana Department of Transportation and Development

1201 Capitol Access Rd. - P.O. Box 94245
Baton Rouge, LA 70804-9245
(225) 379-1200
(225) 379-1851 Fax
Web Site: <http://www.dotd.state.la.us/>

Maine Department of Transportation

Transportation Building
State House Station 16
Augusta, ME 04333-0016
(207) 624-3000
(207) 624-3001 Fax
Web Site: <http://www.state.me.us/mdot>

Maryland Department of Transportation

P.O. Box 548 - 7201 Corporate Center Drive
Hanover, MD 21076
(410) 865-1000
(410) 865-1334 Fax
Web Site: <http://www.mdot.state.md.us/>

Massachusetts Highway Department

10 Park Plaza, Suite 3510
Boston MA 02116-3973
(617) 973-7811
(617) 973-8040 Fax
Web Site: <http://www.mhd.state.ma.us/>

Michigan Department of Transportation

Murray D. Van Wagoner Building

425 West Ottawa St. - P.O. Box 30050
Lansing, MI 48933
(517) 373-2114
(517) 373-8841 Fax
Web Site: <http://www.mdot.state.mi.us>

Minnesota Department of Transportation

Transportation Building
395 John Ireland Boulevard
St. Paul, MN 55155
(651) 366-4800
(651) 366-4795 Fax
Web Site: <http://www.dot.state.mn.us/>

Mississippi Department of Transportation

401 North West Street - P.O. Box 1850
Jackson, MS 39215-1850
(601) 359-7001
(601) 359-7050 Fax
Web Site: <http://www.mdot.state.ms.us>

Missouri Department of Transportation

105 West Capitol Avenue - P.O. Box 270
Jefferson City, MO 65102
(573) 751-4622
(573) 751-6555 Fax
Web Site: <http://www.modot.org/>

Montana Department of Transportation

2701 Prospect Avenue
Helena, MT 59620-1001
(406) 444-6201
(406) 444-7643 Fax
Web Site: <http://www.mdt.mt.gov>

Nebraska Department of Roads

1500 Nebraska Highway 2 - P.O. Box 94759
Lincoln, NE 68009-4759
(402) 479-4615
(402) 479-4325 Fax
Web Site: <http://www.dor.state.ne.us>

Nevada Department of Transportation

1263 S. Stewart Street
Carson City, NV 89712
(775) 888-7440
(775) 888-7201 Fax
Web Site: <http://www.nevadadot.com/>

New Hampshire Department of Transportation

John O. Morton Building
7 Hazen Drive - P.O. Box 483
Concord, NH 03301-0483
(603) 271-3734

(603) 271-3914 Fax

Web Site: <http://www.nh.gov/dot>

New Jersey Department of Transportation

1035 Parkway Avenue - P.O. Box 600

Trenton, NJ 08625

(609) 530-3536

(609) 530-3894 Fax

Web Site: <http://www.state.nj.us/transportation>

New Mexico Department of Transportation

Joe M. Anaya Building

1120 Cerrillos Road - P.O. Box 1149

Santa Fe, NM 87504-1149

(505) 827-5110

(505) 827-5469 Fax

Web Site: <http://www.nmshtd.state.nm.us>

New York Department of Transportation

50 Wolf Road

Albany, NY 12232

(518) 457-4422

(518) 457-4190 Fax

Web Site: <https://www.nysdot.gov>

North Carolina Department of Transportation

1507 Mail Service Center - 1 S. Wilmington Street

Raleigh, NC 27699-5207

(919) 733-2520

(919) 733-9150 Fax

Web Site: <http://www.dot.state.nc.us/>

North Dakota Department of Transportation

608 E. Boulevard Avenue

Bismarck, ND 58505-0700

(701) 328-2581

(701) 328-1420 Fax

Web Site: <http://www.dot.nd.gov/>

Ohio Department of Transportation

1980 West Broad Street

Columbus, OH 43223

(614) 466-2335

(614) 466-0587 Fax

Web Site: <http://www.dot.state.oh.us>

Oklahoma Department of Transportation

200 N.E. 21st Street

Oklahoma City, OK 73105

(405) 521-2631

(405) 521-2093 Fax

Web Site: <http://www.okladot.state.ok.us/>

Oregon Department of Transportation

355 Capitol Street, N.E.
Salem, OR 97301-3871
(503) 986-3289
(503) 986-3432 Fax
Web Site: <http://www.odot.state.or.us/>

Pennsylvania Department of Transportation

Keystone Building - 400 North Street
Harrisburg, PA 17120-0095
(717) 787-5574
(717) 787-5491 Fax
Web Site: <http://www.dot.state.pa.us/>

Puerto Rico Department of Transportation and Public Works

P.O. Box 41269 - Minillas Station
San Juan, PR 00940-2007
(787) 722-2929
(787) 728-8963 Fax
Web site: <http://www.dtop.gov.pr>

Rhode Island Department of Transportation

State Office Building - 2 Capitol Hill
Providence, RI 02903-1124
(401) 222-2481
(401) 222-2086 Fax
Web Site: <http://www.dot.ri.gov/>

South Carolina Department of Transportation

Silas N. Pearman Building
955 Park Street
Columbia, SC 29201-3959
(803) 737-2314
(803) 737-2038 Fax
Web Site: <http://www.scdot.org>

South Dakota Department of Transportation

700 East Broadway Avenue
Pierre, SD 57501-2586
(605) 773-3265
(605) 773-3921 Fax
Web Site: <http://www.sddot.com/>

Tennessee Department of Transportation

700 James K. Polk Building
505 Deaderick St.
Nashville, TN 37243-0349
(615) 741-2848
(615) 741-2508 Fax
Web Site: <http://www.tennessee.gov/tdot>

Texas Department of Transportation

Dewitt C. Greer Highway Building
125 E. 11th St.

Austin, TX 78701-2483
(512) 305-9501
(512) 305-9567 Fax
Web Site: <http://www.dot.state.tx.us>

Utah Department of Transportation
4501 S. 2700 West
Salt Lake City, UT 84119
(801) 965-4000
(801) 965-4338 Fax
Web Site: <http://www.sr.ex.state.ut.us>

Vermont Agency of Transportation
One National Life Drive
Montpelier, VT 05633-5001
(802) 828-2657
(802) 828-3522
Web Site: <http://www.aot.state.vt.us>

Virginia Department of Transportation
1111 E. Broad Street, Suite 3054
Richmond, VA 23219
(804) 786-2801
(804) 786-2940 Fax
Web Site: <http://www.virginiadot.org>

Washington State Department of Transportation
310 Maple Park Ave., SE - P.O. Box 47315
Olympia, WA 98504-7315
(360) 705-7054
(360) 705-6888 Fax
Web Site: <http://www.wsdot.wa.gov>

West Virginia Department of Transportation
1900 Kanawha Boulevard, E. - Building 5
Charleston, WV 25305-0440
(304) 558-3505
(304) 558-1004 Fax
Web Site: <http://www.wvdot.com>

Wisconsin Department of Transportation
4802 Sheboygan Avenue - P.O. Box 7910
Madison, WI 53707-7910
(608) 266-1114
(608) 266-9912 Fax
Web Site: <http://www.dot.state.wi.us>

Wyoming Department of Transportation
5300 Bishop Boulevard
Cheyenne, WY 82009-3340
(307) 777-4484
(307) 777-4163 Fax
Web Site: <http://dot.state.wy.us>

APPENDIX E: SUMMARY OF SAFETEA-LU (PUBLIC LAW 109-59)

Federal Highway Administration Office of Legislation and Intergovernmental Affairs

On August 10, 2005, the President signed into law the **Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users** (SAFETEA-LU). With guaranteed funding for highways, highway safety, and public transportation totaling \$244.1 billion, SAFETEA-LU represents the largest surface transportation investment in our Nation's history. The two landmark bills that brought surface transportation into the 21st century—the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for the 21st Century (TEA-21)—shaped the highway program to meet the Nation's changing transportation needs. SAFETEA-LU builds on this firm foundation, supplying the funds and refining the programmatic framework for investments needed to maintain and grow our vital transportation infrastructure.

SAFETEA-LU addresses the many challenges facing our transportation system today – challenges such as improving safety, reducing traffic congestion, improving efficiency in freight movement, increasing intermodal connectivity, and protecting the environment – as well as laying the groundwork for addressing future challenges. SAFETEA-LU promotes more efficient and effective Federal surface transportation programs by focusing on transportation issues of national significance, while giving State and local transportation decision makers more flexibility for solving transportation problems in their communities.

SAFETEA-LU continues a strong fundamental core formula program emphasis coupled with targeted investment, featuring:

Safety – SAFETEA-LU establishes a new core Highway Safety Improvement Program that is structured and funded to make significant progress in reducing highway fatalities. It creates a positive agenda for increased safety on our highways by almost doubling the funds for infrastructure safety and requiring strategic highway safety planning, focusing on results. Other programs target specific areas of concern, such as work zones, older drivers, and pedestrians, including children walking to school, further reflect SAFETEA-LU's focus on safety.

Equity –The new Equity Bonus Program has three features – one tied to Highway Trust Fund contributions and two that are independent. First, building on TEA-21's Minimum Guarantee concept, the Equity Bonus program ensures that each State's return on its share of contributions to the Highway Trust Fund (in the form of gas and other highway taxes) is at least 90.5 percent in 2005 building toward a minimum 92 percent relative rate of return by 2008. In addition, every State is guaranteed a specified rate of growth over its average annual TEA-21 funding level, regardless of its Trust Fund contributions. Selected States are guaranteed a share of apportionments and High Priority Projects not less than the State's average annual share under TEA-21.

Innovative finance – SAFETEA-LU makes it easier and more attractive for the private sector to participate in highway infrastructure projects, bringing new ideas and resources to the table. Innovative changes such as eligibility for private activity bonds, additional flexibility to use tolling to finance infrastructure improvements, and broader TIFIA and SIB loan policies, will all stimulate needed private investment.

Congestion Relief --Tackling one of the most difficult transportation issues facing us today – congestion – SAFETEA-LU gives States more flexibility to use road pricing to manage congestion, and promotes real-time traffic management in all States to help improve transportation security and provide better information to travelers and emergency responders.

Mobility & Productivity – SAFETEA-LU provides a substantial investment in core Federal-aid programs, as well as programs to improve interregional and international transportation, address regional needs, and fund critical high-cost transportation infrastructure projects of national and regional significance. Improved freight transportation is addressed in a number of planning, financing, and infrastructure improvement provisions throughout the Act.

Efficiency – The Highways for LIFE pilot program in SAFETEA-LU will advance longer-lasting highways using innovative technologies and practices to speed up the construction of efficient and safe highways and bridges.

Environmental Stewardship – SAFETEA-LU retains and increases funding for environmental programs of TEA-21, and adds new programs focused on the environment, including a pilot program for non-motorized transportation and Safe Routes to School. SAFETEA-LU also includes significant new environmental requirements for the Statewide and Metropolitan Planning process.

Environmental Streamlining – SAFETEA-LU incorporates changes aimed at improving and streamlining the environmental process for transportation projects. These changes, however, come with some additional steps and requirements on transportation agencies. The provisions include a new environmental review process for highways, transit, and multimodal projects, with increased authority for transportation agencies, but also increased responsibilities (e.g., a new category of "participating agencies" and notice and comment related to defining project purpose and need and determining the alternatives). A 180-day statute of limitations is added for litigation, but it is pegged to publication of environmental actions in the Federal Register, which will require additional notices. Limited changes are made to Section 4(f). There are several delegations of authority to States, including delegation of Categorical Exclusions for all states, as well as a 5-state delegation of the USDOT environmental review authority under NEPA and other environmental laws. The air quality conformity process is improved with changes in the frequency of conformity determinations and conformity horizons.

Investment

Authorizations and Guaranteed Spending Levels

SAFETEA-LU continues the TEA-21 concept of guaranteed funding, keyed to Highway Trust Fund (Highway Account) receipts. In essence, the guaranteed amount is a floor -- it defines the **least** amount of the authorizations that may be spent. Federal-aid Highway program (FAHP) authorizations in SAFETEA-LU total \$193.1 billion (net of an \$8.5 billion rescission scheduled for September 30, 2009). Adding in the \$100 million per year authorized in title 23 for Emergency Relief, authorizations for the FAHP total \$193.6 billion. Within total authorizations, the amount guaranteed for the FAHP is estimated to be \$193.2 billion.

If overall discretionary budget caps were in place (not so at the time of enactment of SAFETEA-LU), highway and highway safety programs would be protected by a "firewall" from having to compete with other discretionary programs for room within those caps. The highway category firewall is established based on assumptions about future receipts to the Highway Account of the Highway Trust Fund. Beginning with FY 2007, when newer projections of receipts and actual receipts become available, the highway category firewall is adjusted accordingly. To smooth out the effects of any adjustments, the

calculated adjustment will be split over two years. When the firewall is adjusted, equal adjustments are made to highway contract authority (called Revenue Aligned Budget Authority) and the Federal-aid highway obligation limitation.

Revenue Aligned Budget Authority (RABA)

Beginning in FY 2007, authorizations for Federal-aid highway and highway safety construction programs funded from the Highway Account of the Highway Trust Fund and the Motor Carrier Safety Assistance Program (MCSAP) will be adjusted whenever the highway firewall amount is adjusted to reflect changed estimates of Highway Account receipts. The additional authorizations are called RABA because they serve to align budget authority with the revised revenue. The adjustments to authorizations will be made in the same amounts and in the same years as the adjustments to the firewalls

If the adjustment is an increase, a portion of the increase in authorizations is reserved for the Federal-aid highway and highway safety construction programs allocated by the Secretary of Transportation—programs that are not apportioned by statutory formula—and for the Motor Carrier Safety Assistance Program. The remainder of the increased funding is distributed to the States proportional to their shares of Federal-aid highway and highway safety construction apportionments from the Highway Account. If the RABA is positive for 2007, the first call on the additional funds will be to increase States' return on contributions to the Highway Account of the Highway Trust Fund to 92%. A negative adjustment (reduction) is possible, but only if, as of October 1 of that year, the balance in the Highway Account is less than \$6 billion. [1105]

Administrative Expense

Unlike prior years, administrative expenses associated with the Federal-aid highway program and the Appalachian Development Highway System are provided as a separate authorization in SAFETEA-LU, not as a takedown from apportioned programs. [1103]

Obligation Ceiling

SAFETEA-LU establishes an annual obligation limitation, for the purpose of limiting highway spending each year. The highway obligation limitation applies to all programs within the overall Federal-aid highway program except Emergency Relief, \$639 million per year of the Equity Bonus, and funds for certain projects in legislation before 1998. A portion of each year's limitation is reserved, or set aside, for administrative expenses and certain allocated programs, with the balance of the limitation being distributed to the States. Limitation set aside each year for certain programs—High Priority (demonstration) Projects, the Appalachian Development Highway System, Projects of National and Regional Significance, National Corridor Infrastructure Improvement program, Transportation Improvements, designated bridge projects, and \$2 billion of the Equity Bonus—does not expire if not used by the end of the fiscal year, but instead is carried over into future years. The portion of the limitation set aside for research and technology programs may also be carried over, but only for three years. [1102]

Equity Bonus

Federal-aid highway funds for individual programs are apportioned by formula using factors relevant to the particular program. After those computations are made, additional funds are distributed to ensure that each State receives an amount based on equity considerations. In SAFETEA-LU, this provision is called the Equity Bonus (replaces TEA-21's Minimum Guarantee) and ensures that each State will be

guaranteed a minimum rate of return on its share of contributions to the Highway Account of the Highway Trust Fund, and a minimum increase relative to the average dollar amount of apportionments under TEA-21, and that certain States will maintain the share of total apportionments they each received during TEA-21. An open-ended authorization is provided, ensuring that there will be sufficient funds to meet the objectives of the Equity Bonus.

Relative rate of return. Each State's share of apportionments from the Interstate Maintenance (IM), National Highway System (NHS), Bridge, Surface Transportation (STP), Highway Safety Improvement (HSIP), Congestion Mitigation and Air Quality Improvement (CMAQ), Metropolitan Planning, Appalachian Development Highway System, Recreational Trails, Safe Routes to School, Rail-Highway Grade Crossing, Coordinated Border Infrastructure programs, the Equity Bonus itself, along with High Priority Projects will be at least a specified percentage of that State's share of contributions to the Highway Account of the Highway Trust Fund. The specified percentage, referred to as a *relative rate of return*, is 90.5% for 2005 and 2006, 91.5% for 2007, and 92% for 2008 and 2009.

States with certain characteristics (e.g., low population density or total population, low median household income, high Interstate fatality rate, high indexed state motor fuel rate) are guaranteed a share of apportionments and High Priority Projects not less than the State's average annual share under TEA-21. In any given year, no State is to receive less than a specified percentage (117% for 2005, 118% for 2006, 119% for 2007, 120% for 2008, and 121% for 2009) of its average annual apportionments and High Priority Projects under TEA-21.

Administration of funds. All but \$2.639 billion annually of Equity Bonus funding is programmatically distributed among certain programs—Interstate Maintenance, National Highway System, Bridge, Congestion Mitigation and Air Quality Improvement, Surface Transportation Program, and Highway Safety Improvement Program. Amounts programmatically distributed to the programs take on the eligibilities of those programs. The remaining \$2.639 billion has the same eligibilities as STP funds, but is not subject to set-asides or sub allocations. Of this remainder, \$639,000,000 is exempt from the obligation limitation and \$2 billion receives special no year limitation. [1104, 1102]

Tolling

SAFETEA-LU provides States with increased flexibility to use tolling, not only to manage congestion, but to finance infrastructure improvements as well. Following are programs available to States to toll on a pilot or demonstration basis --

- Under the new **Interstate System Construction Toll Pilot Program**, the Secretary may permit a State or compact of States to collect tolls on an Interstate highway, bridge, or tunnel for the purpose of constructing Interstate highways. This program is limited to 3 projects in total (nationwide), and prohibits a participating State from entering into an agreement with a private person which would prevent the State from improving adjacent public roads to accommodate diverted traffic.
- The **Interstate System Reconstruction and Rehabilitation Toll Pilot Program** was established in TEA-21 to allow up to 3 Interstate tolling projects for the purpose of reconstructing or rehabilitating Interstate highway corridors that could not be adequately maintained or improved without the collection of tolls. SAFETEA-LU makes no revisions to the program, therefore it continues without change, as it was authorized for "a term to be determined by the Secretary, but not less than 10 years." [PL 105-178, 1216(b)]

- The **Value Pricing Pilot Program** is continued, funded at \$59 million through 2009, to support the costs of implementing up to 15 variable pricing pilot programs nationwide to manage congestion and benefit air quality, energy use, and efficiency. A new set-aside totaling \$12 million through 2009 must be used for projects not involving highway tolls.
- The new **Express Lanes Demonstration Program** will allow a total of 15 demonstration projects through 2009 to permit tolling to manage high levels of congestion, reduce emissions in a non-attainment or maintenance area, or finance added Interstate lanes for the purpose of reducing congestion. A State, public authority, or public or private entity designated by a State may apply. Eligible toll facilities include existing toll facilities, existing HOV facilities, and a newly created toll lane. Tolls charged on HOV facilities under this program must use pricing that varies according to time of day or level of traffic; for non-HOV, variable pricing is optional. Automatic toll collection is required, and the Secretary must promulgate a final rule specifying requirements, standards, or performance specifications to ensure interoperability within 180 days.

Innovative Finance

To help close the gap between highway infrastructure investment needs and resources available from traditional sources, SAFETEA-LU includes the following provisions which, in addition to tolling options discussed above, will enhance innovative financing and encourage private sector investment --

- **Private Activity Bonds** -- To provide the opportunity for new sources of investment capital to finance our nation's transportation infrastructure system, SAFETEA-LU expands bonding authority for private activity bonds by adding highway facilities and surface freight transfer facilities to a list of other activities eligible for exempt facility bonds. Qualified projects, which must already be receiving Federal assistance, include surface transportation projects eligible under Title 23, international bridge or tunnel projects for which an international entity authorized under Federal or State law is responsible, and facilities for the transfer of freight from truck to rail or rail to truck (including any temporary storage facilities related to the transfers). These bonds are not subject to the general annual volume cap for private activity bonds for State agencies and other issuers, but are subject to a separate National cap of \$15 billion. [11143]
- **Transportation Infrastructure Finance and Innovation Act (TIFIA)** -- The TIFIA program provides Federal credit assistance to nationally or regionally significant surface transportation projects, including highway, transit and rail. This program was established in TEA-21 to fill market gaps and leverage substantial private co-investment by providing projects with supplemental or subordinate debt. SAFETEA-LU authorizes a total of \$610 million through 2009 to pay the subsidy cost (similar to a commercial bank's loan reserve requirement) of supporting Federal credit under TIFIA. To encourage broader use of TIFIA financing, the threshold required for total project cost is lowered to \$50 million (\$15 million for ITS projects), and eligibility is expanded to include public freight rail facilities or private facilities providing public benefit for highway users, intermodal freight transfer facilities, access to such freight facilities and service improvements to such facilities including capital investment for intelligent transportation systems (ITS). [1601]
- **State Infrastructure Banks (SIBs)** -- SAFETEA-LU establishes a new SIB program which allows **all** States, Puerto Rico, the District of Columbia, American Samoa, Guam, the Virgin

Islands, and the Commonwealth of the Northern Mariana Islands to enter into cooperative agreements with the Secretary to establish infrastructure revolving funds eligible to be capitalized with Federal transportation funds authorized for fiscal years 2005-2009. This program gives States the capacity to increase the efficiency of their transportation investment and significantly leverage Federal resources by attracting non-Federal public and private investment. [1602]

Highway Trust Fund

Operation of the Highway Trust Fund

The Highway Trust Fund (HTF) is the source of funding for most of the programs in the Act. The HTF is composed of the Highway Account, which funds highway and intermodal programs, and the Mass Transit Account. Federal motor fuel taxes are the major source of income into the HTF.

During the time that SAFETEA-LU was being developed, a number of changes impacting the Highway Trust Fund were adopted in the American Jobs Creation Act of 2004. This Act replaced the reduced tax rates that applied to gasohol with a credit paid from the General Fund of the Treasury and ended the retention of a portion of the tax on gasohol by the General Fund. These actions, coupled with a number of provisions to reduce tax evasion, provided increased tax revenues to the Highway Trust Fund.

SAFETEA-LU extends the imposition of the highway-user taxes, generally at the rates that were in place when the legislation was enacted, through September 30, 2011. Provisions for full or partial exemption from highway-user taxes were also extended. Additionally, provision for deposit of almost all of the highway-user taxes into the HTF is extended through September 30, 2011.

Federal law regulates not only the imposition of the taxes, but also their deposit into and expenditure from the HTF. For the Highway Account, authority to expend from the HTF for programs under the Act and previous authorization acts is provided through September 29, 2009 generally and through September 30, 2009 for administrative expenditures. For the Mass Transit Account, expenditures are authorized through September 30, 2009. After these dates, expenditures may be made only to liquidate obligations made before that date.

Highway Tax Compliance

Traditionally, the highway programs of the Federal government and most States depend on highway-user tax receipts as the principal source of funding. SAFETEA-LU continues the Highway Use Tax Evasion program, funded at \$127.1 million through 2009, to reduce motor fuel tax evasion. Funds may be used for inter-governmental enforcement efforts, including research and training, and for efforts of the Internal Revenue Service, including the development, operation, and maintenance of databases to support tax compliance efforts. No funding is allocated directly to the States, although States are permitted to use $\frac{1}{4}$ of 1 percent of their Surface Transportation Program funding for fuel tax evasion activities. Eligible activities are expanded to include efforts to address State-Indian tribe motor fuel tax issues and tax evasion issues associated with foreign imported fuel. A new memorandum of understanding with the Internal Revenue Service relating to the development and maintenance of electronic databases to support excise tax fuel reporting is required. [1115]

Improving Safety

SAFETEA-LU raises the stature of the highway safety program by establishing highway safety improvement as a core program, tied to strategic safety planning and performance. Despite reductions in the rate and actual number of fatalities in 2004, there were still more than 42,000 deaths on the Nation's highways. SAFETEA-LU devotes additional resources and supports innovative approaches to reducing highway fatalities and injuries.

Highway Safety Improvement Program (HSIP)

The highway safety improvement program is established as a core program, separately funded for the first time, with flexibility provided to allow States to target funds to their most critical safety needs. A total of \$5.1 billion is provided for 2006-2009. Of this amount, \$880 million is set aside for a separate distribution for the Railway-Highway Crossing program, with the remainder to be distributed by formula based on each State's lane miles, vehicle miles traveled, and number of fatalities; \$90 million is to be set aside annually for construction and operational improvements on high-risk rural roads. The HSIP requires States to develop and implement a strategic highway safety plan and submit annual reports to the Secretary that describe at least 5% of their most hazardous locations, progress in implementing highway safety improvement projects, and their effectiveness in reducing fatalities and injuries.

State Strategic Highway Safety Plans (SHSP). SHSPs will be used in the Highway Safety Improvement Program to identify and analyze highway safety problems and opportunities, include projects or strategies to address them, and evaluate the accuracy of data and the priority of proposed improvements. The SHSP must be based on accurate and timely safety data, consultation with safety stakeholders, and performance-based goals that address infrastructure and behavioral safety problems on all public roads. States are also required to develop an evaluation process to assess results and use the information to set priorities for highway safety improvements. The Governor or a responsible State agency approves the plan. States that do not develop a strategic plan by October 1, 2007, will be locked in at their FY 2007 HSIP apportionment level pending development of a plan. States with SHSPs have additional flexibility to use up to 10% of their HSIP funds for behavioral and other safety projects if they meet rail grade crossing and infrastructure safety needs as defined in their SHSPs.

[1401]

Safe Routes to School

This new program will enable and encourage primary and secondary school children to walk and bicycle to school. Both infrastructure-related and behavioral projects will be geared toward providing a safe, appealing environment for walking and biking that will improve the quality of our children's lives and support national health objectives by reducing traffic, fuel consumption, and air pollution in the vicinity of schools. [1404]

Work Zone Safety

A number of provisions to address the safety of motorists, pedestrians, and highway construction workers in highway construction work zones are included. A new grant program, funded at \$5 million per year beginning in 2006, will fund work zone safety training, and the National Work Zone Safety Information Clearinghouse is funded. In addition, for all Federal-aid projects, proper temporary traffic control devices must be installed and maintained in the work zone. Workers must wear high-visibility garments. [1110, 1402, 1409, 1410]

Other Safety Issues

Other provisions address specific safety issues, including bicycle and pedestrian safety, improved traffic signs and pavement markings targeted to older drivers and pedestrians, and a study of the safety of toll collectors at toll facilities is authorized. Issues of concern to motorcyclists are to be addressed through the establishment of a Motorcyclist Advisory Council, and a motorcycle crash causation study. [1403, 1405, 1411, 1914, 5511]

Congestion Relief

One of the biggest transportation challenges facing us today is congestion. It is pervasive, affecting mobility and productivity, the environment, and our quality of life. Congestion has clearly grown -- it now affects more trips, more hours of the day and more of the transportation system. Fundamental in SAFETEA-LU are provisions aimed at reducing congestion, which will in turn save time and fuel, decrease vehicle emissions, lower transportation costs, allow more predictable and consistent travel times, and provide safer highways. While virtually all efforts to improve our highway infrastructure will have an impact on congestion, the following programs are designed primarily for the purpose of managing traffic to reduce congestion:

Real-Time System Management Information Program

Under this new program, the Secretary will establish a real-time system management information program to provide, in all States, the capability to monitor, in real-time, the traffic and travel conditions of the major highways of the U.S. and to share that information to improve the security of the transportation system, address congestion problems, support improved response to weather events and surface transportation incidents, and facilitate national and regional highway traveler information. Data exchange formats, to be established by the Secretary within 2 years, will ensure that data may readily be exchanged with State and local governments and the traveling public. States may use NHS, STP, and CMAQ funds for planning and deployment of real-time monitoring elements. States will be able to use their State Planning and Research funds for planning of real-time monitoring elements. [1201, 5205]

Road Pricing

SAFETEA-LU gives States more options for using road pricing to manage congestion. The Value Pricing Pilot program is continued, and a new Express Lanes Demonstration Program is authorized. Other tolling programs are primarily for the purpose of financing highway construction and reconstruction, but will help with congestion reduction as well. These include the new Interstate System Construction Toll Pilot and the continued Interstate System Reconstruction and Rehabilitation Toll Pilot. [1604]

For a more detailed description of all tolling programs, see the [Innovative Financing section](#).

High Occupancy Vehicle (HOV) Lanes

SAFETEA-LU enhances and clarifies provisions governing the use and operation of HOV lanes. States are required to establish occupancy requirements for HOV lanes, with mandatory exemption for motorcycles and bicycles unless it creates a safety hazard, and optional exemptions for public transportation vehicles, low-emission and energy-efficient vehicles, and High Occupancy Toll (HOT) vehicles (otherwise-ineligible vehicles willing to pay a toll to use the facility). States are required to monitor, assess, and report on the operation of the facility to ensure that it does not become seriously degraded. [1121]

Maximizing Mobility

Financial stewardship and oversight

SAFETEA-LU provides greater emphasis on financial integrity, project delivery, and major project oversight. Annual reviews are required of State DOT financial management systems, minimum standards for estimating project costs are to be developed, and annual reviews of State project delivery systems are to be conducted. The \$1 billion threshold defining major projects is lowered to \$500million, and major projects are required to have project management plans in addition to the previously required finance plans. Finance plans are also required for projects exceeding \$100 million in total cost. These new provisions will strengthen oversight of projects and increase the accountability of the States' in the project delivery process. [1904]

National Highway System (NHS)

The National Highway System is a 163,000-mile system of significant rural and urban roads serving major population centers, international border crossings, intermodal transportation facilities, and major travel destinations. It includes the Interstate System, other urban and rural principal arterials, highways that provide motor vehicle access between the NHS and major intermodal transportation facilities, the defense strategic highway network, and strategic highway network connectors.

The NHS program is funded at \$30.5 billion through 2009. The formula to distribute funding is continued, based on lane-miles of principal arterials (excluding Interstate), vehicle-miles traveled on those arterials, diesel fuel used on the State's highways, and per capita principal arterial lane-miles. The Act expands eligibility of NHS funding to include environmental restoration and pollution abatement to minimize the impact of transportation projects, control of noxious weeds and aquatic noxious weeds, and establishment of native species. [6006]

Interstate Maintenance (IM)

The 46,000 mile Dwight D. Eisenhower National System of Interstate and Defense Highways retains a separate identity within the NHS. The IM program, established under ISTEA to provide for the on-going work necessary to preserve and improve Interstate highways, is retained. Authorizations totaling \$25.2 billion are provided through 2009, and will continue to be distributed by formula based on each State's lane-miles of Interstate routes open to traffic, vehicle-miles traveled on those routes, and contributions to the Highway Account of the Highway Trust Fund attributable to commercial vehicles. A total of \$500 million of authorized funds is available at the discretion of the Secretary for high-cost, ready-to-go IM projects.

Surface Transportation Program (STP)

The STP provides flexible funding that may be used by States and localities for projects on any Federal-aid highway, including the NHS, bridge projects on any public road, transit capital projects, and public bus terminals and facilities. The Act expands STP eligibilities to include advanced truck stop electrification systems, high accident/high congestion intersections, and environmental restoration and pollution abatement, control of noxious weeds and aquatic noxious weeds, and establishment of native species. A total of \$32.5 billion in STP funds is authorized through 2009. Funds will continue to be distributed among the States based on lane-miles of Federal-aid highways, total vehicle-miles traveled on those Federal-aid highways, and estimated contributions to the Highway Account of the HTF. [1113, 6006]

Each State must set aside a portion of their STP funds (10 percent or the amount set aside in 2005, whichever is greater) for transportation enhancements activities. The set-aside of 10 percent previously required for safety construction activities (i.e., hazard elimination and rail-highway crossing improvements) is eliminated beginning in 2006, as these activities are funded separately under the new Highway Safety Improvement Program. [1113]

Bridge Program

The Bridge program is broadened in scope to include systematic preventative maintenance, and freed from the requirement that bridges must be considered "significantly important." A total of \$21.6 billion is authorized for this program through 2009 to enable States to improve the condition of their eligible highway bridges over waterways, other topographical barriers, other highways and railroads. The requirement that each State spend at least 15% of its bridge apportionment for bridges on public roads that are not Federal-aid highways (off-system bridges) is retained, but the 35% cap is removed. The discretionary bridge program is funded only through 2005; beginning in 2006, \$100 million is to be set aside annually to fund designated projects. [1114]

Federal Lands Highways Program (FLHP)

The Federal Lands Highways program authorizations thru 2009 total \$4.5 billion for Indian Reservation Roads (IRR), Park Roads and Parkways, Public Lands Highways (discretionary and Forest Highways), and Refuge Roads programs. FLHP funds can be used for transportation planning, research, engineering, and construction of highways, roads, parkways and transit facilities within public lands, national parks, and Indian reservations. In addition, FLHP funds can be used as the State/local match for most types of Federal-aid highway funded projects. New eligible uses of Public Lands Highways funds include up to \$20 million per year for maintenance of Forest Highways, \$1 million per year for signage identifying public hunting and fishing access, and \$10 million by the Secretary of Agriculture to facilitate the passage of aquatic species beneath roads in the National Forest System.

SAFETEA-LU provides significant changes in the IRR program. IRR funding may be provided via a funding agreement in accordance with the Indian Self-Determination and Education Assistance Act to a requesting Indian tribal government(s) that has satisfactorily demonstrated financial stability and financial management to the Secretary. IRR funds shall only be expended on projects identified in a transportation improvement program approved by the Secretary. The Secretary, in cooperation with the Secretary of the Interior, is required to complete a comprehensive national inventory of transportation facilities that are eligible for assistance under the IRR program within 2 years of enactment of SAFETEA-LU. Up to 25% of a tribe's IRR program funds may now be used for the purpose of IRR system maintenance as defined in 25CFR170, although the Bureau of Indian Affairs (BIA) will retain primary responsibility for IRR maintenance programs through DOI appropriations. Funding for the BIA's program management and oversight expenses is provided, although this amount now includes BIA project-related administrative expenses. An Indian tribe may enter into a road maintenance agreement with a State to assume the responsibilities of the State for roads in and providing access to Indian reservations. A new position in DOT is established for a Deputy Assistant Secretary of Tribal Government Affairs. A total of \$70 million is authorized separately (no longer a set-aside) through 2009 for projects to replace structurally deficient or functionally obsolete IRR bridges. [1119]

Emergency Relief

The Emergency Relief (ER) program assists State and local governments with the expense of repairing serious damage to Federal-aid highways and roads on Federal Lands resulting from natural disasters or catastrophic failures. In addition to the permanent authorization of \$100 million annually, SAFETEA-LU authorizes such sums as may be necessary to be made available by appropriation from the General Fund to supplement the permanent authorization in years when Emergency Relief allocations exceed \$100 million. [1112]

Regional Programs

SAFETEA-LU provides funding to improve transportation and economic development of the following geographic regions:

- *Appalachia* – the **Appalachian Development Highway System Program** continues funding for the construction of the Appalachian corridor highways in 13 States to promote economic development and to establish a State-Federal framework to meet the needs of the region. [1116]
- *Delta* – the **Delta Region Transportation Development Program** provides a total of \$40 million over 5 years for multi-state highway planning, development, and construction projects in the 8-State Delta region. In addition, the secretary must enter into an agreement with the Delta Regional Authority within 180 days to conduct a comprehensive study of transportation assets and needs for all modes of transportation in the region; \$1 million is provided from the HTF to fund the study which is due 2 years after agreement is entered. [1308,1923]
- *Denali* -- the new **Denali Access System Program** in SAFETEA-LU provides \$60 million from the HTF through 2009 to fund planning, design, engineering, and construction for highways and other surface transportation infrastructure priorities for the region, as determined by an advisory committee to be established within 3 months by the Denali Commission. [1960]

Corridors, Borders, and Ports

SAFETEA-LU provides funding totaling over \$2.8 billion to fund transportation projects of national interest to improve transportation at international borders, ports of entry, and in trade corridors.

- A new **Coordinated Border Infrastructure Program** provides \$833 million in funding, to be distributed by formula, to expedite safe and efficient vehicle and cargo movement at or across the land border between the U.S. and Canada and the land border between the U.S. and Mexico. [1303]
- The **Freight Intermodal Distribution Pilot Program** provides \$30 million through 2009 for grants to facilitate intermodal freight transportation initiatives at the State and local level to relieve congestion and improve safety, and to provide capital funding to address infrastructure and freight distribution needs at inland ports and intermodal freight facilities. The Act names 6 projects, funded at \$5 million each. For each year through 2009, each of the 6 designated projects is to receive 20% of its funding (\$1 million each). [1306]

- To further promote economic growth and international or interregional trade, the **National Corridor Infrastructure Improvement Program** provides \$1.948 billion in discretionary funding for construction of designated highway projects in corridors of national significance. [1302]
- For projects in **High-Priority Corridors on the National Highway System**, an authorization for such sums as may be necessary from the General Fund is provided (requires subsequent legislation). [1304]

Projects of National and Regional Significance

New in SAFETEA-LU is a program to fund transportation infrastructure projects that have relevance and produce benefits on a national or regional level. Benefits could include improving economic productivity, facilitating international trade, relieving congestion, and improving safety. Approximately \$1.8 billion from the HTF is provided through 2009 for designated projects. [1301]

Projects

In addition to projects identified in programs mentioned above and other project designations found throughout the Act, most are found in High Priority Projects [1701, 1702, 1703] and Transportation Improvements [1934]. While Transportation Improvements projects may seem similar to High Priority Projects, financial characteristics vary. No broad description can be made to characterize features such as distribution and availability of funds, obligation limitation, etc.

Improving Efficiency

A number of SAFETEA-LU provisions are aimed at improving efficiency in highway program and project delivery. From better planning and coordination to improved materials, contracting and construction, these provisions will support efforts to more efficiently advance a safer and more effective highway program, and strengthen stewardship and oversight.

Transportation Planning

In SAFETEA-LU, metropolitan and statewide transportation planning processes are continued, but changes are made in the planning process for surface transportation; some of these changes add flexibility and efficiency, while others add new consultation and environmental planning requirements. Safety and security are identified as separate items to be considered in both metropolitan and statewide planning processes. Consultation requirements for States and MPOs are significantly expanded. Requirements are added for plans to address environmental mitigation, improved performance, multimodal capacity, and enhancement activities; tribal, bicycle, pedestrian, and disabled interests are to be represented.

Metropolitan Planning – The policy for the metropolitan planning process is to promote consistency between transportation improvements and State and local planned growth and economic development patterns. The transportation improvement program (TIP) is to be updated at least every 4 years. The set-aside for Metropolitan Planning is increased to 1.25%, and a 30-day time limit for States to reimburse Metropolitan Planning Organizations is imposed. The long-range transportation plan and the TIP are to remain separate documents. [1107, 6001]

Statewide Transportation Planning – The statewide planning process is to be coordinated with metropolitan planning and statewide trade and economic development planning activities. Two or more States may

enter into planning agreements or compacts for cooperative efforts and mutual assistance. The statewide plan should include measures to ensure the preservation and most efficient use of the existing system. The State transportation improvement program (STIP) is to be updated at least every 4 years. [6001]

Highways for LIFE Pilot Program

To foster the use of new technologies and more efficient ways of building highways, this pilot program calls for the Secretary to provide leadership and incentives to demonstrate and promote state-of-the-art technologies, elevated performance standards, and new business practices in the highway construction process that result in improved safety, faster construction, reduced congestion from construction, and improved quality and user satisfaction. A total of \$75 million is authorized through 2009 for incentive grants, to fund up to 20% but not more than \$5 million of the total cost of a qualifying project. A maximum of 15 projects may receive incentive funds in a given fiscal year, but the goal is to approve and provide funds to at least 1 project in each State by 2009. A State may also use up to 10% of its IM, NHS, STP, and CMAQ funds for these projects; up to 100% Federal share is allowed. [1502]

Environmental Streamlining

SAFETEA-LU includes a number of changes aimed at streamlining the environmental review process, albeit with additional steps and responsibilities for transportation agencies.

- *Environmental review process.* . A new environmental review process is established for highways, transit, and multimodal projects. A new category of "participating agencies" is added, to allow more state, local, and tribal agencies a formal role and rights in the environmental process. After providing an opportunity for public and interagency involvement, DOT will define the project's purpose and need, and establish a plan for coordinating public and agency participation. As early as practicable in the process, DOT is to provide an opportunity for a range of alternatives to be considered for a project. If any issue that could delay the process cannot be resolved within 30 days, DOT must notify Congress. A 180-day statute of limitations for lawsuits challenging Federal agency approvals is provided, but it will require a new step of publishing environmental decisions in the Federal Register. [6002]
- *State assumption of responsibilities.* After entering into a Memorandum of Understanding with the Secretary, each State may assume responsibility for categorical exclusions, with FHWA in a programmatic monitoring role. Another provision calls for the Secretary to establish a categorical exclusion, to the extent appropriate, for activities that support the deployment of intelligent transportation infrastructure and systems. [6004,6010]

SAFETEA-LU establishes a project delivery pilot program for 5 States (specified as Alaska, Ohio, Oklahoma, Texas, and California), allowing them to apply to USDOT to assume all USDOT environmental responsibilities under NEPA and other environmental laws (excluding the Clean Air Act and transportation planning requirements). This delegation authority is limited to highway projects, and it could be for specific projects within a State or a programmatic delegation. [6005]

A pilot program is established under which, during the first 3 years after enactment, the Secretary may allow up to 5 States to assume environmental responsibilities [including NEPA and 4(f)] for Recreational Trails and Transportation Enhancement projects. [6003]

- *Section 4(f).* Section 4(f) of the DOT Act prohibits projects on publicly owned parks, recreation areas, wildlife and waterfowl refuges, or historic sites unless there is no feasible and prudent alternative and all possible mitigation is used. SAFETEA-LU includes tightly circumscribed changes in 4(f). Under SAFETEA-LU, the Secretary has some flexibility to allow an exemption from 4(f) requirements if a program or project will have a "de minimis" impact on the area – i.e., there are no adverse effects of the project and the relevant State Historic Preservation Officer or other official with jurisdiction over a property concurs. The Secretary is to conduct a study evaluating the impact of the "de minimis" finding, and report to Congress no earlier than 4 years after enactment. The Interstate System is exempted from being treated as an historic resource under Section 4(f), unless the Secretary determines that individual elements possess national or exceptional historic significance and should receive protection. The Secretary is to conduct a rulemaking to clarify the 4(f) standard of "prudent and feasible" for alternatives. [6007, 6009]

Design-Build

To encourage more projects to use design-build contracting, SAFETEA-LU eliminates the \$50 million floor on the size of eligible contracts. Also, the Secretary must issue revised regulations that will allow transportation agencies to proceed with certain actions prior to receipt of final NEPA approval. This change will encourage public-private partnerships by allowing private sector partners to be involved in the project definition process. [1503]

Air Quality Conformity and Planning Process

Modifications intended to provide greater flexibility in transportation planning and air quality conformity, without reducing protection for air quality, include establishing a 4-year cycle for conformity determinations (unless the MPO revises the transportation plan TIP more frequently) and allowing conformity findings to be based on a 10-year horizon under certain circumstances. [6011]

Environmental Stewardship

Congestion Mitigation and Air Quality Improvement (CMAQ)

The CMAQ program, continued in SAFETEA-LU at a total funding level of \$8.6 billion through 2009, provides a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Funding is available for areas that do not meet the National Ambient Air Quality Standards (non-attainment areas) as well as former non-attainment areas that are now in compliance (maintenance areas). The formula for distribution of funds, which considers an area's population by county and the severity of its ozone and carbon monoxide problems within the non-attainment or maintenance area, with greater weight given to areas that are both carbon monoxide and ozone non-attainment/maintenance areas, is continued. SAFETEA-LU requires the Secretary to evaluate and assess the effectiveness of a representative sample of CMAQ projects, and maintain a database. [1808]

Recreational Trails

A total of \$370 million is provided through 2009 to continue this program to develop and maintain trails for recreational purposes that include pedestrian, equestrian, bicycling and non-motorized snow activities as well as off-road motorized vehicle activities. New eligibilities are provided, including

construction and maintenance equipment, real estate costs, educational program costs, State administration costs, and assessment of trail conditions. [1109]

Transportation Enhancements

Transportation enhancement activities continue to be funded through a set-aside of 10%, or the amount set aside in FY 2005, whichever is greater, from STP funds. [1113]

Transportation, Community, and System Preservation Program (TCSP)

The TCSP is intended to address the relationships among transportation, community, and system preservation plans and practices and identify private sector-based initiatives to improve those relationships. State and local governments, metropolitan planning organizations (MPOs), and tribal governments are eligible for discretionary grants, authorized at \$270 million through 2009, to carry out eligible projects to integrate transportation, community, and system preservation plans and practices. Funds must be equitably distributed to a diversity of populations and geographic regions. A local match is required in accordance with section 120(b) of title 23, United States Code. Related is a new Community Enhancement study, funded at \$2 million from TCSP funds, which will examine the impact of well-designed transportation projects on communities. [1117, 1925]

Scenic Byways

SAFETEA-LU authorizes a total of \$175 million through 2009 for technical assistance and grants to States and Indian tribes to develop scenic byways programs, and to implement projects on highways of outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities designated as National Scenic Byways, All-American Roads, America's Byways, State scenic or Indian tribe scenic byways. Additional authority totaling \$13.5 million is provided to fund technical support and educational activities provided by the America's Byways Resource Center. [1802, 1803]

National Historic Covered Bridge Preservation

Covered bridges eligible for listing on the National Register of Historic Places are eligible for rehabilitation, repair or preservation under this program. A total of \$40 million in discretionary funds is authorized through 2009. [1804]

Non-motorized Transportation Pilot

SAFETEA-LU establishes a new program, authorized at a total of \$100 million through 2009, to fund pilot projects to construct a network of non-motorized transportation infrastructure facilities in 4 designated communities is. The purpose is to demonstrate the extent to which walking and bicycling can represent a major portion of the transportation solution in certain communities. [1807]

Other Environmental Provisions

The Secretary is to conduct a *Wildlife Vehicle Collision Reduction Study* of methods to reduce collisions between motor vehicles and wildlife, and report to Congress within 2 years on causes, impacts, and solutions. A manual of best practices is due 1 year after report to Congress. The Secretary is required to develop a training course for transportation professionals. [1119]

Research and Studies

SAFETEA-LU authorizes a total of \$2.271 billion for Title V programs through 2009, including Surface Transportation Research, Training and Education, Bureau of Transportation Statistics, University Transportation Research, ITS Research, ITS Deployment (2005 only) and the Transportation Technology Innovation and Demonstration Program (such sums as may be necessary from the General Fund). [5101] In contrast to TEA-21's programmatic flexibility for research, SAFETEA-LU directs all research funds to designated projects and initiatives. Obligations are limited to \$411 million per year for 2005-2009. [5102]

Following is a description of the highway elements of Title V research.

Surface Transportation Research Program

SAFETEA-LU establishes new principles and practices for Federal surface transportation research activities, to include all activities leading to technology development and transfer, as well as the introduction of new and innovative ideas, practices, and approaches, through such mechanisms as field applications, education and training, and technical support.

The surface transportation research program addresses fundamental, long-term highway research aimed at significant research gaps, emerging issues with national implications, and research related to policy and planning. All research activities are to include a component of performance measurement and evaluation, should be outcome-based, and must be consistent with the research and technology development strategic plan. To best utilize available resources, the Secretary may cooperate with a State and an appropriate agency on a pooled-fund basis, and may directly initiate contracts and agreements to conduct joint transportation R&T efforts.

Some specific features include strengthening and expanding the *operations element* in research, including provisions addressing transportation system management and operations, operational methodologies to reduce congestion, transportation security, and asset management. A set-aside of \$14 million per year for 2005-2009 is authorized for the *exploratory advanced research* program to address longer-term, higher-risk research, including highway infrastructure materials, health effects, safety, environment, data acquisition, and operational performance. The *long-term pavement performance* program, funded by a set-aside of \$10.12 million per year for 2005-2009, is continued; a set-aside of \$2.5 million per year will continue the *seismic research* program, with revised provisions for coordination with other agencies. The due date for the *Infrastructure Investment Needs Report* is set at July 31, 2006, and every two years thereafter, and the report must include any information necessary for comparison with conditions and measures in previous reports. The *Turner-Fairbanks Highway Research Center* is authorized, and a new set-aside of \$12.5 million per year is established for 2006-2009 to fund *biobased research* of national importance. [5201]

Long-Term Bridge Research

The *Innovative Bridge Research and Deployment Program* is continued, with a new set-aside for high performance concrete bridge technology R&D. In addition, several new initiatives to address bridge life and performance include -- *Long-term Bridge Performance*, *High Performing Steel Bridge Research and Technology Transfer*, and *Steel Bridge Testing*. [5202]

Technology Deployment

SAFETEA-LU continues and expands efforts to accelerate the adoption of innovative technologies by the surface transportation community. Two new programs established are the *Innovative Pavement Research*

and Deployment program, with a set-aside for research to improve NHS pavements, and the *Safety Innovation Deployment* program. Several demonstration projects and studies are authorized. [5203]

International Highway Transportation Outreach

This program is continued, funded at \$300,000 per year for 2005-2009 from Surface Transportation Research funds, and a new annual report to Congress is required. [5206]

Surface Transportation-Environmental Cooperative Research Program (STEP)

SAFETEA-LU establishes the STEP program, and sets aside \$16.9 million per year through 2009 to fund it. The program may be administered directly by USDOT or by the National Academy of Sciences. Research objectives are revised to reflect research strategic planning and stakeholder involvement. [5207]

Transportation Research and Development Strategic Planning

The Secretary is directed to develop a 5-year research and development strategic plan within 1 year of enactment, to be reviewed by the National Research Council, and report to Congress annually on R&D spending. [5208]

National Cooperative Freight Transportation Research Program

An advisory committee is to be selected to develop a national research agenda for this program, funded at \$3.75 million per year for 2006-2009 from Surface Transportation Research funds. [5209]

Future Strategic Highway Research Program

The Secretary, in consultation with the American Association of State Highway and Transportation Officials (AASHTO), is to establish and carry out this research program through the National Research Council (NRC). Program priorities are to be based on NRC Special Report 260, and funds totaling \$205 million through 2009 from Surface Transportation Research funds are authorized. [5210]

Other research initiatives funded from Surface Transportation Research funds include:

- *Transportation Safety Information Management System Project (TSIMS)*--To better collect, integrate, manage, and disseminate safety data, SAFETEA-LU provides \$2 million total for software development. [5501]
- *Surface Transportation Congestion Relief Solutions Research*-- SAFETEA-LU funds two research initiatives at a total of \$36 million through 2009 to assist States in addressing surface transportation congestion problems. [5502]
- *Advanced Travel Forecasting Procedures Program (TRANSIMS)* -- \$10.5 million in total through 2009 is authorized to continue deployment of this system. [5512]
- A host of research grants are authorized, including thermal imaging, transportation injury, technology transfer, Appalachian region inland ports, automobile accident injury, rural transportation, hydrogen-powered transportation, cold region and rural transportation, advanced vehicle technology, asphalt research, renewable transportation fuels. [5513]

Training and Education

The National Highway Institute (NHI) is continued, funded at \$9.6 million per year for 2005- 2009, and course offerings are to be updated in the areas of asset management and the application of emerging technologies. The *Local Technical Assistance Program (LTAP)* is continued at a total of \$11.1 million per year for 2005- 2009, and the *Dwight D. Eisenhower Transportation Fellowships* are continued at \$2.2 million per year for 2005-2009. New training and education initiatives include -- *Garrett A. Morgan Technology and Transportation Education* program, funded at \$1.25 million for 2006-2009, the *Transportation Education Development Pilot* program, funded at \$1.875 million per year for 2006-2009, and a *Transportation Scholarship Opportunities Program* which provides authority for the establishment of scholarship and mentoring programs. Another new provision allows States to obligate IM, NHS, STP, CMAQ, and Bridge funds for training and other educational activities at 100% Federal share. To disseminate the results of the Surface Transportation Congestion Relief Solutions initiative, an annual set-aside of \$750,000 from Training and Education funds is authorized for 2006-2009. [5204]

Freight Planning Capacity Building

SAFETEA-LU authorizes a new program for research, training, and education to support enhancements in freight transportation planning, funded at \$875,000 per year for 2006-2009 from Training and Education funds. [5204]

Studies

To prepare for meeting future transportation infrastructure and financing needs, SAFETEA-LU authorizes a number of studies, including --

Future of Surface Transportation System Study — The Secretary of Transportation will conduct a study of current condition and future needs of the surface transportation system and develop a conceptual plan with alternatives to ensure that the surface transportation system will continue to serve the Nation's needs.[1909]

Road User Fees Study— A total of \$12.5 million is authorized to fund a long-term field test of an approach to assessing highway use fees based on actual mileage driven by a specific vehicle on specific types of highways by use of an onboard computer. The study is to be performed by the Public Policy Center of the University of Iowa. [1919]

National Surface Transportation Infrastructure Financing Commission— The Commission is to complete a study on Highway Trust Fund revenues and the impacts of these revenues for future highway and transit needs. Among the considerations will be alternative approaches to generating revenues for the HTF. The Commission will develop a report recommending policies to achieve revenues for the HTF that will meet future needs. [11142]

APPENDIX F: REFERENCES

- (1) *A Guide to Federal-Aid Programs and Projects*, US Department of Transportation, Federal Highway Administration, Washington, DC.
- (2) *Agency Website: American Association of State Highway and Transportation Officials*
- (3) *Agency Websites: US Department of the Interior*
 - Bureau of Indian Affairs
 - Fish and Wildlife Service
 - National Park Service
- (4) *Agency Websites: US Department of Transportation*
 - Federal Highway Administration
 - Federal Lands Highway
 - Federal Transit Administration
 - National Highway Traffic Safety Administration
- (5) *Catalogue of Federal Domestic Assistance*, US General Services Administration, Washington, DC.
- (6) *Consultations:*
 - Jamestown S’Klallam Tribe, Office of Administration and Planning
 - US Department of the Interior, Bureau of Indian Affairs, Office of Transportation and North West Region Office
 - US Department of Transportation, Federal Highway Administration, Office of Planning
 - US Department of Transportation, Federal Highway Administration, Office of Federal Lands Highway
 - US Department of Transportation, National Highway Traffic Safety Administration, Office of Regional Operations and Program Delivery
 - Washington State Department of Transportation, Office of Planning, Olympic Region
- (7) *Developing a Long-Range Transportation Plan, Information Tools for Tribal Governments*, US Department of Transportation, Federal Highway Administration, Washington, DC.
- (8) *Guide to FHWA Funding for Tribal Transportation*, Northwest and Alaska Tribal Technical Assistance Program, Eastern Washington University, Spokane, Washington.
- (9) *Highway Safety Grant Management Manual*, US Department of Transportation, National Highway Transportation Safety Administration, Washington, DC.
- (10) *The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)*, Public Law 109-59.
- (11) *Tribal Transportation Program, A Synthesis of Highway Practice*, Synthesis 366, National Cooperative Highway Research Program, Washington, DC.