Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Bill Shuster
Chairman

Nick J. Rahall, II
Ranking Member

Christopher P. Bertram, Staff Director

James H. Zoia, Democrat Staff Director

March 8, 2013

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Highways and Transit
FROM: Staff, Subcommittee on Highways and Transit
RE: Subcommittee Hearing on "Implementing MAP-21: Progress Report from U.S. DOT Modal Administrators"

PURPOSE

The Subcommittee on Highways and Transit will meet on Thursday, March 14, 2013, at 10:00 a.m. in 2167 Rayburn House Office Building to receive testimony related to implementing the Moving Ahead for Progress in the 21st Century Act (MAP-21; P.L. 112-141). At this hearing, the Subcommittee will review the progress of the U.S. Department of Transportation (DOT) toward implementing programmatic reforms and meeting deadlines mandated in MAP-21. The Committee will hear from Administrator Victor Mendez of the Federal Highway Administration (FHWA), Administrator Peter Rogoff of the Federal Transit Administration (FTA), Administrator Anne Ferro of the Federal Motor Carrier Safety Administration (FMCSA) and Administrator David Strickland of the National Highway Traffic Safety Administration (NHTSA).

BACKGROUND

MAP-21 was enacted on July 6, 2012, and reauthorized Federal surface transportation programs through September 30, 2014. MAP-21 is set to expire before the end of the 113th Congress. As a result, reauthorization of MAP-21 without having to resort to any short-term extensions is a priority for the Committee.

Project Delivery/Streamlining

MAP-21 reformed the project approval and delivery process for highway and transit projects. MAP-21 streamlined this process by: allowing Federal agencies to carry out their obligations for a project concurrently with the National Environmental Policy Act (NEPA) environmental review for that project; instituting a financial penalty to each Federal agency that misses a deadline as part of the NEPA review process; and providing categorical exclusions for repair or reconstruction of an existing facility damaged by an emergency, for projects within the right-of-way, and for projects that receive limited Federal funding ($5 million or less). MAP-21

also requires that all environmental reviews for a project be completed within four years.

Program Consolidation and Elimination

MAP-21 consolidated or eliminated nearly 70 DOT programs. Many of these programs served similar purposes and several of them were no longer necessary because the nature of the Nation's transportation system has changed over time. By consolidating some DOT programs and eliminating others, MAP-21 allows DOT to become more effective and efficient through organizational and staffing changes.

Performance and Accountability

MAP-21 emphasized performance management by incorporating performance measures into the highway, transit, and highway safety programs. These performance measures will provide a more efficient Federal investment by focusing Federal funding on national transportation goals, increasing accountability and transparency, and improving transportation planning and project selection. State DOTs, localities, and public transit agencies are required to consider performance objectives in their transportation plans and project selection.

Innovative Financing for Transportation Infrastructure Projects

MAP-21 increased funding for the Transportation Infrastructure Finance and Innovation Act (TIFIA) program from $122 million a year to approximately $1 billion a year. This increase in funding, combined with a change in law to allow a TIFIA loan to account for 49 percent of the project costs (previously 33 percent), will allow DOT to issue about $35 billion in loans over the next two years. State governments, local governments, toll authorities, and public-private partnerships are eligible to apply for TIFIA loans.

MAP-21 also expanded the ability of states to collect toll revenue from the Federal-aid system. Specifically, any project that adds new lane capacity to the Interstate System can be tolled, and states continue to have the ability to toll roads that are not on the Interstate System. Furthermore, high occupancy vehicle lanes on the Interstate System may be converted to toll lanes.

Transit New Starts /Small Starts

MAP-21 streamlines the project development process for New Starts by setting time limits on environmental reviews and consolidating the steps FTA must take in the project approval process. MAP-21 eliminates the alternatives analysis requirement and instead relies on the review of alternatives performed during the metropolitan planning and environmental review processes.

Transit State of Good Repair

MAP-21 established a new grant program to maintain public transportation systems in a state of good repair. This program replaced the fixed guideway modernization program. Funding of State of Good Repair grants is limited to fixed guideway systems, including rail, bus rapid

transit, and passenger ferries, as well as high intensity bus operations (buses operating in high occupancy vehicle lanes).

Transit Bus and Bus Facility Grants

MAP-21 created a new formula grant program for bus and bus facilities, which replaces the previous discretionary Bus and Bus Facilities program. This grant program provides funding to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.

Public Transportation Emergency Relief Program

MAP-21 establishes a public transportation emergency relief program to fund transit projects that have suffered damage as a result of a natural disaster or a catastrophic failure. This program may also fund transit operating expenses in areas impacted by a disaster or catastrophic failure if the area meets certain eligibility criteria. The Disaster Relief Appropriations Act, 2013 appropriated $10.9 billion for the Public Transportation Emergency Relief Program.

Electronic Logging Devices for Commercial Motor Vehicles

MAP-21 requires the Secretary to prescribe regulations that require commercial motor vehicles involved in interstate commerce to be equipped with an electronic logging device that monitors a driver's compliance with Federal hours of service regulations by September 30, 2013. Commercial motor vehicles are required to comply with the electronic logging regulations two years after the regulations are published as a final rule. The Secretary is also required to conduct a study on the efficacy of the restart rule in the Federal hours of service regulations and to report to Congress no later than September 30, 2013.

Reincarnated Carriers (Truck and Bus Companies)

MAP-21 requires the Secretary to strengthen motor carrier registration requirements to better identify motor carriers with a history of noncompliance. Motor carrier registrants are required to disclose prior relationships through common management, common control, or familial relations in regards to their previous employment history.

NHTSA Highway Safety Program

MAP-21 continued the behavioral highway safety program from SAFETEA-LU. States are now required to incorporate performance measures into their annual state highway safety plans and set performance targets that will focus each state's funding on the most effective safety projects. The Secretary will monitor each state's progress toward meeting their performance targets.

NHTSA National Priority Safety Program

MAP-21 consolidated several incentive grant programs from SAFETEA-LU into the National Priority Safety Program. States must meet specific criteria to receive funding for

highway safety programs such as occupant protection, safety information systems improvements, impaired driving, distracted driving, motorcycle safety and graduated drivers licensing.

WITNESS LIST

The Honorable Victor M. Mendez
Administrator
Federal Highway Administration

The Honorable Peter M. Rogoff
Administrator
Federal Transit Administration

The Honorable Anne S. Ferro
Administrator
Federal Motor Carrier Safety Administration

The Honorable David L. Strickland
Administrator
National Highway Traffic Safety Administration