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

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April 19, 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: The State and Local Perspective"

PURPOSE

The Subcommittee on Highways and Transit will meet on Thursday, April 25, 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 learn the state and local perspective on 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 representatives of the American Association of State Highway and Transportation Officials (AASHTO), the American Public Transportation Association (APTA), the Association of Metropolitan Planning Organizations (AMPO), the National Association of Development Organizations (NADO), the National Conference of State Legislatures (NCSL), and the San Francisco Municipal Transportation Agency (SFMTA).

BACKGROUND

Federal surface transportation programs are administered by DOT in partnership with states, localities, and public transit agencies. While U.S. DOT provides financial and technical assistance, it is these partners that are tasked with carrying out the programs on a day-to-day basis.

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.

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 and affords states, localities, and public transit agencies greater flexibility with the use of their federal funding.

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.

Performance Management and Planning

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. States, localities, and public transit agencies are required to establish performance targets and incorporate them into 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 the Federal Transit Administration must take in the project approval process from four to three. 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, which was heavily earmarked. 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 in response to Hurricane Sandy.

Public Transportation Safety Program

MAP-21 provides the Secretary with increased oversight of public transportation safety while still maintaining the state safety oversight model. The Secretary is required to create a national safety plan and set specific performance standards across all modes of public transportation. State safety oversight agencies must implement plans in accordance with these standards and report regularly to the Secretary. Although safety remains primarily the responsibility of the state and local transit agencies, MAP-21 provided the Secretary with audit authority and the power to withhold federal transportation dollars in the event of non-compliance.

National Highway Traffic Safety Administration (NHTSA) Highway Safety Program

MAP-21 continued the behavioral highway safety program from SAFETEA-LU. Beginning in fiscal year 2014, States are required to incorporate performance measures into their

annual state highway safety plan. The state highway safety plans will set performance targets that 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. State legislatures must enact laws that meet NHTSA grant program requirements in order 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

Mr. Terry Bobrowski
Executive Director
East Tennessee Development District
On behalf of NADO

Mr. Michael Lewis
Director
Rhode Island Department of Transportation
On behalf of AASHTO

Mr. Richard Perrin, AICP
Executive Director
Genesee Transportation Council
On behalf of AMPO

Mr. Edward Reiskin
Director of Transportation
SFMTA

The Honorable Bruce Starr
Senator
State of Oregon
On behalf of NCSL

Mr. Peter Varga
Chief Executive Officer
Interurban Transit Partnership (The Rapid)
On behalf of the APTA