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

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March 7, 2014

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Highways and Transit
FROM: Staff, Subcommittee on Highways and Transit
RE: Subcommittee Hearing on "Oversight of the U.S. Department of Transportation's Implementation of MAP-21 and Fiscal Year 2015 Budget Request for Surface Transportation"

PURPOSE

The Subcommittee on Highways and Transit will meet on Wednesday, March 12, 2014, 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) and the Fiscal Year 2015 Budget Request for Surface Transportation. At this hearing, the Subcommittee will review the progress of the U.S. Department of Transportation (DOT) toward implementing MAP-21 and the DOT's surface transportation priorities for the fiscal year 2015 as contained in the President's Budget. The Subcommittee will hear from Acting Under Secretary for Policy Peter Rogoff, Acting Administrator Greg Nadeau of the Federal Highway Administration (FHWA), Acting Administrator Therese McMillan of the Federal Transit Administration (FTA), Administrator Anne Ferro of the Federal Motor Carrier Safety Administration (FMCSA), and Acting Administrator David Friedman of the National Highway Traffic Safety Administration (NHTSA).

BACKGROUND

Implementation of MAP-21

MAP-21 was enacted on July 6, 2012, and reauthorized federal surface transportation programs through September 30, 2014. Specifically, MAP-21 authorized federal-aid highways, highway safety, and highway research and development programs at $40.96 billion for fiscal year 2013 and $41.03 billion for fiscal year 2014. For public transportation programs, the law authorizes $10.58 billion for fiscal year 2013 and $10.7 billion for fiscal year 2014. MAP-21 also made significant programmatic and policy reforms to federal surface transportation programs, some of which are highlighted below.

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.

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 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 and made other policy reforms. The TIFIA program provides federal credit assistance, in the form of a loan, a loan guarantee, or a line of credit, to eligible surface transportation projects. State governments, local governments, toll authorities, and public-private partnerships are eligible to apply for TIFIA loans. The DOT estimates that TIFIA's leverage ratio is more than 30:1, which means that every one dollar in TIFIA funding supports more than $30 in surface transportation infrastructure investment.

MAP-21 also expanded the ability of states to collect toll revenue from the federal-aid highway 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 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 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.

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.

Drug and Alcohol Testing Clearinghouse

MAP-21 requires FMCSA to set up a national clearinghouse for drug and alcohol testing results for commercial drivers.

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.

Reauthorization of MAP-21

MAP-21 is set to expire before the end of the 113th Congress. As a result, reauthorization of MAP-21 is a priority for the Committee this year.

DOT's Fiscal Year 2015 Budget Request

On February 26, 2014, the President unveiled the fiscal year 2015 budget request for the DOT. The request includes the first year of a four-year $302 billion surface transportation reauthorization proposal that increases funding for the Nation's highways, bridges, transit, and rail systems. The President proposes to pay for this proposal with $150 billion in one-time

transition revenue from corporate tax reform, of which $63 billion would go towards Highway Trust Fund solvency and $87 billion would support the increased spending levels.

WITNESS LIST

The Honorable Peter M. Rogoff
Acting Under Secretary for Policy
Office of the Secretary
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Mr. Greg Nadeau
Acting Administrator
Federal Highway Administration

Ms. Therese McMillan
Acting Administrator
Federal Transit Administration

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

The Honorable David Friedman
Acting Administrator
National Highway Traffic Safety Administration