MAP-21: An Overview & Impact on TDM

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Pavluchuk and Associates

Agenda
- How MAP-21 Became Law
- MAP-21: A Basic Overview
- CMAQ
- National Goals & Performance Measures
- Transportation Alternatives Program
- Investment in Vanpooling
- Transportation Fringe Benefit
- Changes in Definitions
- Tolling & HOV
How MAP-21 Became Law

U.S. House of Representatives
• 3-month extension of existing law
• Reduction in Red-Tape
• Keystone XL
• Coal-Ash
• Did not pass HR7 (5-year bill)

U.S. Senate
• 14 -month jobs bill for "job creation"
• Programmatic reforms
• Bi-Partisan

How MAP-21 Became Law

• Republican’s dropped demand for Keystone, Coal Ash

• Democrats allow Environmental Streamlining, and many provisions included in HR 7
Success is not final, failure is not fatal: it is the courage to continue that counts.

Winston Churchill

MAP 21: A Basic Overview

- 2-year legislation covering FY 2013 & FY 2014
- MAP-21 takes effect on October 1st, 2012; SAFETEA-LU extended until then
- Makes significant changes to the project planning process allowing for projects to be completed quicker
- Funding is flat over the two years for a total of $105 billion
MAP 21: A Basic Overview

- Increases the capitalization of the TIFIA program which will allow for more projects to receive TIFIA loans
- Funding is flat over the two years for a total of $105 billion

<table>
<thead>
<tr>
<th>Obligation (Spending) Authority</th>
<th>FY 2013</th>
<th>FY 2014</th>
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<tr>
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<td>Federal Transit</td>
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MAP 21: A Basic Overview

- Consolidates over 100 federal highway and transit programs into a handful of programs
  - FHWA Programs Eliminated or Consolidated of Interest to ACT:
    - Value Pricing Pilot Program
    - Enhancements, Recreational Trails, Safe Routes to Schools ( Consolidated)
  - Federal Transit Programs Eliminated or Consolidated
    - Clean Fuels Grants (5308)
    - Job Access-Reverse Commute (5316) – consolidated
    - New Freedom Program (5317) – consolidated
    - Transit in the Parks (5320)
MAP 21: A Basic Overview

- Federal Highway Programs
  - National Highway Performance Program
  - Surface Transportation Program
  - Emergency Relief
  - Highway Safety Improvement Program
  - Congestion Mitigation & Air Quality Program
  - Metropolitan Planning
  - Transportation Alternatives (Combination of Enhancements, Recreational Trails Program, Safe Routes to Schools)
  - TIFIA (financing program)
  - Federal Lands
  - Puerto Rico and Territories
  - Ferry Boats & Terminals

- Federal Transit Programs
  - Urbanized Area Formula Grants (5307)
  - Elderly & Disabled Formula Grants (5310)
  - Rural Area Formula Grants (5311)
  - State of Good Repair Grants – (now a formula) 5337
  - Fast Growth/High Density Formula Grants (5340)
  - New Starts
CMAQ

- **Local Match** – Starting in FY 2013 all CMAQ projects will require a 20% local match

- **Redefined Eligibility** – Telecommuting, ridesharing, carsharing, alternative work hours, and pricing projects specifically made eligible
  - Author’s note: through the codification of these activities we believe that both capital and operating costs are eligible without condition, however, additional guidance and rulemaking will clarify those positions

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CMAQ

- **Capacity Prohibition** – Maintains prohibition against using CMAQ for capacity expansion (except for HOV facilities)

- **State Flexibility** – If a State does not or has never had an area designated for non-attainment, they may use CMAQ funds for projects eligible under the STP program

- **State Allocation** – States will receive the same proportional amount of CMAQ funds in FY 13/14 as they did in FY 09.
CMAQ

- **Operating Assistance** – Projects eligible under Chapter 53 of Title 49 (Transit title) are eligible for operating assistance under the CMAQ program
- **Optional Programmatic Eligibility** – An MPO may conduct a technical assessment of selected program of projects. If the assessment successfully demonstrates an emissions reduction impact, the whole program of projects may be approved without further evaluation.
  - Author’s note: It is my understanding that this means an MPO may group projects together and if there is one project with lots of emission reductions, other similar projects may be grouped with it, even if their efficacy is not as strong. Further it may also mean that projects that receive funding each year may not be required to be assessed each and every year. However the requirements of the performance plan mean that projects will be under closer scrutiny regardless.

CMAQ

- **Performance Plan** – Each Metropolitan Planning organization over 1,000,000 representing a non-attainment or maintenance area is required to develop a performance plan that includes:
  - An area baseline level for traffic congestion and on-road mobile source emissions
  - Description of progress made in achieving performance targets established by MAP-21 (see below)
  - Description of projects identified for funding and how the projects will contribute to achieving emission and congestion reduction

Performance plans shall be updated every two years and include a separate report that assesses the progress of the previous plan.
CMAQ

- PM 2.5 Set-Aside – States with areas in non-attainment for PM 2.5 (particulate matter) must give priority to diesel retrofit projects. For those states, 25% of CMAQ funds are set-aside for diesel retrofit projects –
  - Author's note: We are unsure if it is 25% of a state's total CMAQ allocation, or 25% of the portion of a States CMAQ allocation from populations living in PM 2.5, it is a large difference in how much is set-aside. FHWA hopefully will announce a answer before the beginning of the fiscal year

CMAQ

- CMAQ Outcomes Assessment Study – DOT and EPA is tasked with examining the outcomes of projects funded under CMAQ since SAFETEA-LU. The goals of the assessment will be:
  - Research the emission reductions or traffic reduction as well as the air quality and human health impacts during that time frame,
  - Expand the base of empirical evidence on air quality and human health impacts, and;
  - Increase the knowledge of the factors determining air quality and human health changes associated with transportation and other information to improve modeling.
CMAQ

- Evaluation & Assessment of Projects –
- DOT will maintain and disseminate a cumulative database describing the impacts of projects funded by CMAQ including specific information about each project such as project name, location, sponsor, cost and cost effectiveness.
- DOT, in coordination with EPA, shall evaluate projects on a periodic basis and develop a table that illustrates the cost effectiveness of a range of projects eligible for funding.
- States and MPOs shall consider the information in the table when selecting projects and developing performance plans.

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CMAQ – Bottom Line

- Increased flexibility for TDM, but more competition
- Increased focus on performance and performance metrics
- ACT PPC will develop recommendations
- States may ‘flex’ up to 50% of CMAQ to another program**
National Goals & Performance Measures

- The Secretary is required to establish performance measures and standards within 18 months of passage of MAP-21 (Jan 6, 2014).
- MAP-21 specifically limits the rulemaking process to measure only the performance measures listed by the section.

National Goals & Performance Measures

- National Highway Performance Program (Title 23 Section 119 – MAP-21 section 1106)
  - Minimum standards for states to use in developing and operating bridge and pavement management
  - Minimum levels for the condition of Pavement on the interstate system and National Highway System
  - Condition of Bridges on the National Highway System
  - Performance of the Interstate System
  - Performance of the National Highway System

The Secretary has the authority to recognize in this rule making that different regions suffer from different geographic challenges and thus minimum standards may vary.
National Goals & Performance Measures

- Highway Safety Improvement Program (Title 23 Section 148 – MAP-21 section 1112)
  - Serious injuries and fatalities per vehicle mile travelled
  - The number of serious injuries and fatalities

- Congestion Mitigation & Air Quality Program (Title 23 Section 149 – MAP-21 section 1113)
  - Traffic congestion
  - On-road mobile source emissions

- National Freight Movement

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National Goals & Performance Measures

- Not less than 1-year after the Secretary has issued the final rule (no later than Jan 6, 2015) each State is required to set performance targets for the issues highlighted above.
- No later than 4-years after the enactment of MAP-21 (Jul 6, 2016) and every two years after each State is required to submit a report to DOT describing:
  - The condition and performance of the National Highway System in the State;
  - The effectiveness of the investment strategy document in the State asset management plan for the National Highway System;
  - Progress in achieving performance targets identified by DOT; and,
  - The ways in which the State is addressing congestion at freight bottlenecks, including those identified in the National Freight Strategic Plan, within the State.
Transportation Alternatives Program

- MAP-21 consolidates the Transportation Enhancements, Recreational Trails, and Safe Routes to Schools Program into a new separate program.

- When looking at the consolidation - the total amount of funding spent on these programs is cut by 25%.
  - In FY 2011, the three programs listed above totaled $1.22 billion. The allocation for the Transportation Alternatives program in FY 2013 is $808 million.

- States are required to spend a minimum amount of their Transportation Alternatives funding on recreational trails projects unless the Governor requests a waiver one month before funds are allocated.

Transportation Alternatives Program

- When funds are apportioned to a state, half of the funds must be spent urbanized areas in proportions relative to other urbanized areas in that state. The other half may be spent at the State’s discretion.

- For the ‘Metro’ part of the program, the State and relevant MPO must conduct a competitive process open to a wide array of entities.

- The MPO has the power to select the projects under this process.

- States may transfer to the Surface Transportation Program (STP) any Transportation Alternatives funding that remains un-used after 1 year and 10 months.
Investment in Vanpooling

- Language was included in the transit title that allows public sector agencies who contract for vanpool service to use passenger revenue as a source of local match for creation and expansion of a vanpool program.
- Eliminates need for local match for projects looking to start or expand
- Provision is expected to double vanpooling fleet nationwide within 5 years

Transportation Fringe Benefit

- Cap remains at $125/month for transit-vanpool and $240/month for parking
- Efforts on going to increase cap as a part of tax extenders discussion
- Tax reform may eliminate both parking and transit benefit
Changes in Definitions

- **Transportation Management & Operations (TM&O)** – The term ‘transportation systems management and operations’ means integrated strategies to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system including actions such as traffic detection and surveillance, corridor management, freeway management, arterial management, active transportation and demand management, work zone management, emergency management, traveler information services, congestion pricing, parking management, automated enforcement, traffic control, commercial vehicle operations, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations; and coordination of the implementation of regional transportation system management and operations investments (such as traffic incident management, traveler information services, emergency management, roadway weather management, intelligent transportation systems, communication networks, and information sharing systems) requiring agreements, integration, and interoperability to achieve targeted system performance.

- **Real-Time Ridesharing** – The definition of carpool is amended to include real-time and dynamic ridesharing projects where the drive receives some form of compensation for sharing his/her vehicle so long as the compensation does not exceed the cost of the trip. Over the past several years there have been a number of innovations in the carpool world and programs are being set-up to provide an incentive for drivers to share their cars. As such, many state and local governments have begun to question where this form of reimbursement requires drivers to be considered taxi-cab or for compensation drivers. Amending the definition does not solve that problem, but does provide a basis for local governments to turn to.
Tolling & HOV

- MAP-21 gives States the authority to convert existing HOV lanes into High-Occupancy Toll lanes, but the language specifically prevents States from charging HOV’s a toll:

“A public authority with jurisdiction over a high occupancy vehicle facility on the Interstate System may undertake reconstruction, restoration, or rehabilitation under paragraph (1)(G) on the facility, and may levy tolls on vehicles, excluding high occupancy vehicles…”

Summary

**Positives**
- CMAQ survives
- CMAQ Performance Plan
- Eligibility clarified and expanded
- Performance measures included
- Investment in vanpools

**Negatives**
- Flat funding
- Elimination of value pricing program (demo)
- Consolidation of TE, SRTS, Rec Trails
- No increase in transit benefit
- Increased competition with CMAQ
Summary

- Increased focus on performance
  - Loop back with ACT so you have examples to trumpet successes and identify challenges
- Need to weigh-in on performance measures
- Push for open guidance/rulemaking

For More Information

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**ACT-MAP 21 Resource Center**
Via ACT website or
http://tinyurl.com/ACT-MAP21

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