North Dakota Association of County Engineers
2016 Annual Conference
January 21, 2016

FHWA Update
Discussion Areas

- FHWA Briefly
- Federal Funding
  - FAST Act
- FHWA Role
  - Project Documentation Cues
FHWA Briefly: Who are we?

- **Money:** About $41B → 47B Federal Highway Funds
- **Legislated Mission:** “...provide for a strong and vigorous national economy...” 23 USC 101(b) (*and associated regulations*)
- **What we aspire to through our Mission:** Improve Mobility on our Nation’s Highways Through National Leadership, Innovation, and Program Delivery.
- **What the public expects:** Safety and fiscal integrity, emergency response...
• Transportation Reauthorization
  – Fixing America’s Surface Transportation (FAST) Act
• FY2016 Appropriations Act
  – North Dakota’s Apportionment is about $252M
  – North Dakota’s Obligation Limitation is about $235M; and about $240M inclusive with other exempted funds
P.L. 114-94
Fixing America’s Surface Transportation (FAST) Act
Key Highway Provisions
FAST Act

- Signed by President Obama on December 4, 2015
- First long-term authorization act in a decade
- Result of bipartisan cooperation and compromise
- Provides 5 years of funding certainty for infrastructure planning and investment
- Authorizes $305 B (all modes) over FY 2016-2020
- $70 B in transfers to keep the Highway Trust Fund solvent; fully “paid for” (offset) by unrelated savings
$305 B (all modes) over FY2016-2020

<table>
<thead>
<tr>
<th>Program</th>
<th>5-Year Funding (billions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Highway Administration</td>
<td>$ 226.3</td>
</tr>
<tr>
<td>Federal Transit Administration</td>
<td>61.1</td>
</tr>
<tr>
<td>Federal Motor Carrier Safety Administration</td>
<td>3.2</td>
</tr>
<tr>
<td>Pipeline and Hazardous Materials Administration</td>
<td>0.4</td>
</tr>
<tr>
<td>National Highway Traffic Safety Administration</td>
<td>4.7</td>
</tr>
<tr>
<td>Federal Railroad Administration</td>
<td>10.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>305.0</strong></td>
</tr>
</tbody>
</table>
Key Highway Facts

- $226.3 B for highways over five years (FY 2016-2020)
  - $225.2 B in contract authority
  - $1.1 B from the General Fund

- Builds on the program structure and reforms of MAP-21
- Continued focus on accelerating project delivery
- Adds a new freight formula and expands freight network
- Adds a new discretionary program for nationally significant freight and highway projects
- Provides a new tribal self-governance option
Highway contract authority grows each year

Highway Authorizations from Trust Fund (billions)

- FY 2015: $41.0
- FY 2016: $43.1
- FY 2017: $44.0
- FY 2018: $45.0
- FY 2019: $46.0
- FY 2020: $47.1
APPORTIONED PROGRAMS
# Growth Varies by Program

<table>
<thead>
<tr>
<th>Program</th>
<th>Avg. Annual Funding (millions)</th>
<th>Change from FY 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Highway Performance Program</td>
<td>$23,280</td>
<td>+6.3%</td>
</tr>
<tr>
<td>Surface Transportation Block Grant Program</td>
<td>11,654</td>
<td>+15.6</td>
</tr>
<tr>
<td><strong>Transportation Alternatives Set-aside</strong></td>
<td>[760]</td>
<td>+3.3</td>
</tr>
<tr>
<td><strong>Recreational Trails Program Set-aside</strong></td>
<td>[84]</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Surface Transportation Block Grant Program (net of TA &amp; Rec Trails)</strong></td>
<td>[10,809]</td>
<td>+7.3</td>
</tr>
<tr>
<td>Congestion Mitigation &amp; Air Quality Improvement</td>
<td>2,405</td>
<td>+6.1</td>
</tr>
<tr>
<td>Highway Safety Improvement Program</td>
<td>2,317</td>
<td>+5.7</td>
</tr>
<tr>
<td>Railway-Highway Crossings Program</td>
<td>235</td>
<td>+6.8</td>
</tr>
<tr>
<td>Metropolitan Planning</td>
<td>343</td>
<td>+9.5</td>
</tr>
<tr>
<td>National Highway Freight Program</td>
<td>1,249</td>
<td><strong>NEW</strong> +100.0</td>
</tr>
</tbody>
</table>
92% of Highway Funds Are Apportioned

- National Highway Freight Program
- National Highway Performance Program
- Surface Transportation Block Grant (STBG) Program
- Metropolitan Planning
- Recreational Trails
- Transportation Alternatives
- Railway-Highway Crossings
- CMAQ
- HSIP

$207.4 B over 5 years
# Changes to NHPP and STP

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| NHPP  | • TIFIA costs and V2I communication equipment now eligible  
   • Bridge resurfacing/preservation/reconstruction on non-NHS Federal-aid highways now eligible |
| STP   | • Renamed: Surface Transportation Block Grant Program (STBG)  
   • Eligibilities restated with none eliminated; new eligibilities for TIFIA costs, State P3 office, V2I communication equipment  
   • In border States, up to 5% for infrastructure projects eligible under the SAFETEA-LU border program  
   • More suballocation: +1%/year up to 55% (vs. 50% today)  
   • Set-asides for Transportation Alternatives and Recreational Trails (see next slide) |
# Changes to TAP, CMAQ, and HSIP

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</table>
| “TAP” | - Same program, but no longer called TAP; no name specified  
- All funds set aside from STBG (vs. from all formula programs today)  
- Nonprofits responsible for local transportation safety programs may be project sponsors |
| CMAQ  | - V2I communication equipment eligible  
- Port-related equipment & vehicles eligible under PM2.5 set-aside  
- Exception from PM2.5 set-aside for low population density States (under certain conditions) |
| HSIP  | - Only listed project types eligible—mostly infrastructure-related  
- Adds eligibility for V2I communication equipment and certain pedestrian safety improvements  
- State need not collect certain data on unpaved roads (but can’t use HSIP funds on those roads until it collects the data) |
FREIGHT
National Highway Freight Program | NEW

• $1.2 B / year (average), apportioned to States by formula

• Eligible activities include construction, operational improvements, freight planning and performance measures

• Highway focus, but ≤10% for rail/port/intermodal projects

• No State freight plan, no freight formula $ (beginning FY 2018)

• Federal share is determined under 23 USC 120

• Repeals special Federal share for freight projects
Natl. Significant Freight & Hwy. Projects | NEW

- $900 M/year (average) for competitive grants or TIFIA loans for projects >$100 M (reduced for States w/ small programs)

- Eligible activities:
  - Highway freight projects on National Highway Freight Network
  - NHS highway/bridge projects, projects in National Scenic Areas
  - Freight rail/intermodal/port projects (≤$500 M over 5-year period)
  - Rail-highway grade crossing or grade separation projects

- States, large MPOs, Tribes, localities, and FLMAs may apply

- OST selects projects; Congress has 60 days to disapprove

- Set-asides for rural areas and projects below cost threshold
Other Freight Provisions

- Freight policy goals and multi-modal national freight strategic plan
- State freight plans (required) & advisory committees (encouraged)
- National multimodal freight network
- National Highway Freight Network, to include:
  - Primary Highway Freight System (PHFS); initially 41K miles
  - Critical rural freight corridors identified by States
  - Critical urban freight corridors with State-MPO consultation
  - Portions of Interstate System not included in the PHFS
- Highway network re-designated every 5 years (w/up to 3% growth)
PLANNING, PERFORMANCE & PROJECT DELIVERY
Accelerating Project Delivery

A major theme of the FAST Act, with 18 separate provisions in the highway title alone.

The Act—

- Adds New Flexibilities
  - Section 4(f) exemption for some bridges
  - Authorizes taking of nesting swallows in at-risk bridges

- Refines Existing Provisions
  - Narrows concurrence requirement for PEL
  - Pilot for substitution of State law for NEPA
Accelerating Project Delivery, cont’d

- Adds to Procedural Requirements
  - Requires a schedule, a checklist, and response to project initiation
  - Adds some new specific time frames for notices and reviews

- Builds on Existing Activities
  - Requires permitting dashboard (but covers all EISs & EAs)

- DOT to maximize use of authority to delegate project oversight to States on both a project and programmatic basis
OTHER PROGRAMS & PROVISIONS
Highway Design

- On NHS, design "shall consider" (previously “may take into account”)—
  - constructed/natural environment
  - environ., scenic, aesthetic, historic, community, & preservation impacts
  - access for other modes
  - cost savings via flexibility in current design guidance/regulations | NEW

- DOT to consider AASHTO Highway Safety Manual, NACTO Urban Street Design Guide

- Encouragement for States/MPOs to adopt standards for Fed. projects that accommodate motorized and non-motorized users

- Locality may use different roadway publication than State (with State approval) in certain circumstances
Other Provisions

• Specifically allows multiple similar bridge projects to be handled (“bundled”) into a single project

• DOT to designate national electric vehicle charging and hydrogen, natural gas, and propane fueling corridors

• Encouragement of vegetation management practices that improve habitat and forage for pollinators

• State may opt for Federal share <100% for Appalachian Development Highway System (ADHS) projects
A Partner... In “A Federally Assisted, State Administered Program”
• Railroad Coordination and Certification (project development)
• Engineer’s Estimate and Bid Analysis
• Employee in Responsible Charge
• Accommodate all Transportation Users in Work Zones
Federal-aid Essentials for Local Public Agencies

Thank You!

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