



AMERICAN
PUBLIC
TRANSPORTATION
ASSOCIATION

MAP-21

**Moving Ahead for Progress
in the 21st Century**

A GUIDE TO TRANSIT-RELATED PROVISIONS



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Letter from the President & CEO

This guide provides a summary of key provisions related to public transportation under the new Moving Ahead for Progress in the 21st Century (MAP-21) law, which authorizes funding for federal transit and highway programs through Fiscal Year (FY) 2014. On June 29, 2012, the U.S. House of Representatives and the Senate approved, by wide margins, the conference report on MAP-21 (H.R. 4348). The bill was signed into law, by President Obama, on July 6, 2012 (Public Law 112-141), completing a legislative process that spanned almost three years and 10 extensions of SAFETEA-LU.



MAP-21 builds on and modifies previous surface transportation laws; the Intermodal Surface Transportation Efficiency Act (ISTEA; P.L.102-240), the Transportation Equity Act for the 21st Century (TEA 21; P.L. 105-178), and the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU; P.L. 109-59).

MAP-21 includes many of APTA’s recommendations on federal public transportation authorizing law, which were developed by APTA’s Authorization Task Force and the APTA Legislative Committee. The industry thanks task force co-chairs John Cato, Stephanie Negriff, and Alan Wulkan, who worked with Legislative Committee Chair Bill Volk and all of APTA’s members to produce consensus recommendations that helped guide the legislative process. APTA’s entire membership, using the resources of the APTA Research, Communications, and Advocacy (RCA) program, worked together, and with other transportation coalition partners, to produce a good multi-year surface transportation bill in a challenging federal budgetary and political environment. I hope you find this guide useful. For additional information, please consult the APTA MAP-21 Primer and the APTA Blue Book, which section-by-section notes every change MAP-21 makes to Chapter 53 public transportation policy.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael P. Melaniphy". The signature is fluid and cursive, written over a white background.

Michael P. Melaniphy
President & CEO
American Public Transportation Association
November 2012

PROGRAM	MAP-21 AUTHORIZATIONS		
	FY 2013 <i>(Millions of Dollars)</i>	FY 2014 <i>(Millions of Dollars)</i>	Two-Year Total <i>(Millions of Dollars)</i>
Total All Programs	10,578.00	10,695.00	21,273.00
Formula Grant Programs Total (Funded from the Mass Transit Account)	8,478.00	8,595.00	17,073.00
§ 5305 Planning	126.90	128.80	255.70
§ 5307/5336 Urbanized Area Formula	4,397.95	4,458.65	8,856.60
§ 5310 Seniors and Individuals with Disabilities	254.80	258.30	513.10
§ 5311 Rural Area Basic Formula	537.51	545.64	1,083.15
§ 5311(b)(3) Rural Transportation Assistance Program	11.99	12.16	24.15
§ 5311(c)(1) Public Transp. on Indian Reservations	30.00	30.00	60.00
§ 5311(c)(2) Appalachian Development Public Transp.	20.00	20.00	40.00
§ 5318 Bus Testing Facility	3.00	3.00	6.00
§ 5322(d) National Transit Institute	5.00	5.00	10.00
§ 5335 National Transit Database	3.85	3.85	7.70
§ 5337 State of Good Repair	2,136.30	2,165.90	4,302.20
§ 5339 Bus and Bus Facilities Formula	422.00	427.80	849.80
§ 5340 Growing States and High Density States	518.70	525.90	1,044.60
§ 20005(b) of MAP-21 Pilot Program for TOD Planning	10.00	10.00	20.00
Other Programs Total (Funded from General Revenues)	2,100.00	2,100.00	4,200.00
§ 5309 Fixed-Guideway Capital Investment	1,907.00	1,907.00	3,814.00
§ 5312 Research, Development, Demo., Deployment	70.00	70.00	140.00
§ 5313 TCRP	7.00	7.00	14.00
§ 5314 Technical Assistance and Standards Development	7.00	7.00	14.00
§ 5322 Human Resources and Training	5.00	5.00	10.00
§ 5324 Emergency Relief	(a)	(a)	(a)
§ 5326 Transit Asset Management	1.00	1.00	2.00
§ 5327 Project Management Oversight	(b)	(b)	(b)
§ 5329 Public Transportation Safety	5.00	5.00	10.00
§ 5334 FTA Administration	98.00	98.00	196.00

(a) Such sums as are necessary.

(b) Project Management Oversight funds are a variable percentage takedown from capital grant programs.

Introduction

The new law authorizes \$10.6 billion in FY 2013 and \$10.7 billion in FY 2014 for the federal transit program. Simplification and consolidation of programs are common themes throughout, while discretionary programs are greatly reduced, with most funds being delivered to public transportation agencies through core formula programs. Under the new law, much of the federal transit program structure remains in place, retaining formula programs that distribute mostly capital assistance based on need and a program for new fixed guideway starts and extensions. It also creates a new state of good repair program to replace the existing fixed guideway modernization program. The new law eliminates the current bus and bus facilities program, under which funds were distributed through either earmarks or competitive grants in recent years, and replaces that program with a smaller program that distributes bus and bus facility funds under a formula.

The law allows small transit systems in large urban areas to use a portion of their formula funds for operating costs, as recommended by APTA. MAP-21 retains and grows the small transit intensive cities (STIC) formula program, combines several smaller formula programs, streamlines the new starts approval process, and requires the establishment of asset management systems and new performance measurements. The measure also increases the availability of credit assistance under the Transportation Infrastructure Finance and Innovation Act (TIFIA) program and establishes a new transit safety program which gives FTA greater authority over state safety oversight agencies.



Summary of Provisions of MAP-21 Public Transportation Programs

URBANIZED AREA FORMULA PROGRAM

(49 USC § 5307, § 5336, and § 5340)

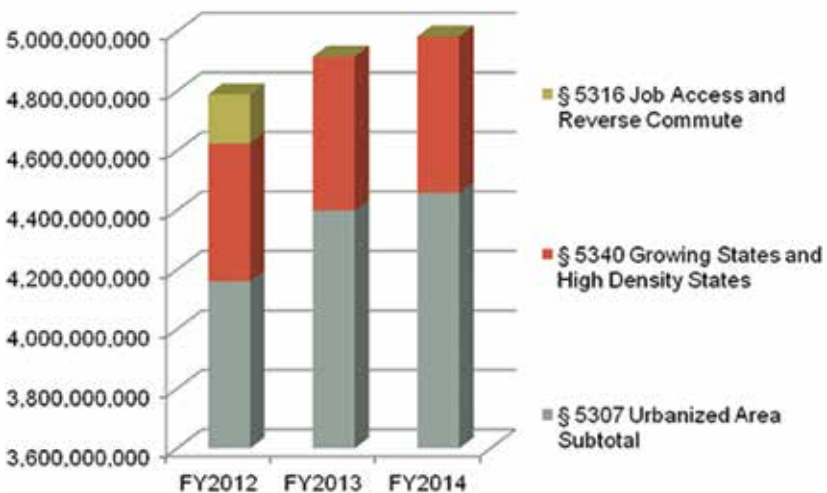
(Sections 20007 and 20026 of MAP-21)

Funded from the Highway Trust Fund/Mass Transit Account (HTF/MTA)

Urbanized area formula grants remain the largest source of federal transit funding under MAP-21, with \$4.398 and \$4.459 billion authorized in FY 2013 and FY 2014. MAP-21 preserves the existing formula program and its distribution factors, including separate factors based on population growth and density, but it does include additions to the formulas and permits the use of urbanized area formula funds for operating expenses under certain circumstances.

Under MAP-21, the basic structure of the urbanized area formula is maintained with funding apportioned based on bus vehicle revenue miles, bus passenger miles, fixed guideway vehicle revenue miles, and fixed guideway directional route miles, as well as population and population density. However, a new factor reflecting the number of low-income individuals is also included, in order to reflect the consolidation of the Job Access and Reverse Commute (JARC) program into the core program, with JARC activities being included in the list of eligible activities under Section 5307.

Urbanized Area Formula Grants



MAP-21 also retains the **GROWING STATES AND HIGH DENSITY STATES FORMULA DISTRIBUTION (49 USC § 5340)**. In FY 2013 and 2014, \$518.7 million and \$525.9 million are authorized for Section 5340. One-half of the funds are made available under the Growing States factors and are apportioned by a formula based on state population forecasts for 15 years beyond the most recent Census. Amounts apportioned for each state are then distributed between urbanized areas and rural areas based on the ratio of urban/rural population within each state. The High Density States factors distribute the other half of the funds to states with population densities in excess of 370 persons per square mile. High Density funds are apportioned only to urbanized areas within those states.

The new law also continues and increases funding for the **SMALL TRANSIT INTENSIVE CITIES (STIC) [49 USC § 5336(i)]** tier in the urbanized area formula program that distributes funds to small UZAs with fewer than 200,000 population and that provide transit service above a certain level. The new tier will be funded at 1.5 percent of all UZA formula funds annually beginning in FY 2013. The criteria remain unchanged: they are passenger miles traveled per vehicle revenue mile; passenger miles traveled per vehicle revenue hour; vehicle revenue miles per capita; vehicle revenue hours per capita; passenger miles traveled per capita; and passengers per capita.

OPERATING EXPENSES – MAP-21 maintains the existing criteria for use of 5307 funds for capital projects (operating expenses continue to be ineligible) in urban areas with a population greater than 200,000, while a new rule – the “100 bus rule” – has been included, allowing systems with 76–100 buses operating in peak service to use up to 50% of their 5307 funding for operating expenses and those operating 75 or fewer buses to use up to 75% for operating expenses. Small urbanized areas with populations under 200,000 will continue to be able to use up to 100 percent of their 5307 funding for operating expenses. The law preserves current eligibility of preventive maintenance as a capital expenditure.

SAFETY SET-ASIDE – The law also includes a new set-aside of 0.5 percent to be apportioned to eligible States (those with rail transit operations) for state safety oversight program grants, to support the oversight goals of the new transit safety program established under Section 20021 of the bill (49 USC § 5329).

OTHER SET-ASIDES – Recipients must spend 1 percent of their 5307 funds on “associated transportation improvements” (formerly known as transit enhancements), with some limited changes to the eligible activities. Recipients must also continue to spend 1 percent of their 5307 apportionment on security

projects unless they certify those expenditures as unnecessary. MAP-21 also includes a set-aside of \$30 million to be allocated through a competitive process for passenger ferry grants.

Finally, other federal funding received by recipients for transportation projects and services may be applied to local match requirements, including certain expenditures by private van pool operators (see General Provisions).

FORMULA	FY 2013 <i>(Thousands of Dollars)</i>	FY 2014 <i>(Thousands of Dollars)</i>	TWO-YEAR TOTAL <i>(Thousands of Dollars)</i>
Total § 5336 Authorized Amount^a	4,397,950	4,458,650	8,856,600
§ 5327 Project Management Oversight (Administrative)	32,985	33,440	66,425
§ 5307(h) Passenger Ferry Grants (Discretionary)	30,000	30,000	60,000
§ 5329(e) State Safety Oversight Program (Rail Transit States)	21,990	22,293	44,283
§ 5336 (a) Through (c) Bus and Fixed Guideway Formulas	4,114,465	4,171,660	8,286,125
§ 5336(i) Small Transit Intensive Cities Formula	63,494	64,377	127,871
§ 5336(j) Low Income Individuals Formula	135,017	136,881	271,898
§ 5340(c) Growing States Formula – Approximate ^b	218,373	221,404	439,777
§ 5340(d) High Density States Formula ^b	259,350	262,950	522,300
Total Funds Apportioned by UZA Formulas^c	4,790,698	4,857,271	9,647,969

a Includes all funds distributed by § 5327, § 5307(h), § 5329(e), § 5336(a) through (c), § 5336(i), and § 5336(j).

b A portion of § 5340(c) is distributed by the § 5311 Rural Program. Total § 5340(c) and § 5340(d) funding equals \$518.7 million in FY 2013 and \$525.9 million in FY 2014.

c Includes all funds from § 5336(a) through (c), § 5336(i), § 5336(j), § 5340(c), and § 5340(d).

RURAL FORMULA PROGRAM

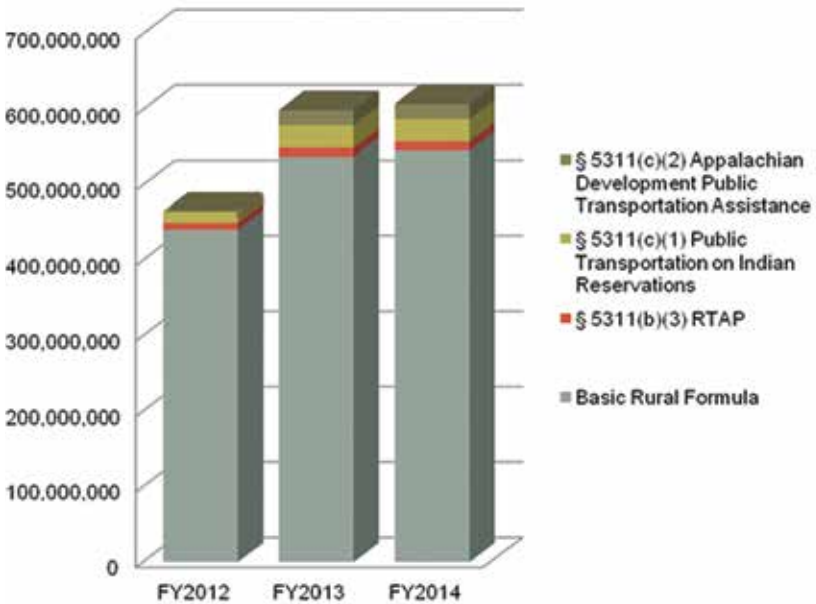
(49 USC § 5311)

(Section 20010 of MAP-21)

Funded from the Highway Trust Fund/Mass Transit Account (HTF/MTA)

The rural formula program, previously known as “Non-urbanized” formula grants, experiences significant growth over FY 2012, with \$599.5 million and \$607.8 million authorized in FY 2013 and FY 2014 – an increase of more than 30 percent over current levels by FY 2014. The new program generally maintains the existing structure, providing funding to states for public transportation in rural areas, with most funding apportioned based on land area and population in rural areas. However, a service factor is added to the apportionment formula and as a result, a portion of the funds will be apportioned based on land area, revenue-vehicle miles, and low-income individuals in rural areas. The low-income population factor is included in a similar manner as with the Sec. 5307 urbanized area formula grants, in order to account for the expanded eligibility for JARC-like projects.

Section 5311 Rural Program



MAP-21 continues the requirement that states spend at least 15 percent of their annual apportionments under the Rural program to develop and support intercity bus transportation. In addition, the new law allows the costs of private intercity bus operations (unsubsidized segments) to be treated as an in-kind match for the operating costs of connecting rural intercity bus feeder service (funded by MAP-21), if a written agreement with the private operator is reached.

Additionally, within the Rural program, funding for the Public Transportation on Indian Reservations program is increased to \$30 million, with \$5 million to be distributed competitively each fiscal year, and \$25 million available to Indian Tribes as formula grants to continue and expand public transportation services.

MAP-21 also provides a set-aside of \$20 million from the Rural program for a new formula-based Appalachian Development Public Transportation Program. This program is established to distribute transit funding to states to increase public transportation access for residents within the Appalachian region.

Finally, approximately \$12 million per year is authorized for the Rural Transit Assistance Program (RTAP).

FORMULA	FY 2013 <i>(Thousands of Dollars)</i>	FY 2014 <i>(Thousands of Dollars)</i>	TWO-YEAR TOTAL <i>(Thousands of Dollars)</i>
Total § 5311 Amount^a	599,500	607,800	1,207,300
§ 5327 Project Management Oversight	2,998	3,039	6,037
§ 5311(b)(3) Rural Transportation Assistance Program	11,990	12,156	24,146
§ 5311(c)(1) Public Transportation on Indian Reservations	30,000	30,000	60,000
§ 5311(c)(2) Appalachian Development Public Transportation Assistance	20,000	20,000	40,000
§ 5311(c)(3) Rural funds for Formula Distribution	534,513	542,605	1,077,118
§ 5340(c) Growing States Distribution – Approximate	40,977	41,546	82,523
Total Funds Distributed by Rural Formula^b	575,490	584,151	1,159,641

a Includes all funds distributed by § 5327, § 5311(b), and § 5311(c)(1) through § 5311(c)(3).

b Includes all funds from § 5311(c)(3) and § 5340(c).

FORMULA GRANTS FOR THE ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES (49 USC § 5310)

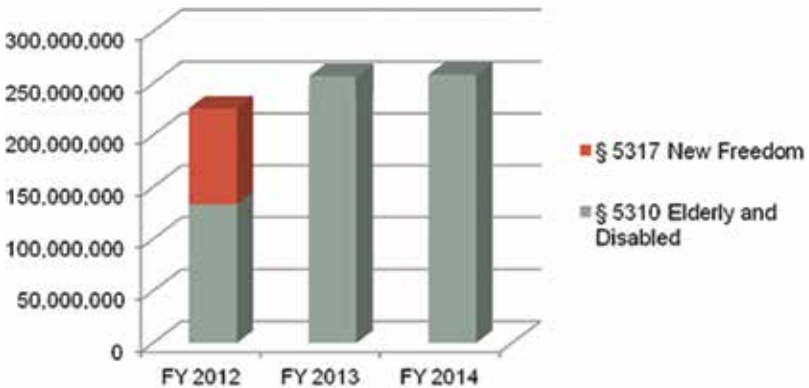
(Section 20009 of MAP-21)

Funded from the Highway Trust Fund/Mass Transit Account (HTF/MTA)

MAP-21 consolidates the former Elderly and Disabled (Sec. 5310) and New Freedom (Sec. 5317) programs into a single program that increases the level of resources available by approximately 14 percent in FY 2014, while generally continuing the goals and eligible activities of the previous programs.

Eligible recipients include states (for all areas under 200,000 in population) and designated recipients. Subrecipients may include states or local government authorities, private non-profit organizations, or operators of public transportation that receive a grant indirectly through a recipient. Under the new program, 60% of funds are allocated to designated recipients in urbanized areas with a population over 200,000. States will be allocated 20 percent for small urbanized areas, and an additional 20 percent for rural areas. Under this funding allocation, transit providers in larger urbanized areas will have the opportunity to serve in a greater mobility management role than before, while those providers that choose to do so will have the option to designate their states as administrators for the funds.

Enhanced Mobility of Seniors and Individuals with Disabilities



The new law also requires that a minimum of 55 percent of program funds be used on capital projects that are planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable. The remaining funds may be used for public transportation projects that exceed the requirements of the ADA, projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit, and for alternatives to public transportation that assist seniors and individuals with disabilities.

The consolidated program aims to continue support for non-profit providers of transportation, and it will continue to make available funds for public transportation services that exceed the requirements of the Americans with Disabilities Act, as previously provided under the New Freedom program.

As under current law, the local share may be derived from other federal (non-DOT) transportation sources or the Federal Lands Highways Program under 23 U.S.C. 204 (as in former Section 5310 program). Further, recipients must certify that projects selected are included in a locally developed, coordinated public transit-human services transportation plan. The plan must undergo a development and approval process that includes seniors and people with disabilities, transportation providers, among others, and is coordinated to the maximum extent possible with transportation services assisted by other federal departments and agencies.

STATE OF GOOD REPAIR PROGRAM

(49 USC § 5337)

(Section 20027 of MAP-21)

Funded from the Highway Trust Fund/Mass Transit Account (HTF/MTA)

The law creates a new “State of Good Repair” (SGR) grant program that would replace the current Fixed Guideway Modernization program. The new program is authorized at \$2.1 billion in FY 2013 and \$2.2 billion in FY 2014, with \$60.9 million in FY 2013 and \$61.7 million of the total distributed under a new High Intensity Motorbus State of Good Repair program.

The fixed guideway portion of the SGR program is available for grants to finance capital projects to maintain fixed guideway public transportation systems in a state of good repair. The new law defines fixed guideway systems as those using and occupying a separate right of way for the exclusive use of public transportation, using rail, using a fixed catenary system, for passenger ferry

systems, or for a bus rapid transit (BRT) system. The new law would provide formula funding to systems providing public transportation service on a facility with access for other high-occupancy vehicles under the High Intensity Motor Bus program. Unlike the previous law, the new law limits funding under the fixed guideway portion of the SGR program to BRT systems in which the majority of each line operates in a separated right of way dedicated for public transportation use – not shared with other high occupancy vehicles – during peak periods and that include features that emulate services provided in fixed guideway systems.

Of the funds authorized for fixed guideway SOGR grants, 97.15% would be apportioned to fixed guideway systems based on route and revenue miles for segments in operations for at least 7 years, and 2.85% would be apportioned based on motorbus public transportation on a facility with access for other high-occupancy vehicles (mainly HOV lanes).

Of the 97.15% of funds authorized for fixed guideway systems, 50% would be apportioned only to those systems that received fixed guideway modernization funds in FY 2011, based 60% on vehicle revenue miles and 40% on directional route miles. The remaining 50% would be apportioned to systems based 60% on vehicle revenue miles and 40% on directional route miles, counting only those miles that have been in revenue service for at least 7 years. The law also specifies that a grant recipient’s share shall not be reduced by more than 0.25 percentage points of the percent share that the recipient received in the previous year, or for FY 2013, shall not be reduced by more than .25% of the percent share the recipient received in FY 2011. The new law also requires that recipients under the SOGR programs have asset management plans

FORMULA	FY 2013 <i>(Thousands of Dollars)</i>	FY 2014 <i>(Thousands of Dollars)</i>	TWO-YEAR TOTAL <i>(Thousands of Dollars)</i>
Total State of Good Repair Funds	2,136,300	2,165,900	4,302,200
§ 5337(c) High Intensity Fixed Guideway State of Good Repair Formula Funds	2,075,415	2,104,172	4,179,587
§ 5337(d) High Intensity Motorbus State of Good Repair Formula Funds	60,885	61,728	122,613

FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS **(49 USC § 5309)**

(Section 20008 of MAP-21)

Funded from the General Fund – subject to Annual Appropriations

MAP-21 provides \$1.907 billion from the General Fund for each of FY 2013 and FY 2014 for fixed guideway capital investment grants. The new law reforms and streamlines the New Starts program, reducing duplicative steps in the project development and approval process and providing deadlines for DOT review. These changes are meant to help project sponsors move through the New Starts pipeline more quickly and efficiently than in the past. Significant program changes include:

- Establishing a two-year time limit for completing project development.
- Eliminating duplicative alternatives analysis requirements.
- Expanding the use of warrants for making project justification determinations for new fixed guideway capital or core capacity improvement projects where funding provided under section 5309 does not exceed \$100 million or 50 percent of total project costs.
- Expediting technical capacity review for projects designed by applicants that have recently completed a new fixed guideway capital project or core capacity improvement project that has achieved or surpassed expected budget, cost, and ridership projections and where applicants have demonstrated they continue to have the staff expertise and other resources necessary to implement a new project.
- Reducing the number factors DOT must consider when approving or advancing a project.

The new law revises project eligibility to include (1) core capacity improvements, (2) new fixed guideway capital projects, and (3) small start projects. Bus rapid transit (BRT) projects are defined in two ways: corridor-based BRT is eligible exclusively as a small start project; fixed guideway BRT is included in the definition of a new fixed guideway capital project and therefore shares such project's broader eligibility.

- A core capacity improvement project is defined as a corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than 10 percent; project elements designed to maintain a state of good repair are excluded.

- A new fixed guideway capital project is defined as a new fixed guideway project or fixed guideway BRT project that is a minimum operable segment or extension to an existing fixed guideway or BRT system. In turn, a fixed guideway BRT project is defined as a bus capital project in which the majority of the project operates in a separated right-of-way dedicated for public transportation, that represents a substantial investment in a single route, and that includes features emulating the services provided by rail fixed guideway systems.
- A small start project is a new fixed guideway capital project or corridor-based BRT project for which funding provided under section 5309 is less than \$75 million and the total net capital cost is less than \$250 million. In turn, a corridor-based BRT project is defined as a small start bus project that represents a substantial investment in a defined corridor as demonstrated by features that emulate rail fixed guideway systems, but the majority of which does NOT operate in a separated right-of-way dedicated for public transportation use.
- A program of interrelated projects is defined as the simultaneous development of (1) two or more new fixed guideway capital projects or core capacity improvement projects, or (2) one or more new fixed guideway capital projects and one or more core capacity improvement projects. A federally-funded project within a program of interrelated projects advances in a manner similar to the process for individual fixed guideway capital or core capacity improvement projects. In addition, DOT must annually determine whether the program of interrelated projects is adhering to its schedule. DOT may grant a time extension, but failure to carry out a program of interrelated projects within a reasonable time requires a repayment of all Federal funds.

Federal share: In general, the Federal share of net capital project costs will not exceed 80 percent, except under a “special rule” for fixed guideway BRT projects, where up to three such projects shall receive a Federal share of at least 80 percent.

Pilot Program for Expedited Project Delivery: Under MAP-21, up to three new fixed guideway capital or core capacity improvement projects that have completed the NEPA process and have significant local or private financial support (as the Government share cannot exceed 50 percent) shall be selected by DOT to demonstrate whether innovative project development and delivery methods or innovative financing arrangements can expedite project delivery. Each project applicant selected under this pilot must study and report to DOT on (1) the impacts of the project on transit services and ridership, (2) the consistency of

predicted and actual costs and benefits of the innovative measures that enabled the project to receive funding under this pilot, and (3) the reasons for any differences between predicated and actual outcomes for the project.

BUS AND BUS FACILITIES FORMULA GRANTS

(49 USC § 5339)

(Section 20029 of MAP-21)

Funded from the Highway Trust Fund/Mass Transit Account (HTF/MTA)

Under MAP-21, the formerly discretionary bus and bus facilities program is now a smaller formula grant program, precluding both congressional earmarks and discretionary grant-making by the Administration. Grants may be used to finance capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities, in accordance with the grant requirements in section 5307.

The bill authorizes \$422 million in FY 2013 and \$427.8 million in FY 2014 for these formula grants, substantially below the \$984 million authorized for the discretionary bus program in each of FYs 2009 through 2012. The formula provides that the first \$65.5 million shall be distributed to all States and territories, with each State receiving \$1.25 million and each territory \$500,000. The remainder is apportioned under the urbanized area population and bus formula factors of section 5336.

A Governor is authorized to transfer bus formula funds in two cases: (1) any portion of a State's \$1.25 million share of national distribution funds may be transferred to supplement the State's rural or urbanized area formula apportionments, and (2) any of the State's bus apportionment based on population and bus factors that is not allocated to recipients in urbanized areas of 200,000 or more may be expended in urbanized areas with a population of less than 200,000.

The Federal share is 80 percent of net capital costs, and a grant recipient may provide additional local matching amounts.

PUBLIC TRANSPORTATION SAFETY PROGRAM

(49 USC § 5329)

(Section 20021 of MAP-21)

Mix of funding between General Fund and Highway Trust Fund/Mass Transit Account (HTF/MTA)

A major initiative included in the new law is a broad new transit safety program. MAP-21 calls for the DOT to create a national safety plan for all modes of public transportation and to set minimum safety performance standards for all rolling stock not otherwise regulated (rolling stock for commuter railroads is already regulated by the Federal Railroad Administration). The DOT is authorized to work with the public transportation industry to establish a national safety certification training program for federal and state employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems and employees of public transportation agencies directly responsible for safety oversight. Under this provision, all recipients of federal transit funding are required to establish, and have certified, a comprehensive safety plan based on set criteria. Those states with rail fixed guideway systems are required to have an approved state safety oversight (SSO) program that establishes a state safety oversight agency which assumes oversight related responsibilities.

A formula grant program, funded through a 0.5 percent takedown of urbanized area formula funds (Sec. 5307), is established to develop and carry out state safety oversight programs (up to 80 percent federal match). Under the new law, SSO agencies are required, among other things, to review, approve, oversee and enforce implementation of transit agency safety plans, to conduct triennial safety audits and to provide annual safety status reports to the FTA and others. While transit agency safety oversight will be carried out by the SSO entities, the DOT will oversee implementation by those SSO entities and has the authority to audit their activities.

In the event that a recipient is found to be noncompliant with safety requirements, the DOT may withhold Federal funding or require up to 100 percent of Federal funds be used for corrective safety actions. In the event that a state safety oversight agency is found to be noncompliant, the DOT is granted a range of options, including but not limited to issuing directives, requiring more frequent oversight and/or withholding Federal funds. Additionally, a waiver provision for agencies not exceeding a set amount of miles or unlinked passenger trips as well as a provision allowing multi-state systems to establish a joint oversight entity was also authorized.

TRANSIT ASSET MANAGEMENT

(49 USC § 5326)

(Section 20019 of MAP-21)

Funded from the General Fund – subject to Annual Appropriations

The new law requires the secretary to establish a national transit asset management system to monitor and manage public transportation assets to improve safety and increase reliability and performance. Recipients and subrecipients of funding will be required to develop a transit asset management plan and use an asset management system to develop capital asset inventories and condition assessments, and report on the condition of their system as a whole, with descriptions of the change in condition since the last report. The Secretary is also required to define the term ‘state of good repair,’ including objective standards for measuring the condition of capital assets and shall establish performance measures based on state of good repair. At the time of enactment of MAP-21, APTA was in the process of working on establishing asset management standards.

The asset management requirements continued in the bill are closely related to the new State of Good Repair Program and the new Public Transportation Safety Program.

PLANNING AND PERFORMANCE MANAGEMENT – STATES, METROPOLITAN, AND NONMETROPOLITAN PLANNING

(49 USC §§ 5303, 5304, 5305)

(Sections 20005 and 20006 of MAP-21)

Funded from the Highway Trust Fund/Mass Transit Account (HTF/MTA)

MAP-21 authorizes \$126,900,000 for FY 2013 and \$128,800,000 for FY 2014. MAP-21 establishes new performance management mandates for State Departments of Transportation, Metropolitan Planning Organizations (MPOs), and public transportation operators. Many of these new requirements can be accomplished by incorporating performance targets and measurement procedures within their existing planning and reporting processes.

Under the new law, the operations of local transit providers – as critical components of a region’s surface transportation system – will be heavily incorporated into regional planning and the development of regional transportation performance management goals. MPOs developing regional plans are required to synchronize their planning with local transit providers by:

- Identifying transit and other key transportation facilities that should function as an integrated metropolitan transportation system in regional transportation plans;
- Selecting regional surface transportation system performance targets that are coordinated with local transit providers;
- Integrating stated objectives, performance measures, and targets of plans developed by local transit agencies into regional transportation plans;
- Requiring consistency with asset management and safety performance targets; and
- Considering proposed transit and other transportation enhancement activities when developing regional transportation plans.

Under MAP-21, the metropolitan planning process will consider projects and strategies that:

- Support economic vitality, increase safety and security of the transportation system for motorized and non-motorized users, and increase the accessibility and mobility of people and for freight;
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and economic growth and development;
- Enhance integration and connectivity across and between modes;
- Promote efficient system management and operations; and emphasize the preservation of the existing systems.

The new planning process will establish and use a performance based approach for the national goals listed in section 1203 of MAP-21 (section 150(b) of title 23 and section 5301(c) of title 49) including safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays.

Additionally, the new law bolsters participation of transit representatives in MPO planning and administration by requiring all MPOs that serve urbanized areas with a population of over 200,000 residents to include officials from local public transportation providers on their policy boards. The law also allows for the designation of Regional Transportation Planning Organizations to address nonmetropolitan area transportation needs. Finally, MAP-21 also authorizes \$10 million annually a Transit Oriented Development (TOD) pilot grant program to fund TOD planning associated with new fixed guideway or core capacity improvement projects, as defined in 49 U.S.C. 5309 (Fixed Guideway Capital Investment Grants Program).

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM (49 USC § 5324)

(Section 20017 of MAP-21)

Funded from the General Fund – subject to Annual Appropriations

MAP-21 establishes a public transportation emergency relief program (similar to that available through the Federal Highway Administration) to make grants for (1) capital projects to protect, repair, reconstruct or replace transit equipment and facilities damaged or in danger of being damaged as a result of an emergency, and (2) the operating costs of public transportation equipment and facilities in an area directly affected by an emergency, for a period of one year (which can be extended to two years upon a finding by the Secretary of “compelling need”). In addition to the costs related to reestablishing, expanding, or relocating public transportation service before, during or after an emergency, eligible operating costs include: evacuation services, rescue operations, and temporary public transportation services.

The Federal government may fund up to 80 percent of net project costs for both capital repairs and operating assistance projects, and DOT may waive the non-Federal share of such project costs. The law authorizes such sums as are necessary to be appropriated from the General Fund to carry out this program, which would likely be determined and submitted by the Administration to Congress in the form of a Supplemental Appropriation request following a major natural or man-made disaster.

To improve Federal agency coordination and expedite delivery of Federal assistance to public transportation systems in an emergency, this section requires DOT and the Department of Homeland Security to enter into a memorandum of agreement and to provide quarterly briefings to the Senate Banking and Homeland Security committees on the implementation of the memorandum of agreement during its first year.

RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS

(49 USC § 5312)

(Section 20011 of MAP-21)

Funded from the General Fund – subject to Annual Appropriations

MAP-21 authorizes \$70 million annually in General Funds for a significantly altered public transportation research program, designed to create a clearly delineated pipeline with criteria for continued project progress, with a goal of taking an idea from the research phase through to demonstration and deployment in the field. The revised program provides funding for demonstration and deployment of products and services that may benefit public transportation. The new program will provide grants for activities that help public transportation systems more effectively and efficiently provide public transportation service and help grant recipients administer funds received under this chapter.

A wide variety of projects, geared toward providing more effective and efficient public transportation, are eligible to receive grants under this section. Research projects will include a focus on improved service to seniors, low income individuals, and individuals with disabilities, as well improvements in mobility management, communications, and system capacity. Research grant activities under the new provision will include:

- Innovation and Development Grants – Funds will be available to advance research projects that DOT has determined to be successful, with a focus on planning and forecasting modeling, operating efficiencies, advanced vehicle design, the environment and energy efficiency, and system capacity;
- Demonstration, Deployment and Evaluation Grants – Available to build upon successful research, innovation and development efforts in order to deploy either privately or federally funded research efforts, or to implement research and development beneficial to public transportation. This activity also includes a Low- or No-Emission Vehicle Deployment program that includes eligibility for acquiring or leasing low- or no-emissions vehicles, constructing or leasing facilities and equipment, and rehabilitating or improving existing public transportation facilities to accommodate low- or no-emission vehicles. Low- or no-emission bus projects and low- or no-emission bus facilities projects must comprise 65% and 10%, respectively, of the total annual appropriation.

Separately, the **Transit Cooperative Research Program (TCRP)** **(49 USC § 5313)** is continued and funded (through general funds) at an annual level of \$7 million.

TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT **(49 USC § 5314)**

(Section 20012 of MAP-21)

Funded from the General Fund – subject to Annual Appropriations

MAP-21 authorizes \$7 million annually for the FTA to provide grants and enter into contracts and cooperative agreements to assist transit providers to more effectively and efficiently provide public transportation service and administer federal funds. Under this section, the FTA is tasked with working with the public transportation industry in the development of consensus-based, industry standards and best practices for safety, fare collection, procurement, and other topics.

The new law also authorizes the Secretary, through a competitive bid process, to assist public transportation providers in complying with the Americans with Disabilities Act, through such activities as: technical assistance, research, and public education. Additionally, technical assistance is available to assist in meeting human services transportation coordination requirements, the transportation needs of the elderly, coordination with MPOs to increase ridership, and to address equity in ridership for low-income and minority individuals.

PRIVATE SECTOR PARTICIPATION

(49 USC § 5315)

(Section 20013 of MAP-21)

MAP-21 requires DOT to assist the private sector in assisting in the achievement of the stated policies of the surface transportation authorization law – including: funding, improving development and delivery of capital projects, establishing standards – by requiring DOT to help the private sector to leverage its existing advantages. Recognizing that grant recipients may need assistance, the DOT is to assist grant recipients by helping to coordinate public and private sector services through technical assistance guidance, education on laws and regulations, identify best practices including developing standard PPP transaction model contracts, as well as performing financial assessments on proposed PPP transactions.

Additionally, this section requires DOT to identify impediments to public-private partnerships and address them on a project by project basis (based on the Federal Highway Administration SEP-15 model). DOT must also develop

guidance to promote greater transparency and public access to public-private partnership agreements, including – any conflict of interest, tax and financing details, changes in workforce, estimates of revenue, and any impacts on other developments and transportation modes as a result of non-compete clauses contained within public-private partnership agreements.

Project sponsors will be encouraged to conduct assessments to determine whether use of a public-private partnership represents a better public and financial benefit than a similar transaction using public funding or public project delivery.

MAP-21 also includes provisions encouraging engagement of and collaboration with private van pool operators (§ 5323) and with intercity bus operators (§ 5311).

BUS TESTING FACILITIES

(49 USC § 5318)

(Section 20014 of MAP-21)

Funded from the Highway Trust Fund/Mass Transit Account (HTF/MTA)

MAP-21 continues funding for one bus testing facility, currently located at the Altoona Bus Research and Testing Center. In acquiring new bus models using funding appropriated in this chapter, the bus must meet the standards set forth in MAP-21: performance standards such as maintainability, reliability, braking, structural integrity, fuel economy, emissions and noise.

Going forward, the Secretary is required to, within two years of enactment of MAP-21 issue a final rule creating a pass/fail scoring system, using an aggregated score of weighted measures of the performance standards. No funding would be made available for a new bus model if it received a failing grade in the new scoring system. The scoring system will be created in consultation with the bus testing facility, bus manufacturers, and transit agencies.

HUMAN RESOURCES AND TRAINING

(49 USC § 5322)

(Section 20015 of MAP-21)

Funded from the General Fund – subject to Annual Appropriations

The bill authorizes \$5 million annually from the General Fund for Human Resources and Training (Workforce Development). It authorizes the Secretary to make grants, or enter into contracts for, activities that address human resource and workforce needs as they apply to public transportation activities and creates the Innovative Public Transportation Workforce Development Program, a competitive grant program to promote and assist the development of innovative workforce development and human resource activities within the public transportation industry. The National Transit Institute (NTI) is also authorized at \$5 million from the Mass Transit Account.

GENERAL PROVISIONS

(49 USC § 5323)

(Section 20016 of MAP-21)

MAP-21 makes a number of amendments to the General Provisions section governing grants for public transportation projects under Chapter 53 of Title 49, USC.

Vanpool Transportation: To encourage greater use of public transportation by vanpool, grant recipients may include in their local match for a federally-funded transit capital project any amounts spent by vanpool operators for the purchase of vans used in the grant recipient's service area. Also, private providers of public transportation by vanpool in the service area of a grant recipient may use passenger fare revenues in excess of operating costs to acquire additional vans, if the vans will be used only within the grant recipient's service area and if a legally binding agreement between the recipient and private vanpool provider is reached.

Buy America: MAP-21 modifies the public notification requirements concerning waivers of Buy America requirements for public transportation projects. US DOT must now publish in the Federal Register and make easily and publicly available on its website a detailed written explanation of any Buy America waiver determination before issuing such waiver. In addition, US DOT is required to submit annually a report to Congress listing any waivers issued during the preceding year.

Corridor Preservation: Under terms it deems necessary and appropriate, US DOT may assist grant recipients in acquiring right-of-way before the completion of the environmental reviews for any project that may use the right-of-way.

Private Sector Access to Public Transportation Facilities: MAP-21 requires that grant recipients provide reasonable access for private intercity and charter transportation operators to federally-funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes.

CONTRACT REQUIREMENTS

(49 USC § 5325)

(Section 20018 of MAP-21)

Concerning contract requirements for grant recipients under Chapter 53, MAP-21 provides that multi-year contracts for procuring rail rolling stock may include the option to buy additional rail rolling stock for a term of not more than 7 years; contracts for bus procurements retain the 5-year limit.

MAP-21 adds a hiring preference for qualified veterans seeking employment on capital projects funded under Chapter 53.

PROJECT MANAGEMENT OVERSIGHT (PMO)

(49 USC § 5327)

(Section 20020 of MAP-21)

MAP-21 revises PMO language by reducing reporting requirements from monthly to quarterly, removes limitations on amounts that can be spent on PMO activities, and requires that Federal oversight begin at the project development phase instead of the current preliminary engineering stage.

ALCOHOL AND CONTROLLED SUBSTANCES TESTING

(49 USC § 5331)

(Section 20022 of MAP-21)

MAP-21 amends the provision governing non-compliance with US DOT's alcohol and controlled substances testing regulations to provide that, in addition to being ineligible for financial assistance under sections 5307, 5309, and 5311, a non-compliant recipient that receives funds under Chapter 53 may be barred from receiving future federal transit assistance.

NATIONAL TRANSIT DATABASE

(49 USC § 5335)

(Section 20025 of MAP-21)

MAP-21 makes limited changes to the reporting requirement for grant recipients under the National Transit Database. In addition to financial and operating information, recipients must report on asset inventory and condition and any assessments conducted. Additionally, the Secretary is required to develop a system to ensure that public transportation agencies and state oversight agencies accurately report public transportation safety incident data to State Safety Oversight Rail Accident Database. The Secretary must also report to the Senate Banking, Housing, and Urban Affairs Committee, and to the House Transportation and Infrastructure Committee on steps taken to improve said reporting.

Federal Highway Programs

Authorization of Appropriations of Federal Highway Aid Programs

MAP-21 authorizes \$37,476,819,674 for FY 2013 and \$37,798,000,000 for FY 2014 from the Highway Trust Fund for the Federal-Aid Highway Program which includes the following formula programs:

- National Highway Performance Program (NHPP)
- Surface Transportation Program (STP)
- Highway Safety Improvement Program (HSIP)
- Congestion Mitigation and Air Quality Improvement Program (CMAQ)
- Metropolitan Transportation Planning
- Transportation Alternatives

A new funding distribution method has been established for formula funding where each state will be apportioned funding based on their respective share of total highway funds received in fiscal year 2012. The former method distributed funding according to set formula factors for each individual program.

SURFACE TRANSPORTATION PROGRAM (STP)

(23 USC § 133)

(Section 1108 of MAP-21)

The Surface Transportation Program (STP) will continue to be administered as a flexible funding source for states and localities to fund a range of transportation projects including capital costs for transit vehicles and facilities and transit safety infrastructure improvements. STP will be funded at approximately \$10,000,000,000 in FY 2013 and \$10,100,000,000 in FY 2014 from Highway Account of the Highway Trust Fund. 50% of each state's STP funding will be sub-allocated to specific areas based on population; the remaining 50% can fund projects anywhere in the state (regardless of population).

CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) PROGRAM

(23 USC § 149)

(SEC. 1113 of MAP-21)

Despite considerable restructuring and consolidation of core highway formula programs, MAP-21 retains the Congestion Mitigation and Air Quality Improvement Program, with a few modifications.

A State may transfer up to 50 percent of any highway apportionment, including CMAQ, to another apportioned program. Like other apportioned highway program funds, CMAQ is subject to a two percent set-aside to carry out “transportation alternatives” projects under 23 USC 213, MAP-21’s replacement for transportation enhancements. The 100 percent Federal share for CMAQ projects, enacted as part of the Energy Independence and Security Act of 2007, was not extended by MAP-21, so the Federal share payable for CMAQ project costs has returned to 80 percent.

MAP-21 provides that a State may obligate CMAQ funds for a program or project for a PM 10 nonattainment area without regard to the type of ambient air quality standard the program or project addresses. MAP-21 also requires a State with PM 2.5 nonattainment or maintenance areas to use a portion of its funds to address PM 2.5 emissions in such areas; eligible projects include diesel retrofits. In addition, MAP-21 requires MPOs serving areas of over 1 million population representing a nonattainment or maintenance area to establish and biennially update performance plans, to document progress made in achieving air quality and traffic congestion targets.

MAP-21 codifies the CMAQ program’s current transit operating assistance eligibility, providing that a State may obligate CMAQ funds for operating assistance in an area of the State that is otherwise eligible for CMAQ operating assistance under Chapter 53, or on a system that was previously eligible for CMAQ funding.

US DOT estimates that CMAQ apportionments will be \$2.21 billion for FY 2013 and \$2.23 billion for FY 2014. Instead of distributing these funds by formula factors, MAP-21’s new approach is to apportion highway formula funds based on the amount each state received in FY 2012 under SAFETEA-LU. Once each State’s total highway apportionment is determined, the portion of that total that constitutes each such State’s CMAQ apportionment is calculated based upon each State’s share of total FY 2009 CMAQ apportionments.

AMERICA FAST FORWARD FINANCING INNOVATION ACT (TIFIA)

(23 USC §§ 601-609)

(Section 2002 of MAP-21)

MAP-21 significantly increases funding and reforms the application and approval process for the popular Transportation Infrastructure Financing and Innovation Act (TIFIA) program, which provides Federal credit assistance in the form of secured loans, loan guarantees, and lines of credit to finance surface transportation projects of national and regional significance.

Where TIFIA was funded at \$122 million for each of fiscal years 2005 through 2012, MAP-21 authorizes \$750 million for FY 2013 and \$1 billion for FY 2014 to pay the subsidy cost of TIFIA's credit assistance. A \$1 billion TIFIA authorization will support up to \$10 billion in actual lending capacity.

The project application and review process is substantially reformed. TIFIA projects are now eligible to receive credit assistance upon submission of a letter of interest prior to a formal application and a finding that the project meets a much shorter list of statutory criteria. Eliminated is the second layer of evaluation criteria US DOT applied to projects already determined to be generally eligible. Also eliminated is the US DOT-established annual application cycle. In its place, projects must be considered under a rolling application process in which eligible projects shall receive credit assistance if adequate funds are available. Statutory deadlines are established to ensure quick action by US DOT when considering each TIFIA application. In another significant change of special benefit to transit authorities, higher-rated TIFIA loans secured by general taxes or system-wide pledges can be subordinated to a project sponsor's pre-existing debt.

MAP-21 also increases the share of eligible project costs that TIFIA loans may support; the amount of a secured loan may now support up to 49 percent of reasonably anticipated eligible project costs.

TIFIA now provides favorable treatment for rural infrastructure projects, defined as projects in areas outside of a city of more than 250,000 inhabitants: (1) up to 10 percent of funds must be set aside for rural projects; (2) the threshold for rural project costs is \$25 million—half the general \$50 million TIFIA project cost threshold; and (3) the interest rate on a TIFIA loan to a rural infrastructure project is half the Treasury Rate, where general TIFIA loans will continue to be made at the Treasury Rate.

PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE (23 USC § 101 NOTE; 119 STAT. 1198)

(Section 1120 of MAP-21)

- \$500,000,000 is authorized from the General Fund (thus subject to appropriation) in FY 2013, only, for Projects of National and Regional Significance. Projects will be selected through a competitive grant program to fund high cost transit, intermodal, and highway capital projects that will significantly enhance the national economy and/or a particular regional economy. A grant may cover up to 50% of total project costs but may not exceed 50% of the amount of Federal highway assistance funds apportioned for the most recently completed fiscal year to the State(s) in which the project is located. Entities eligible to apply for this grant funding include:
 - A State department of transportation or a group of State departments of transportation;
 - A tribal government or a consortium of tribal governments;
 - A transit agency; or
 - A multi-State or multi-jurisdictional group of the agencies listed above.

FERRY BOAT AND FERRY FACILITIES

(various sections of MAP-21)

MAP-21 continues and establishes several programs to fund ferry boat projects. The Construction of Ferry Boats and Ferry Terminal Facilities Program is continued under the Federal-Aid Highway Program administered by the Federal Highway Administration (FHWA). The program is authorized annually for \$67,000,000 for FY 2013 and FY 2014 from the Highway Trust Fund (other than the Mass Transit Account). Under SAFETEA-LU, this program was administered as a discretionary program with set-asides for specific States. Under MAP-21, a new funding allocation method has been established that will distribute funding via formula, based on: number of ferry passengers carried, number of vehicles carried, and total route miles serviced.

Additionally, MAP-21 establishes a new, discretionary, Passenger Ferry Boat Program under the Urbanized Area Formula Grant Program administered by the Federal Transit Administration (FTA). The Secretary of the U.S.

Department of Transportation will solicit grant applications for ferry projects and make grants on a competitive basis. The program is authorized annually for \$30,000,000 for FY 2013 and FY 2014 from the Mass Transit Account of the Highway Trust Fund.

The newly established National Highway Performance Program allows for funding of the construction, rehabilitation, or replacement of existing ferry boats and ferry boat facilities that connect road segments of the National Highway System and the Surface Transportation Program expands its eligible activities to include the construction of ferry boats and ferry boat terminal facilities.

NATIONAL HIGHWAY PERFORMANCE PROGRAM

(23 USC § 119)

(Section 1106 of MAP-21)

MAP-21 allows funding from the National Highway Performance Program to be used for transit capital projects if:

- A transit project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System;
- The transit construction or improvements will reduce delays or produce travel time savings on the fully access-controlled highway described in (a) and improve regional traffic flow; and
- The construction or improvements are more cost-effective, as determined by benefit-cost analysis, than an improvement to the fully access-controlled highway described in (a).

The National Highway Performance Program will be funded at approximately \$21,752,000,000 in FY 2013 and \$21,935,700,000 in FY 2014 from Highway Account of the Highway Trust Fund.

EMERGENCY RELIEF PROGRAM

(23 USC § 125)

(Section 1107 of MAP-21)

MAP-21 authorizes a new Emergency Relief Program at \$100,000,000 annually for FY 2013 and FY 2014 from the Highway Account of the Highway Trust Fund. The program will be administered by the FHWA. Under certain circumstances, the program can fund the maintenance and operation of ferryboats or additional transit service as temporary substitutes for highway traffic when highway traffic is prohibited as a result of a natural disaster or any catastrophic failure from any external cause.

TRANSPORTATION ALTERNATIVES

(23 USC § 213)

(Section 1122 of MAP-21)

Many activities previously eligible under the Transportation Enhancements, Safe Routes to Schools, and Recreational Trails programs will now be funded through the new Transportation Alternatives (TA) Program. Planning, designing or constructing roadways within the right-of-way of former Interstate routes or other divided highways are also eligible activities under the new TA program.

The TA program will be funded in FY 2013 and FY 2014 at a level equal to 2% of the amounts authorized for: (a) Federal-Aid Highway and Highway Construction Safety programs (minus all General fund program amounts), (b) Research and Education programs and (c) the Transportation Infrastructure Financing and Innovation Act (TIFIA) Program. Under this funding scheme, the TA program will receive roughly \$809,000,000 in FY 2013 and \$820,000,000 in FY 2014. This funding will be apportioned to each state and then further divided such that: 50% of each state TA apportionment will be sub-allocated to specific areas based on population and the remaining 50% will be allocated by the state to fund projects anywhere in the state (regardless of population). States will have the option of utilizing the 50% of TA funding that they control to fund other (non-TA eligible) transportation projects.

TOLLING

(23 USC § 129)

(Section 1512 of MAP-21)

MAP-21 amends the provisions governing tolling on highways constructed or improved with Federal-aid highway funds. States and other public authorities may now construct new toll lanes on existing highways, provided that the number of toll-free lanes in the corridor remains the same. They may also toll new Interstate highways and add additional lanes on existing Interstates, as long as the number of toll-free, non-HOV lanes is preserved. Tolling of new Interstates and additional lanes on existing Interstates was previously allowed only under US DOT pilot programs. States and other public authorities are no longer required to execute tolling agreements with US DOT prior to tolling under these provisions.

MAP-21 revises the limitations on the use of toll revenues to provide that, if a public authority certifies annually that its toll facility is being adequately maintained, toll revenues may be used for any other eligible purpose under the Federal-aid highway program. Previously, all toll revenues were required to be used first for debt service, return on investment, and operation and maintenance of the facility before they could be used for any other title 23 purpose.

All toll facilities on Federal-aid highways are required to implement technologies or business practices that provide for the interoperability of electronic toll collection by October 1, 2016.

HOV FACILITIES

(23 USC § 166)

(Section 1514 of MAP-21)

This section extends, until the end of FY 2017, the time period during which a State agency may allow low emission and energy-efficient vehicles to use HOV lanes, and provides that a State agency may charge a toll for these vehicles that is equal to the toll charged to non-HOV vehicles permitted to use HOV lanes.

Toll revenues collected from HOV facilities are now subject to the same use limitations as revenues generated from other toll roads under 23 USC 129. (See the description of changes to the use of toll revenues under Section 1512 of MAP-21, above.) In adopting this general toll road provision, MAP-21 strikes the provision directing States to give priority consideration to projects for developing alternatives to single occupancy vehicle travel when deciding how to use HOT lanes' toll revenues.

HOV facility performance requirements: This section requires a State agency permitting non-HOV, low emission, and energy-efficient vehicles to use HOV lanes to demonstrate to US DOT that its HOV facility is not already degraded and that the presence of such vehicles will not degrade the facility. A State agency is also required to report annually to US DOT on such vehicles' impacts on the operation of the HOV facility. If found to be degraded, the HOV facility must be brought into compliance with the minimum average operating speed performance standard within 180 days. Compliance methods include increasing occupancy requirements, varying tolls to reduce demand, disallowing non-HOV vehicles in HOV lanes, or increasing capacity. Failure to bring a facility into compliance results in sanctions which include US DOT withholding payment of Federal-aid highway project funds, withholding approval of further projects in the State, and other actions the Secretary deems appropriate.

EXTENSION OF PUBLIC TRANSIT VEHICLE EXEMPTION FROM AXLE WEIGHT RESTRICTIONS

(23 USC § 127)

(Section 1522 of MAP-21)

MAP-21 continues indefinitely both the public transit and over-the-road bus exemption from Federal axle weight restrictions on Interstate highways and the ban on covered States enforcing a single axle weight limit of less than 24,000 pounds for public transit and over-the-road buses using the Interstate system.

INTELLIGENT TRANSPORTATION SYSTEMS (ITS)

(Sec. 53001-53006 of MAP-21)

The ITS research program focuses on intelligent vehicles and intelligent infrastructure and the creation of an intelligent integrated transportation system. Funding for the ITS research program, which includes the Connected Vehicle program, has been authorized at \$100 million per year. The bill also creates a broad \$62.5 million per year Technology and Innovation Deployment competitive grant program to accelerate the adoption and promote the implementation of innovative technologies. The bill also ensures that ITS technologies are eligible for funding within every major formula program.

ABOUT APTA

Vision Statement

APTA is the leading force in advancing public transportation.

Mission Statement

To strengthen and improve public transportation, APTA serves and leads its diverse membership through advocacy, innovation and information sharing. APTA and its members and staff work to ensure that public transportation is available and accessible for all Americans in communities across the country.

APTA Profile

APTA is a nonprofit international association of 1,500 public and private sector organizations, engaged in the areas of bus, paratransit, light rail, commuter rail, subways, waterborne services, and intercity and high-speed passenger rail. This includes: transit systems; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA is the only association in North America that represents all modes of public transportation. APTA members serve the public interest by providing safe, efficient and economical transit services and products. More than 90 percent of the people using public transportation in the United States and Canada ride APTA member systems.



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