SURFACE TRANSPORTATION MEMBER DESIGNATED PROJECTS

All applications are due by April 8th

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Surface Transportation Member Designated Project Guide

Applications are due April 8th

The House Transportation and Infrastructure Committee is beginning its work on the surface transportation authorization ahead of the expiration of the current authorization on September 30, 2021. As a part of this year's package, the Committee will be accepting requests from Members for specific project authorizations. Below is information which will be helpful for public agencies wishing to request our office submit a project for consideration in this year's package. Please take care to ensure projects submitted to our office are eligible under these guidelines and local match requirements are available to be dedicated to the project if successful.

Committee on Transportation and Infrastructure (T&I) Authorization vs. Appropriations

The T&I Committee process for member projects for consideration in this year's surface transportation authorization legislation is separate and distinct from the House Committee on Appropriations' process for Community Project Funding. Projects funded through the surface transportation authorization will be funded directly from the Highway Trust Fund, and do not require a separate or subsequent appropriation.

Projects included in the Committee's surface transportation authorization legislation are provided dedicated contract authority. These projects will receive dedicated obligation limitation under the overall provision of obligation limitation provided through the appropriations process and will not require further congressional action. How obligation limitation will flow to designated projects versus formula funding will be laid out in the T&I legislative text. Therefore, it is not necessary for a project to seek funding under both the T&I and Appropriations project processes.

Our office will not be submitting the same project request for both the surface transportation authorization and Community Project Funding. If you have questions about which approach to take this year, please contact our office.

Overview of Surface Transportation Authorization

Surface Transportation Authorization Acts

Federal highway and public transportation programs are funded through multi-year surface transportation authorization acts. The current surface transportation program authorization expires on September 30, 2021.

Congress enacted the five-year Fixing America's Surface Transportation (FAST) Act (P.L. 114-94) on December 4, 2015. In the 116th Congress, the FAST Act was extended by the

Continuing Appropriations Act, 2021, and other Extensions Act (P.L. 116-159) for an additional year.

Federal Highway Program Overview

The Federal-Aid Highway Program (FAHP) is an umbrella term for the separate highway programs administered by the Federal Highway Administration (FHWA). These programs are almost entirely focused on construction, and generally do not support operations (such as state DOT salaries or fuel costs) or routine maintenance (such as mowing roadway fringes or filling potholes). The majority of FAHP funds are apportioned through five "core" programs plus the Metropolitan Planning Program. The core programs are the National Highway Performance Program (NHPP), the Surface Transportation Block Grant Program (STBG), the Highway Safety Improvement Program (HSIP), the Congestion Mitigation and Air Quality Improvement Program (CMAQ), and the National Highway Freight Program (NHFP).

The FAHP is different from almost all other federal programs in that it is funded almost entirely through a type of budget authority known as "contract authority." Using contract authority, the Secretary of Transportation is able to give states advance notice of available amounts at the time an authorization act is signed into law and commit to reimbursing states for eligible costs they incur without having to wait for an annual appropriation of funding.

State Apportionments of Federal-aid Highway Funding

At the beginning of each fiscal year that the program is authorized, FHWA distributes contract authority to states through an annual apportionment, pursuant to the formula established under 23 U.S.C. 104. Under current law, this apportionment is divided among five "core" highway formula programs, for obligation by the state department of transportation (or suballocation to a local government, in the case of Surface Transportation Block Grant (STBG) program or the transportation alternatives set-aside).

Most FHWA contract authority is available for obligation three years after the last day of the fiscal year (FY) for which the funds are authorized, providing the funding certainty necessary for states carry out long-term capital construction projects. This same period of availability will apply to Member Designated Projects included in the surface transportation authorization legislation.

Federal Transit Program Overview

Federal funding for U.S. public transportation systems dates back to 1964 with the enactment of the Urban Mass Transportation Act (P.L. 88-365). This law set the stage for the current program of financial assistance for mass transportation administered by the Federal Transit Administration (FTA).

Federal transit programs are primarily funded from revenues in the Mass Transit Account of the HTF, but a portion of the funding – approximately 20 percent – is authorized from the general fund of the U.S. Treasury.

Funds provided under the Mass Transit Account are largely provided through a series of formula programs, including the Urbanized Area Formula Grant program, the Formula Grants for Rural Areas program, the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities program, the Grants for Buses and Bus Facilities formula program, and the State of Good Repair program. Additional funds are provided from the Mass Transit Account for discretionary grant programs including the Passenger Ferry Grant Program, the Bus and Bus Facilities competitive grant program, and the Low- and No-Emission Vehicle Program.

General funded transit programs include the Capital Investment Grants program and FTA oversight and administrative funds.

Transportation Planning

Funding for metropolitan planning, statewide planning, and other planning programs is authorized from both the Highway Account and Mass Transit Account. These programs provide resources for metropolitan planning organizations (MPO) and state departments of transportation to help meet the planning requirements of sections 134 and 135 of title 23 and sections 5303, 5304, and 5305 of title 49, United States Code. These planning activities are jointly administered by FTA and FHWA.

Each state is required to develop a Statewide Transportation Improvement Program (STIP) covering a period of at least four years. Each designated metropolitan area is required to develop a Transportation Improvement Program (TIP). The STIP is a fiscally constrained, multi-year, statewide intermodal program of transportation projects, consistent with the statewide transportation plan as well as metropolitan transportation improvement programs. The STIP must be developed in cooperation with MPOs, public transit providers, and any Regional Transportation Planning Organizations in the state. These documents and project lists guide state and MPO obligation of contract authority over the longer-term required for capital construction projects.

Tribal Transportation

The Tribal Transportation Program addresses the transportation needs of Tribal governments. Project requests by or in partnership with a Tribal government will be eligible for funding consistent with the requirements of 23 U.S.C. 202.

Member Project Requests Eligibility

Capital projects eligible under title 23, United States Code, and chapter 53 of title 49, United States Code, are eligible for funding requests under T&I's project submission process. The best way to ensure project eligibility is to select projects included on the STIP or TIP. Projects included on the STIP or TIP already have been certified as eligible for FHWA or FTA funding and do not require further verification of eligibility. Our office strongly encourages eligible entities to consider submitting projects for consideration which are included on the STIP or TIP.

For projects not on the STIP or TIP, our office will require additional documentation, including: verification whether the project can be added to the STIP or TIP in a reasonable timeframe if the funding request is included in the legislation; whether the project is on a long-range transportation plan; and verification of eligibility for the proposed activity under title 23 or chapter 53 of title 49 by the relevant federal agency.

FHWA Program Eligibilities

The FHWA programs focus on construction, reconstruction, and improvement of highways and bridges. Eligibilities under the largest FHWA program, NHPP, include projects that improve the condition and performance of the National Highway System (NHS), which includes Interstate System highways and bridges and other major highways. NHPP funds projects to achieve national performance goals for improving infrastructure condition, safety, mobility, and freight movement. The STBG program provides for broad eligibility to fund construction and reconstruction of roads and bridges on the federal-aid highway system, as well as for off-system bridges (See FHWA guidance on the STBG program for additional information). In addition, the HSIP funds projects that improve the safety of road infrastructure by correcting hazardous road locations, such as dangerous intersections, or making road improvements.

In addition to traditional highway and bridge construction projects, title 23 provides broad eligibility for other capital needs. Funds are also available for planning, environmental review, design, right of way acquisition, or operational improvements. Some examples of eligible capital projects include active transportation and transportation alternatives (pedestrian and bicycle infrastructure) under STBG and other programs, environmental mitigation, truck parking, transportation system management and operations, electric vehicle charging infrastructure, and acquisition of clean vehicle fleets under the Congestion Mitigation and Air Quality (CMAQ) program. In addition, multimodal projects, such as freight and passenger rail, may be narrowly eligible under various FHWA programs, including highway-railway grade crossings (23 U.S.C 130), multimodal freight improvements under Nationally Significant Freight and Highway Projects (INFRA) (23 U.S.C. 117) and the NHFP (23 U.S.C. 167), and certain rail projects with air quality benefits under the CMAQ program (23 U.S.C. 149).

FTA Program Eligibilities

FTA funds a wide range of public transportation projects. Public transportation or transit is defined as regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income, and does not include—

- intercity passenger rail transportation provided by the entity described in chapter 243 of title 49 (or a successor to such entity);
- intercity bus service;
- charter bus service;
- school bus service;
- sightseeing service;
- courtesy shuttle service for patrons of one or more specific establishments; or
- intra-terminal or intra-facility shuttle services.

Some examples of eligible transit capital projects include constructing or rehabilitating a transit station or transit equipment; purchasing rolling stock including rail cars for public transportation purposes; purchasing buses or ferries, including zero-emission vehicles; transit-related intelligent transportation systems; project expenses related to a capital project including design, engineering, location surveys, mapping, and acquiring rights-of-way; associated transit improvements including bus shelters, pedestrian and bicycle access to a transit station, and enhanced access for persons with disabilities; and preventative maintenance.

FHWA Project Requirements

Unless otherwise specified in law, the federal share allowable under the highway program is typically 80 percent of the project cost, per 23 U.S.C. 120. However, there are many provisions that allow a project sponsor to increase the federal share for a project. See this FHWA guidance for more information.

In addition to non-federal cost share, all FHWA projects are subject to other requirements under title 23, including: statewide and metropolitan planning, environmental review under the National Environmental Policy Act (NEPA), payment of prevailing wages under the Davis-Bacon Act, Buy America, compliance with FHWA or state design standards, competitive bidding, and more. The project sponsor is responsible for ensuring compliance with all applicable federal requirements. In selecting projects for designated funding, the Committee will seek to ensure that project sponsors are prepared to carry out a project in line with federal requirements.

FTA Project Requirements

Unless otherwise specified in law, the federal share allowable under the transit program is typically 80 percent of the project cost. However, there are many provisions that allow a project sponsor to increase the federal share for a project. See this FTA guidance for more information.

In addition to non-federal cost share, all FTA projects are subject to other requirements under chapter 53 of title 49 including: statewide and metropolitan planning, environmental review under NEPA, transit employee protective arrangements under 49 U.S.C. 5333, payment of prevailing wages under the Davis- Bacon Act, Buy America, compliance with FTA project and construction management guidance, competitive bidding, and more. The project sponsor is responsible for ensuring compliance with all applicable federal requirements. In selecting projects for designated funding, the Committee will seek to ensure that project sponsors are prepared to carry out a project in line with federal requirements.

Transparency and Accountability

To ensure oversight, transparency, and accountability throughout the process, Rep. Neguse must publish online any Member Designated Project request submitted on our official website along with a certification that Rep. Neguse and his immediate family have no financial interest in the project. Any materials provided to our office may be posted online to support this transparency.