

P.L. 114-94

Fixing America's Surface Transportation (FAST) Act

Key Highway Provisions



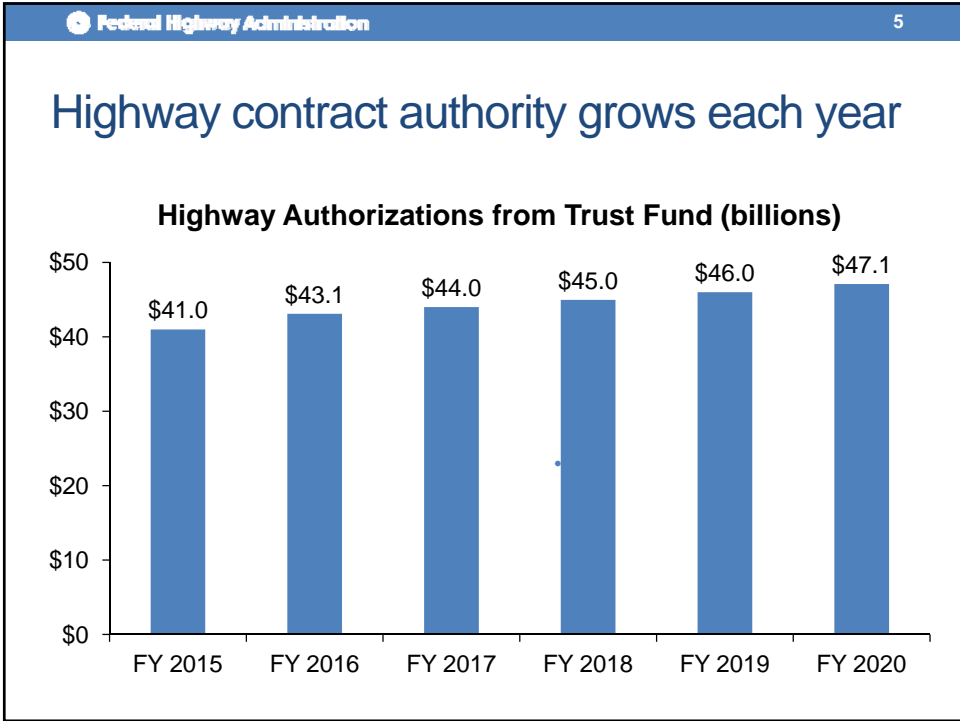
U.S. Department
of Transportation
Federal Highway
Administration

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
- \$70 B in transfers to keep the Highway Trust Fund solvent; fully “paid for” (offset) by unrelated savings
- Authorizes \$305 B (all modes) over FY 2016-2020

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\$305 B (all modes) over FY2016-2020	
Program	5-Year Funding (billions)
Federal Highway Administration	\$ 226.3
Federal Transit Administration	61.1
Federal Motor Carrier Safety Administration	3.2
Pipeline and Hazardous Materials Administration	0.4
National Highway Traffic Safety Administration	4.7
Federal Railroad Administration	10.3
Total	305.0

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Key Highway Facts	
<ul style="list-style-type: none"> • \$226.3 B for highways over five years (FY 2016-2020) <ul style="list-style-type: none"> • \$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 	



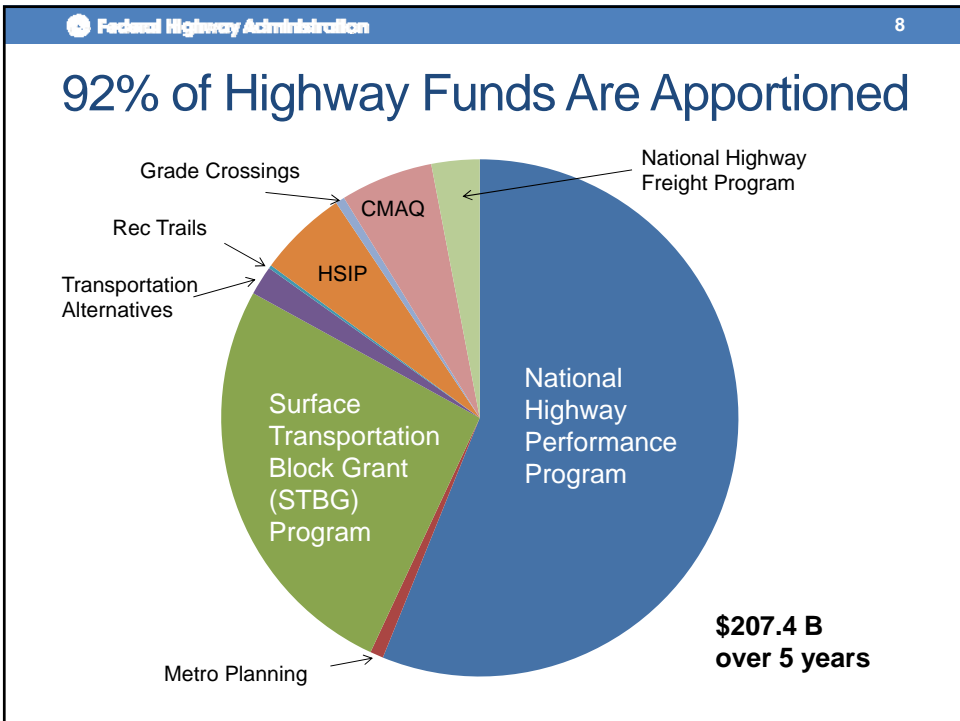
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APPORTIONED PROGRAMS

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Growth Varies by Program

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



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<h2>Changes to NHPP and STP</h2>		
Prgm	Changes	
NHPP	<ul style="list-style-type: none"> TIFIA costs and V2I communication equipment now eligible Bridge resurfacing/preservation/reconstruction on <u>non-NHS</u> Federal-aid highways now eligible 	
STP	<ul style="list-style-type: none"> Renamed: Surface Transportation <u>Block Grant</u> Program (STBG) Eligibilities restated with none eliminated; new eligibilities for TIFIA costs, State P3 office, V2I communication equipment Set-asides for Transportation Alternatives and Recreational Trails (see next slide) 	

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<h2>Changes to TAP, CMAQ, and HSIP</h2>		
Prgm	Changes	
"TAP"	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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) 	

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FREIGHT

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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 $\leq 10\%$ for rail/port/intermodal projects
- States required to have freight plans to obligate NHFP \$ (beginning FY 2018)
- Federal share is determined under 23 USC 120

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, and localities 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 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
- Primary Highway Freight System re-designated every 5 years

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RESEARCH, DEVELOPMENT, TECHNOLOGY & EDUCATION

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RDT&E Funding

Program	Avg. Annual Funding (millions)	Change from FY 2015
Highway R&D	\$ 125.0*	+8.7%
Alternative Funding Demonstration Grants	[19.0]	
Future Interstate Study	[1.0]	
Performance Management Data Support	[up to 10.0]	
Technology & Innovation Deployment Program	67.4*	+7.8
Accelerated Implementation of Pavement Tech.	[12.0]	
Training & Education	24.0	0.0
Intelligent Transportation Systems Research	100.0*	0.0
University Transportation Centers	75.5	+4.1
Bureau of Transportation Statistics	26.0	0.0
Advanced Transportation & Congestion Management Technologies Deployment Grants (to be funded from Highway R&D, TIDP, & ITS Research)	[\$60.0]	
Flexible funding in HRD, TIDP, and ITS programs	200.0	-24.7

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PLANNING, PERFORMANCE & PROJECT DELIVERY

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Planning & Performance

- More consultation and participation
 - Enables participation by public ports, private transportation providers
 - Encourages MPO consultation with other types of planning activities
- Other changes to planning and performance
 - TIPs/STIPs/long-range plans must include facilities that support intercity transportation
 - New planning considerations: resiliency/reliability, stormwater mitigation, and enhancement of travel/tourism
 - Long-range State plan must describe perf. measures and targets
 - Consequence for State making insufficient progress toward freight targets

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
- DOT to maximize use of authority to delegate project oversight to States on both a project and programmatic basis

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OTHER PROGRAMS & PROVISIONS

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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

<https://www.fhwa.dot.gov/fastact/factsheet>

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