



StreetWise

Spring 2007 Vol VI • #1

What you always wanted to know about SAFETEA-LU but were afraid to ask

This synopsis of the Safety, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users — the nation's new transportation law — outlines those sections of the legislation that are important to transportation officials who have responsibility for highways, bridges and railways.

Transportation agencies are eligible to participate in all the highway and transit programs listed in this newsletter. For most highway programs, an agency must go through the state DOT or the local Metropolitan Planning Organization to get approval for a project. For most of the transit programs, the funds go directly to local governments or are passed through by the state to local governments. Note that references to program funding include FY05-FY09.

For additional information, contact the Nevada FHWA office or go to www.fhwa.dot.gov.

HIGHWAY PROGRAMS

Surface transportation

Surface transportation is the most flexible of the highway programs and provides \$32.5 billion that can be used on a broad range of activities, including highways, bridges, capital transit, car pooling projects, certain parking facilities, planning and environmental restoration, and pollution abatement.

In metropolitan areas, the Metropolitan Planning Organization develops a transportation improvement program that includes STP spending. If the metro area exceeds 200,000 population, all projects must be approved for funding by the MPO in cooperation with the state. In smaller metropolitan areas, the projects will be selected by the state in cooperation with the MPO. In rural regions, project decisions are made by the state after consultation with local governments.

Transportation enhancements

The enhancement program is funded by a 10 percent set aside from the STP program or a state's 2005 funding level, whichever is greater. It provides resources to fund 12 categories of cultural, aesthetic and environmental projects, such as scenic or historic programs and preservation, landscaping, preservation of abandoned railroad corridors and environmental mitigation.

Bridges

The Bridge Program provides \$21.6 billion to enable states and local governments to improve their bridges through replacement, rehabilitation and maintenance. States must spend at least 15 percent of bridge funds on bridges not on federal-aid highways, which often means county bridges. Off-system bridge investment is no longer constrained by a 35 percent maximum. Spending on bridge preservation is now eligible even if the bridge is not classified as deficient.

Congestion Mitigation and Air Quality Improvement

The CMAQ program provides \$8.6 billion to continue to reduce motor vehicle emissions and to aid states and regions in complying with the Clean Air Act requirements. Eligible projects include transportation control measures, programs for auto emission controls, public purchase of alternative fuel vehicles and pedestrian and bicycle programs.

The new legislation adds the following projects as eligible for CMAQ funding: advanced truck stop electrification systems; projects that will improve transportation systems management and operations; integrated, interoperable emergency communication systems; and diesel retrofits.

Highway Safety Improvement

This program replaces the safety set aside that was formerly part of the Surface Transportation Program. Over the next three years, an average of \$1.26 billion will be distributed by formula to the states that can be used on a broad array of safety improvement projects, including projects on county roads, such as intersection safety improvements, pavement and shoulder widening, rumble strips, signage and guardrails.

Every state is required to develop a Strategic Highway Safety Plan that involves a comprehensive, collaborative and data-driven approach to highway safety.

High-risk rural roads

As part of the Highway Safety Improvement Program, there is a specific set-aside for high-risk rural roads. Although any of the \$1.2 billion annually can be spent on rural roads, \$90 million is specifically targeted for safety problems on roadways classified as rural major collectors, rural minor collectors and rural local roads. The funds can be used for construction and operational improvements related to safety but must be used on roads that have a crash rate for fatalities and incapacitating injuries that exceeds the statewide average for those functional classes of roads.

Railroad-highway grade crossing

A second set-aside of the Highway Safety Improvement Program is for railroad-highway grade crossing. At \$230 million annually, this program was increased by approximately \$65 million beyond TEA-21 levels. It funds projects on any public road that eliminate hazards at railroad-grade crossings, including the separation or protection, reconstruction and relocation of grade crossings.

Safe routes to schools

This totally new program focuses on enabling and encouraging children to walk and bicycle safely to school. An average of \$122 million annually will be distributed to the states, and all county roads are eligible. Projects include sidewalk improvements, traffic calming, pedestrian and bicycle crossing improvements, and traffic diversion near schools.

Metropolitan planning

This ongoing process creates a cooperative, continuous and comprehensive framework for making transportation investment decisions in metropolitan areas. It must include both highway and transit projects.

A major change is that the funding is increased from a 1 percent to a 1.25 percent takedown of the core highway programs. This is in part because of the substantial additional responsibilities facing many Metropolitan Planning Organizations. Funding also is contributed by the transit

program. There are a number of new requirements, many of which relate to consulting or coordinating with additional agencies and parties in the planning process.

State infrastructure banks

Under the state infrastructure banks program, a portion of a state's highway and transit program funds can be used to help capitalize state infrastructure revolving funds. Although TEA-21 had limited this program to four states, the new legislation allows any state to enter into an agreement with USDOT to establish a state infrastructure bank.

Tolls

Broader authority is provided through four programs to use tolls on a pilot basis, mainly on the interstate system. Additionally, an HOV-lane program is created that allows vehicles not eligible for HOV lanes to pay a toll to use them.

Private-activity bonds

States or local governments are allowed to issue tax-exempt, private-activity bonds to finance highway projects and rail-truck transfer facilities. A \$15-billion limit is placed on the aggregate face amount of the bonds that can be issued.

Local Technical Assistance Program

The new act provides \$11.1 million to the LTAP program which makes training and education available to local and state highway agencies and Indian tribes.

Conformity

Under the Clean Air Act, funding of federal transportation projects is prohibited unless there is conformity to the State Implementation Plan. In particular, this restriction can affect transportation projects in metropolitan areas that do not meet, or previously have not met, federal air quality standards.

The new legislation requires less frequent conformity demonstrations – every four years instead of every two years. It also shortens the planning horizon over which conformity must be demonstrated to 10 years instead of 20 years. In addition, there is a 12-month grace period created before a lapse is declared.

Transportation Infrastructure Finance and Innovation Act

The TIFIA program provides federal credit assistance to any major highway, transit or railway project (generally it must meet a \$50-million threshold) through secured loans, loan guarantees and lines of credit.

New eligibility is extended to international bridges and tunnels, inter-city bus and rail facilities and vehicles, including Amtrak and high-speed systems.

Environmental streamlining

The act incorporates changes aimed at improving and streamlining the environmental process for transportation projects, particularly the permitting process which often requires substantial time. Some of these changes include designating USDOT as the lead agency for surface transportation project coordination; establishment of a 180-day statute of limitation on judicial claims on final agency actions related to environmental requirements; establishment of an interagency dispute resolution process; allowing for each state to assume responsibility for categorical exclusions; and allowing the use of publicly owned parks and recreation areas, wildlife and waterfowl refuges for transportation projects if such use would result in minimal impact to the resource.

TRANSIT PROGRAMS

Urbanized area formula grants

Grants comprising \$20.1 billion are provided for public transit capital investments to local governments and transit agencies in areas above 200,000 population. Capital and operating assistance grants are given in areas between 50,000 and 200,000 population. The basic program remains unchanged except for two formula features — small transit-intensive cities tier, and a growing states and high-density states tier.

Rural area formula grants

The \$2.2 billion in capital and operating assistance for rural and small urban transportation systems is a substantial increase. Funds are distributed to the states, which in turn fund local governments and regional and non-profit transit agencies that deliver the transit service. A new formula tier was added based on land area.

New starts

The act provides \$8.1 billion for new fixed-guideway systems, extensions of these systems and bus corridor improvements. Within the program, a separate “small starts” section has been created for projects of \$75 million or less. Small start projects can be used for any of the listed projects and also for bus rapid transit.

Fixed guide ways

The \$7.3 billion to modernize or improve existing railway or fixed guideways systems includes money for rehabilitation of rolling stock, track, structures and signals. Generally, eligible areas must have a population of at least 200,000 and systems that are at least seven years old.

Buses and bus facilities

The acquisition of buses and maintenance facilities, terminals, garage equipment and bus shelters receives \$4.2 billion. All the funds are allocated to specific projects.

Elderly and disabled services

Formula funding of \$584 million is offered to states for the capital costs of providing services to the elderly and people with disabilities. Generally, funds are sub-allocated to local governments and non-profits for operation of the program. To improve coordination, a new locally developed human service transportation plan is required. A seven-state pilot program is created to determine if expanding eligibility for operating assistance would improve service.

Job access and reverse commute

The legislation provides \$727 million for local programs that offer job access and reverse commute services for low-income individuals who may live in the city and work in the suburbs. The major change in this program is that it will be administered as a formula program.

New freedom

This is a new formula program that will provide \$339 million over the life of the act to increase the availability of transportation services beyond that which is required in ADA to people with disabilities.

Transit in parks

This new discretionary program will provide \$97 million to fund transportation alternatives to the private car in national parks and on public lands.

Railways

The act authorized \$90 million for Maglev deployment, \$70 million annually for high-speed corridor development, \$30 million for high-speed railway technology and \$430 million for the elimination of railroad-highway crossing hazards in high-speed corridors.

A federal loan and loan-guarantee program is expanded from \$3.5 billion to \$35 billion for improving and rehabilitating railroad tracks, \$7 billion of which is reserved for small, regional and short-line railroads. Additionally, \$350 million annually in grants is made available for relocating railroad tracks where they negatively affect a community.

For additional information, contact the Nevada T² Center at the address shown below.

StreetWise is published periodically by the Nevada Transportation Technology Transfer Center at the University of Nevada, Reno. The publication contains rewritten material compiled from reliable sources, but it assumes no responsibility for their correctness.

The Nevada T² Center is part of the nationwide Local Technical Assistance Program. It is financed jointly by the Nevada Department of Transportation and the Federal Highway Administration.

StreetWise

Nevada T² Center/257
University of Nevada, Reno
Reno, NV 89557

Phone: 775/784-1433 • FAX: 775/784-1429

The University of Nevada, Reno is an Equal Opportunity/Affirmative Action employer and does not discriminate on the basis of race, color, religion, sex, age, creed, national origin, veteran status, physical or mental disability, and in accordance with university policy, sexual orientation, in any program or activity it operates. The University of Nevada, Reno employs only United States citizens and aliens lawfully authorized to work in the United States. 1/94. 1,000.



University of Nevada, Reno

Nevada T² Center/257
Reno, NV 89557-0179

NONPROFIT
ORGANIZATION
U.S. Postage
PAID
Reno, NV
Permit No. 26