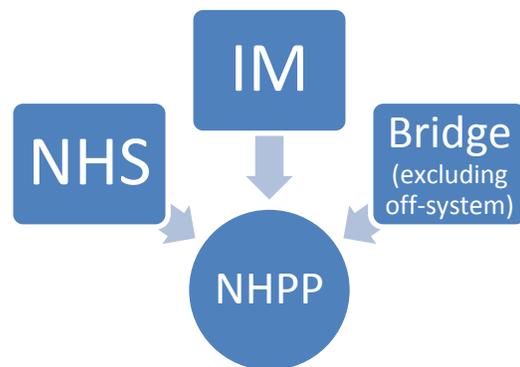


National Highway Performance Program Moving Ahead for Progress in the 21st Century Act (MAP-21) September 2012

Under MAP-21, the National Highway System Program, Interstate Maintenance Program and part of the Highway Bridge program would be combined into a new National Highway Performance Program (NHPP). Funding would be focused on the National Highway System (NHS), which would be expanded to include additional urban and rural principal arterials, bringing total mileage nationwide up from about 160,000 currently to 220,000 under MAP-21. All eligibilities under the original programs remain and there are no set-asides within the program. MAP-21 eliminates a number of current programs and makes them eligible uses of NHPP funds, most notably ferry boats and facilities that connect road segments of the NHS. **Washington’s share of the NHPP is estimated to be \$380.5 million in federal fiscal year (FFY) 2013 and \$383.3 million in FFY 2014.**¹

BACKGROUND:

Under the current law, Washington receives money through the Interstate Maintenance Program to improve the condition of Interstate highways. The State is also provided funds through the Highway Bridge Program to rehabilitate and replace deficient bridges with a requirement that at least 15 percent of the funding must be spent on off-system bridges (bridges not on a federal-aid highway such as rural minor-collector roads or local streets). Finally, the State also receives National Highway System funding for improvements to rural and urban roads that are part of the NHS, including the Interstate System and designated connections to major intermodal terminals.



*Historical Apportionment Levels**

\$ in millions	Federal Fiscal Year							
	2005	2006	2007	2008	2009	2010	2011	2012
Interstate Maintenance Program	87.2	89.3	92.1	93.5	94.6	112.7	111.1	106.1
National Highway System Program	96.9	98.4	105.5	105.9	108.2	128.9	127.1	121.3
Highway Bridge Program, On-System	124.0	124.9	121.9	125.1	124.1	147.8	145.7	139.1
TOTAL	308.1	312.6	319.5	324.5	326.9	389.4	383.9	366.5

*The amounts for FFY2005 – FFY2012 come from FHWA apportionment notices N4510.563, N4510.604, N4510.646, N4510.683, N4510.742, N4510.744, N4510.745 and N4510.756 found at <http://www.fhwa.dot.gov/>. Amounts do not reflect penalties.

¹ This is before the 2 percent takedown for State Planning and Research.

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Currently, SAFETEA-LU allows up to 50 percent of the funds in the National Highway System, Highway Bridge, and Interstate Maintenance programs to be transferred to other programs. This flexibility has allowed the State to make investment choices based on the most pressing preservation needs. This has been possible because there have not been performance measures or investment targets set forth in the last surface transportation bill, SAFETEA-LU.

Distribution of Funds Between State and Local Uses

Following the two year reauthorization extension of TEA-21 and passage of SAFETEA-LU, the 2006 Legislature weighed in on the distribution of SAFETEA-LU funds. Most of the decisions made were incorporated into the 2006 Legislative budget and accompanying financial plans. A few programs, such as the Highway Safety Improvement Program and Safe Routes to Schools, were refined over the next few years through the budget process. In response to project cost increases and the desire to create the Alaskan Way Viaduct/SR 520 Risk Pool, the 2007 Legislature made a significant change in assumption to the bridge funds. The distribution of the Interstate Maintenance, National Highway System, and Highway Bridge programs has remained constant since 2007, as shown in the table below.

<i>Distribution percent</i>	TEA-21		SAFETEA-LU	
	State	Local	State	Local
Interstate Maintenance ¹	100	0	100	0
National Highway System ²	100	0	96.5	3.5
Bridge Program ³	60	40	76	24

¹ – Distributed based on the state’s responsibility for the Interstate System.

² – Distributed based on state and local ownership of the National Highway System.

³ – Distributed based on deck surface of structurally deficient bridges.

CHANGES IN MAP-21:

In addition to the program consolidation to create the new NHPP structure and some new project eligibilities, MAP-21 also makes the following changes:

Performance Measures

USDOT will develop performance measures for the condition of pavement, bridges and the performance of the Interstate and NHS systems. Within 18 months of enactment, USDOT must publish a rulemaking establishing:

- Minimum standards for states to use in developing and operating bridge and pavement management systems.
- Performance measures for Interstate and NHS pavement condition, NHS bridge condition, and Interstate and NHS performance.
- Minimum conditions for Interstate pavements, which may vary geographically.
- Data elements necessary to collect and maintain standardized data to carry out a performance-based approach.

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States must then establish targets within one year of the final USDOT rule on national performance measures, and are then responsible for meeting the performance targets for each measure.

- Four years after MAP-21 is enacted, each state must report to USDOT on its progress towards achieving the targets and then every two years thereafter. MPOs will report to USDOT on progress in their Metropolitan Transportation Plan (on a four or five year frequency).
- If a state does not meet or make significant progress toward the performance targets for two consecutive reporting periods, the state must document in its next report the actions it will take to achieve the targets.

Asset Management Plans

MAP-21 requires states to develop risk-based asset management plans that prioritize urgent repairs first to help improve the overall condition of the state's bridges and highway systems. Within 18 months of enactment, USDOT must publish a rulemaking establishing the process for states to use in developing a risk-based, performance-based asset management plan for preserving and improving the condition of the NHS. Each state's process must be reviewed and recertified at least every four years. If certification is denied, the state has 90 days to cure deficiencies. If a state has not developed and implemented an asset management plan consistent with requirements by the beginning of the 2nd fiscal year after the establishment of the process, the federal share for NHPP projects in that fiscal year is reduced to 65%.

Minimum Interstate Pavement and NHS Bridge Conditions

USDOT is directed to establish a minimum level of condition for Interstate pavements, which may vary by geographic region. **If during two consecutive reporting periods Interstate pavement conditions in a state fall below the minimum set by USDOT, the state must, at a minimum, devote** the following resources to improve Interstate pavement conditions during the following fiscal year (and each year thereafter if the condition remains below the minimum):

- **NHPP funds in an amount equal to the state's FFY 2009 Interstate Maintenance (IM) apportionment (\$94.6 million in Washington), to increase by 2% per year for each year after FFY 2013.**
- **Funds transferred from the Surface Transportation Program to the NHPP in an amount equal to 10% of the amount of the state's FFY 2009 IM apportionment.**

MAP-21 also establishes a minimum standard for NHS bridge conditions. **If more than 10% of the total deck area of NHS bridges in a state is on structurally deficient bridges for three consecutive years, the state must devote NHPP funds in an amount equal to 50% of the state's FFY 2009 Highway Bridge Program apportionment to improve bridge conditions during the following fiscal year** (\$73 million in Washington), and each year thereafter if the condition remains below the minimum.

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Bridge and Tunnel Inspection Standards

If a State is in noncompliance with bridge and tunnel inspection standards to be established by USDOT, a portion of NHPP and STP funds must be used to correct the problem.

Expansion of the NHS

MAP-21 expands the National Highway System to include an additional 60,000 miles of principal arterials not already included in the NHS. For Washington State, the impact of the addition of all principle arterials to the NHS would be the addition of 1,166.86 NHS miles (303.09 for state and 863.77 for local agencies) as shown in the table below:

Miles on NHS	Current	%	Map-21*	%
State Highway	3,275.31	96.1%	3,578.40	78.2%
Local Agency	134.23	3.9%	998.00	21.8%
TOTAL	3,409.54		4,576.40	

*These are preliminary numbers that are still in the process of being coordinated and validated with MPOs and other local agencies.

The expansion of the NHS also includes the addition of bridges to the NHS. For Washington State, the impact is the addition of 216 bridges (103 for the state and 113 for local agencies) as shown in the table below:

Bridges on NHS	Current Number	Current Deck Area	%	Map-21 Number*	MAP-21 Deck Area*	%
State Highway	1,843	33,660,000	95%	1,946	35,146,000	92%
Local Agency	70	1,597,819	5%	183	3,140,992	8%
TOTAL	1,913	35,258,000		2,129	38,287,000	

*These are preliminary numbers that are still in the process of being coordinated and validated with MPOs and other local agencies.

The additional NHS mileage and bridges will be included in the performance measures and performance targets to be established for maintaining the NHS, which has significant implications for how the NHPP funding is used, the ability to make progress towards the performance targets, and the ability to meet the minimum standards for NHS bridge conditions. FHWA has said it will issue guidance on the expansion of the NHS by October 1st. Until that guidance is issued it is unclear how long it may take FHWA to add the mileage to the NHS.