

Caltrans MAP-21 Working Group: MAP-21 Questions for FHWA

General

- When will FHWA provide policy direction and guidance on managing and administering the new or revamped programs in MAP-21?
- What happens to the funding programs that were discontinued?
- Some of the programs were actually repealed. How long are funds in those programs still available?

Toll Credits:

- Could toll credits be applied in limited rural situations? (Previously the rural agencies have requested allowance of use of toll credits for on-system bridge replacements in rural areas. FHWA supports this, but the Caltrans bridge advisory committee, does not.)

Bridges

- How will on-system bridges not on the NHS be funded? (There are many more on-system bridges in many rural counties than NHS bridges.) (Example - In Mendocino County it is only US Highway 101 and SR 20/Principal Arterial segment.)

CMAQ

I. General Programmatic Questions (CMAQ)

- When is revised CMAQ Guidance expected? Will it be coordinated with the proposed metropolitan planning regulations or still be issued separately as guidance?
- Since CMAQ apportionments under MAP-21, are no longer derived from a formula, will FHWA continue to publish on its website (http://www.fhwa.dot.gov/environment/air_quality/cmaq/populations/nonattainment_2010/ca.cfm) the nonattainment and maintenance area populations by State and County for future years?
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- Shouldn't CMAQ distribution be based on the actual weighted population formula, not a grandfathered amount? (no factors provided in MAP-21)
- Will FHWA/FTA continue to allow the use of CMAQ funds for eligible operating expenses of a new transit line or service and for how long? (Currently, it is allowed for three years.)

II. Specific Section of MAP-21 (CMAQ)

(i) Under "Database"

- When is the database expected to be available for public comment?

(j) Under "Optional Programmatic Eligibility"

- Is any margin of improvement sufficient or are thresholds to be established? A program of projects approach could be problematic in that any sub-component might be considered to be ineligible as a stand alone project, but it could skate through if bundled with other projects that show a total emissions reduction. When can this approach be exercised, and how will it be reviewed and approved?

(k) Under "Priority for Use of Funds in PM 2.5 Areas"

- Does 25% of funds requirement on apportionments towards PM 2.5 reducing projects apply within a RTPA/MPO, air basin, or State as a whole? Do we get penalized as obligations are already about 10% lower than apportionments? Shouldn't this really be applying to obligations in reality and can this be a future technical correction?
- Language refers to a weighting formula of non attainment / maintenance for a criteria pollutant, an approach which is no longer used for CMAQ apportionments under MAP 21. So isn't this language here inconsistent?
- What is the transition period for States to comply with this requirement?
- What are the consequences for failing to meet this new requirement?
- What type of reporting is expected from the State to demonstrate that this requirement is met? Will the format of the CMAQ Annual Report change to accommodate this new requirement under MAP-21? If yes, when will that format be issued?

(l) Under "Performance Plan"

- Are affected MPOs expected to submit performance plans directly to FHWA or is the State expected to compile and prepare a statewide report?

Transportation Alternatives Program:

- ADA is a significant unfunded mandate. Is the intent of amendment of Category 1 (Trails, Pedestrian, Bikeway improvements) of the TAP to qualify stand-alone ADA compliance projects? Or is it meant to clarify that ADA components of bike/ped/trail projects qualify under the new Category 1? (If ADA projects are meant to qualify on their own, it won't be long and all we will do with TA funding is ADA compliance.)
- How is it that environmental mitigation can be considered a Transportation Alternative? (In California, environmental mitigation costs have been considered part of the required costs of doing a project.)
- Is it permissible for CA law (Sec/ 2370 et seq of Street & Hwys Code) to give priority in the selection of TE projects (now TA under MAP-21) to those that partner with CA Conservation Corps? Or does that violate the requirement for competitive bidding?

Safe Routes to School (HSIP-related)

- Can MAP-21 HSIP funds be used to fund the SRTS program at 30% non-infrastructure and 70% infrastructure? (similar to SAFETEA-LU)
- Can HSIP funds be used off the top for SRTS?
- Can the SAFETEA-LU section 1404 SRTS eligibilities (as allowed in the MAP-21 TAP) continue to be used with the HSIP funding?

Highway Safety Improvement Program:

- The bill eliminates the High Risk Rural Roads program, but if fatalities on rural roads increase then a state would be required to spend an amount equal to 200 percent of its high risk rural roads set aside. How will this be monitored and implemented?