

Freight Provisions in the FAST ACT



FIXING AMERICA'S SURFACE TRANSPORTATION ACT

H.R. 22. ENROLLED
DECEMBER 4, 2015

INITIAL REVIEW

FAST Act



- 5 year bill/Amends Title 23 U.S.C.
- Effective October 1, 2015 through September 30, 2020
- Title I: Federal-Aid Highways
 - Federal-Aid Highway Program \$207B
 - Transportation Infrastructure Finance and Innovation Program TIFIA (credit assistance) \$1.4B
 - Federal Lands and Tribal Transportation Programs \$2.4B
 - Territorial and Puerto Rico Highway Program \$1B
 - Nationally Significant Freight and Highway Projects \$4.5B
- New Title VIII Section 8001 – Multimodal Freight

Federal-aid Highway and highway safety construction programs



FAST Act Obligation Ceiling

- FY 2016 \$42.36 B
- FY 2017 \$43.26 B
- FY 2018 \$44.23 B
- FY 2019 \$45.26 B
- FY 2020 \$46.36 B

TOTAL \$221.47 B

Federal-Aid Highway Program Appropriations

- \$39.72 B
- \$40.54 B
- \$41.42 B
- \$42.35 B
- \$43.37 B

\$207.40 B

New National Highway Freight Program



Freight Appropriation

- FY 2016 \$1,150,000,000
- FY 2017 \$1,100,000,000
- FY 2018 \$1,200,000,000
- FY 2019 \$1,350,000,000
- FY 2020 \$1,500,000,000

TOTAL = \$6.3B or 3%

FAST Act



- Surface Transportation Program (STP) becomes **the Surface Transportation Block Grant (STBG)**
- TIFIA Program: **now \$10M minimum**
(TIFIA minimums were \$50M Urban & \$25M rural)
- TIGER Program: remains an annual appropriation
- Created a Federal Permitting Improvement Steering Council to monitor and streamline best practices for NEPA
- Approximately 2.6B for Federal Highway Administration

FAST Act



- Major Emphasis on Freight Investment
- **Creates the Nationally Significant Freight and Highway Projects (NSFHP) discretionary grant program**
- **\$4.5B over 5 years**
- Major highway and freight projects
- Also provides eligibility for certain non-highway projects like
 - Truck parking
 - Surface transportation infrastructure improvements in port terminals for direct intermodal interchange, transfer and port access
 - Ferries and ferry terminals
- Title VIII Establishes Three Multimodal Freight Policy Areas
 - National Multimodal Freight **Policy (goals)**
 - National Freight **Strategic Plan**
 - National Multimodal Freight **Network**

National Multimodal Freight Network



- Establish interim Freight Network within 180 days: include
 - MAP 21 Freight Network
 - Class I railroads
 - Public Ports (must move at least 2M short tons)
 - Inland and intracoastal waterways of the U.S.
 - Great Lakes, St. Lawrence Seaway, coastal and ocean routes of domestic freight
 - 50 airports with highest annual landed weight
 - Other strategic intermodal facilities and freight rail lines of Class II and III Railroads as designated by the undersecretary
- In one year must designate a final National Multimodal Freight Network (with process for input from DOT's, MPO's and many others)

National Freight Strategic Plan



- DOT has 2 years to create a plan; update no less than every 5 years
- Assessment of condition and performance of National Multimodal Freight Network (NMFN)
- Forecast volumes for 5, 10 and 20 years
- Identify major trade gateways and corridors, generators
- **Identify bottlenecks on NMFN using quantitative method/estimate cost to address each bottleneck**
- Identify barriers to performance and opportunities to overcome
- **Identify process to address multistate projects**
- Identify strategies to improve connectivity
- **Identify corridors accessing centers of energy exploration/production, agriculture, manufacturing, natural resources**
- **Identify best practices to mitigate impacts on communities**

National Multimodal Freight Policy



- Identify infrastructure improvements, policies and operational innovations
- Improve safety, security, efficiency and resiliency of freight
- State of good repair
- **Use innovation and advanced technology**
- Improve economic efficiency, productivity and reliability
- Improve short and long distance movement of goods
- **Improve state flexibility to support multi-state corridor planning and connectivity**
- Reduce adverse environmental impacts
- **Avoid state burdens when implementing policy**

Who Can Apply for NSFHP Funds



- A State or a group of States
- A metropolitan planning organization that serves an urbanized area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals
- A unit of local government or a group of local governments
- A political subdivision of a State or local government
- A special purpose district or public authority with a transportation function, including a port authority

Who Can Apply for NSFHP Funds



- A Federal land management agency that applies jointly with a State or group of States.
- A tribal government or a consortium of tribal governments.
- A multistate or multijurisdictional group
- **All applicants must work with and through the MPO pursuant to 23 C.F.R., Part 450 (Metropolitan Planning Process)**

Nationally Significant Freight and Highway Projects



- Must be on the National Highway Freight Network
- Minimum amount of \$25M
- Must have eligible project costs of \$100M+
- Application to US DOT Secretary
- 10% reserved for Small Projects (under \$100M and above \$5M)
- Covers: Development phase, planning feasibility, revenue forecasting, environmental review, preliminary engineering and design, other preconstruction activities
- Covers: Construction, reconstruction, rehabilitation, acquisition of real property, environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements related to system performance

Nationally Significant Freight and Highway Projects



- **Eligibility:**
 - Project must be on the National Freight network or National Highway System or in a National scenic area
 - Add capacity or improve mobility
 - A freight intermodal or freight rail project
 - Within the boundaries of a public or private freight rail, water or intermodal facility facilitating direct interchange
 - Shall be treated as if the project is located on a Federal-aid highway
 - 25% set aside for rural areas with populations over (?) 200,000
 - For Planning, engineering, environmental, construction

State DOT Requirements



- State Freight Plan is required to access freight funding
- 5 year planning horizon updated no less than every 5 years
- Recommend integration with State Long Range Plan
- Recommend State Freight Advisory Committee
- Create freight investment plan, fiscally constrained with priority projects identified
- New – States encouraged to support multi-state corridor planning and creation of multi-state committees
- Same performance based statewide planning process but mandatory performance measures and reporting

MPO Requirements



- No real change from MAP-21
- No mandatory Freight Advisory Council
- *As before, the MPO must approve projects using federal transportation funding for inclusion in their Long Range Plan/Transportation Improvement Plan*
- *As before, the MPO has veto authority over State Transportation Improvement Plan (MPO TIP is appended as part of STIP)*
- **All freight projects must work with and through the MPO pursuant to 23 C.F.R., Part 450 (Metropolitan Planning Process)**