

Questions from the
“MAP-21: What it Means for Florida” Webinar
Afternoon Session, September 5, 2012
(as of 9/14/12)

Q - 1: MAP-21 changes the definition of the National Highway System to now include "principal arterials". What additional FL roads will now be part of the NHS system? Can you post that list and map on your website?

A: In accordance with Section 1104, the FHWA will expand the NHS effective October 1, 2012. The bulk of the expansion will consist of principal arterials not currently included in the NHS. Slides 14 and 15 in the afternoon session are maps showing our early projection of the redefined NHS. A GIS-layer of all current principal arterial routes in Florida including the existing NHS will be provided on our MAP-21 website. Users should be aware that this information is preliminary and is subject to revision.

Q - 2: Are there bridges that were repaired using FDOT funds in the past which you now plan to shift to local responsibility? If so, can you provide list of any changes on your website?

A: There are no plans to at this time to shift bridges to local responsibility.

Q - 3: Is FDOT going to plan any role in pursuing loan funds from TIFIA for large transportation projects, such as transit? Or will this be left up to local jurisdictions?

A: TIFIA will continue to be considered as a funding option for large projects.

Q - 4: Will we receive a copy of the presentations?

A: They are posted at http://MAP-21_FL.com.

Q - 5: Will the PD&E manual be undated to include the new MAP-21 changes?

A: Yes

Q - 6: Relative to slide #38: Does it mean CM @ Risk and Guaranteed Maximum Price (GMP) now have become standard methods of delivery and don't need authorization from FHWA? Thanks

A: MAP-21, Section 1303 – Letting of Contracts, allows the issuance of 2-phase contracts for preconstruction and construction services. The Act sets forth the requirements for each phase. The preconstruction phase can be awarded before NEPA is complete, but limits work to preliminary design activities that do not limit decisions in the NEPA process. This distinction is important because preliminary design activities must be discussed and approved with FHWA Division prior to implementation; therefore, although MAP-21 codifies that these activities can occur they must still be coordinated with and approved by FHWA. As for the construction services phase, the FDOT cannot proceed to final design and construction without NEPA approval from FHWA.

Q - 7: Pre MAP-21, the NHS in Florida was (with some exceptions) the highway portion of the SIS. Does the Department intend to preserve that, given the doubling of NHS mile in Florida, or will the roadway portion of the SIS remain unchanged?

A: The roadway portion of the SIS will not be changed based on the NHS change.

Q - 8: Paul S. Sarbanes Transit in Parks Program Grant is being used to replace a dock that serves a ferry to a National Reserve but it is also the dock that commercial ship pilots use. Will the completion of this project be eligible for Map-21 funds.

A: The Paul S. Sarbanes Transit in Parks Program was repealed in MAP – 21. The grantee will have to consult with FTA about other potential funding sources to complete the project.

Q - 9: MAP-21 seems likely to be implemented relatively concurrent to when new Urbanized Areas are completing their structural formation to participate in, and benefit from, the multimodal metropolitan transportation planning process; perhaps, by associating themselves with contiguous metropolitan planning entities. What collaboration is occurring between FHWA and FTA, or among Central Office offices, so that federal and state planning requirements and public transit opportunities (and changes) will roll out in a coordinated manner (beyond the coordinated process implementation aspects to-date), especially for the new local partners to whom much of this is new?

A: FDOT recognizes that implementation of the transportation planning process for new local partners in new urbanized areas always requires significant collaboration with all federal, state and local partners. Such implementation, with simultaneous implementation of new federal legislation, represents a challenge for all partners but FDOT is committed to participating in a coordinated effort to efficiently and expeditiously assist new local partners implement all requirements.

Q -10: Is FDOT planning to designate RTPOs?

A: No

Q - 11: How do you foresee the MPOs showing progress in achieving performance targets in the TIPs given that the TIPs are updated frequently (each year) in Florida?

A: The only guidance presently provided on the FHWA website is the TIP must be developed to make progress toward established performance targets and include a description of the anticipated achievements. The law does state each metropolitan planning organization shall develop performance measures and targets described in State transportation plans and transportation processes. The metropolitan planning organization will have 180 days to establish the performance targets after the date the relevant State or provider of public transportation establishes the performance targets. FDOT anticipates further guidance on this issue.

Q -12: For the urbanized areas, the JARC program has been absorbed by 5307. The preliminary MAP-21 program funding table for 2013 shows the total 5307 program less oversight, ferries, and JARC. Does this mean that the 5307 recipients will have to use a portion of the funds on JARC-only projects (through a competitive selection process) or do the recipients have the option of doing JARC projects or just using those funds for other eligible 5307 expenditures?

A: It is our understanding that the JARC activities will be eligible under the 5307 program. The JARC portion of the 5307 apportionment will be based on low income population in the UZA. It is separated out to determine the UZA share and then added into the total apportionment similar to the way the small intensive cities part works. FTA hasn't stated, as of yet, if there will be a required amount spent on JARC activities.

Q - 13: Does advance acquisition pre-determine the outcome and limit alternatives that are later analyzed through NEPA - and related what process is in place to ensure advance acquisition considers any agency/stakeholders issues in acquiring ROWs in advance of full NEPA review

A: *No, state advance acquisition pursuant to Section 108 of title 23, United States Code, cannot affect subsequent Federal approvals required for the project. MAP-21 provides clear pathways for approvals without pre-determination. The Central Environmental Management Office and Right-of-Way Office will be developing guidance on how to conduct advance acquisition of real property interests in accordance with MAP-21 and consistent with NEPA. See MAP-21, Section 1302 – Advance Acquisition of Real Property Interests.*

Q - 14: Can you exceed 60% plans production prior to receiving Record of Decision?

A: *Advancing preliminary design activities can be done after coordinating with FHWA and getting approval to do so. The key is that on a project with multiple alternatives, the decision to advance preliminary design cannot pre-determine the preferred alternative and cannot preclude the equal consideration of alternatives in NEPA. For more information see FDOT's Project Development and Environment Manual Part 1, Chapter 4 - Project Development Process and Engineering Considerations.*

Q - 15: Can you discuss the Pilot Program for TOD Planning in more detail? How much funding and process to apply?

A: *The new legislation creates a pilot grant program for TOD planning associated with a new fixed guideway or core capacity improvement project, as those projects are defined in 49 U.S.C. 5309 (Fixed Guideway Capital Investment Grants Program). Grants will be awarded to projects that implement comprehensive planning that seeks to:*

- *Enhance economic development, ridership, and other goals established during the project development and engineering processes;*
- *Facilitate multimodal connectivity and accessibility;*
- *Increase access to transit hubs for pedestrian and bicycle traffic;*
- *Enable mixed-use development;*
- *Identify infrastructure needs associated with the eligible project; and*
- *Include private-sector participation.*

State and local government agencies are eligible to participate in the pilot program. The amount of funding for this program is \$10 M in FFY2013 and \$10 M in FFY 2014. Applications will be submitted directly to FTA and funds will be awarded competitively.

Q - 16: Can land acquisition be done in partnership with the private sector? Are donations of land acceptable as means of row acquisition?

A: *Depends on definition of partnership; and Yes. Land acquisition services can be procured pursuant to Section 337.107, Florida Statutes and must comply with the Uniform Relocation Act and applicable Florida Statutes. Right of way donations or lawful exactions are acceptable mean of acquiring right of way but still must be acquired pursuant to Federal and Florida Law. These methods of acquisition, also cannot affect the outcome of NEPA. The Central Environmental Management Office and Right-of-Way Office will be developing guidance on how to conduct advance acquisition of real property interests in accordance with MAP-21 and consistent with NEPA. See MAP-21, Section 1302 – Advance Acquisition of Real Property Interests.*

Q - 17: Is there a definition of "operational ROW"?

A: Yes, see *Subtitle C-Acceleration of Project Delivery, Section 1316(b)*:

"(b) Definition of an Operational Right-of-way.--In this section, the term "operational right-of-way" means all real property interests acquired for the construction, operation, or mitigation of a project (as defined in section 101(a) of title 23, United States Code), including the locations of the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway."

Q - 18: Could you please confirm that LRTPs already under way be reviewed under the current SAFETEA-LU requirements?

A: *We're awaiting FHWA guidance on this.*

Q - 19: Are there any impacts to the National Transit Database program as a result of Map-21?

A: *No changes were made to the NTD program. However, FTA has indicated in earlier presentations that the Asset Management program will likely be coordinated with NTD.*
