



Florida Department of  
**TRANSPORTATION**

# Fixing America's Surface Transportation Act "FAST Act"

**FDOT Briefing**  
January 20, 2016



# FAST Act: What it Means For Florida

- Overview – David Lee
- Major Highway Provisions – James Jobe
- Major Environmental Provisions – Ken Morefield
- Major Transit Provisions – Ed Coven
- Major Freight Provisions – Rickey Fitzgerald

# Where Have We Been?

- 1991 – ISTEA, 6 years
  - 1 extension, 6 months
- 1998 – TEA-21, 6 years
  - 12 extensions, 22 months
- 2005 – SAFETEA-LU, 6 years
  - 10 extensions, 33 months
- 2012 – MAP-21, 2 years
  - 4 extensions, 26 months
- 2015 – FAST Act, 5 years
  - Expires September 30, 2020

# FAST Act Basics

- “Fixing America’s Surface Transportation Act”
  - Public Law 114-94
  - Conference Report, H. Rept. 114-357
  - Enacted December 4, 2015
  - Effective date October 1, 2015
  - Provides authorizations for 5 years to Sept. 30, 2020
  - Extends Highway Trust Fund to October 1, 2022
- Coverage
  - 7 Divisions A through G
  - Division A, Surface Transportation, 11 Titles
  - Title I—Federal-Aid Highways
  - Title III—Public Transportation
  - Title VIII—Multimodal Freight Transportation

The screenshot shows the Florida Department of Transportation (FDOT) website. At the top left is the Centennial FDOT logo (1915-2015). The main header includes the text "Florida Department of TRANSPORTATION" and a search bar. A navigation menu contains links for Home, About FDOT, Contact Us, Maps & Data, Offices, Performance, and Projects. The page title is "Office of Policy Planning" and the sub-header is "Policy Planning / FAST Act Fixing America's Surface Transportation Act". A photograph of the Florida State Capitol is displayed. The main content area is divided into sections: "About" (describing the FAST Act signed on December 4, 2015), "The Legislation" (listing Public Law 114-94 and Conference Report H. Rept. 114-357), and "Summaries and Analyses" (listing various reports and documents). A contact information line for David Lee is provided, along with a "Back To Top" link. The footer contains social media icons, contact information, and the copyright notice "© 1996 - 2016 Florida Department of Transportation".



## Includes:

- The Act
- The Conference Rpt
- FDOT
- House, Senate
- FHWA, FTA
- AASHTO, APTA
- Will be updated

# FAST Act's Policy Priorities

- Streamlined project delivery through an improved review and permitting process that may lower costs and bring benefits to users sooner
- Refinement of freight policy and network to match dedicated Federal freight funding
- New technologies – connected and automated vehicles
- Further innovations in project financing and procurement
- Demonstration of user-fee based alternative revenue mechanisms to sustain the Highway Trust Fund
- Continuation of MAP-21 performance-based program implementation

# Highway Program Structure

- Formula Programs
  - National Highway Performance Program
  - Surface Transportation Block Grant Program
  - National Highway Freight Program 
  - Highway Safety Improvement Program
  - Congestion Mitigation and Air Quality Improvement Program
  - Metropolitan Planning
- Discretionary Programs
  - Nationally Significant Freight and Highway Projects 

# Florida Equity

- Rate of Return (ROR) compares percent of funds received to percent of funds contributed
- Florida ROR
  - 93¢ on Highway Account (2014)
  - 63¢ for Mass Transit Account (2014)
  - 95¢ for highway formula funds (FAST Act)
- Guarantee of 95% of Highway Trust Fund payments has no effect
- Discretionary funds determine final ROR

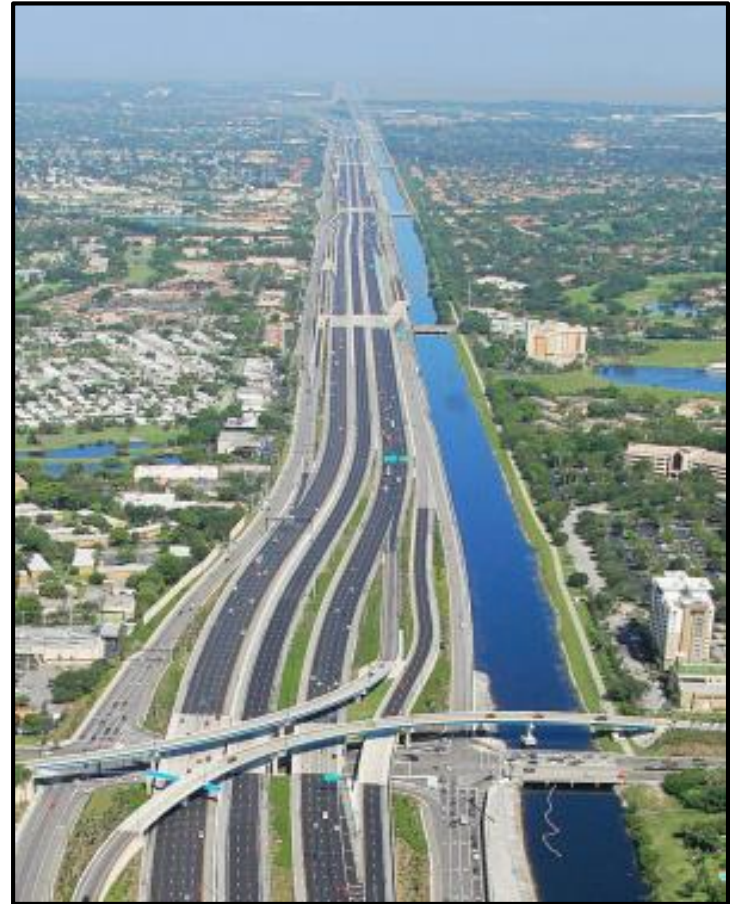


# Looking Ahead

- FAST Act provides an annual average of \$57.5 billion for highways and transit annually, \$16 billion less than the Highway Trust Fund's purchasing power in 1993
- Gap between Highway Trust Fund income and spending in 2021 is expected to reach \$20 billion

# FAST Act: What it Means For Florida

## Major Highway Provisions



# Highway Funding Overview

Federal Fiscal Year	Billions \$	% Annual Increase
2016	43.1	5.1
2017	44.0	2.1
2018	45.0	2.2
2019	46.0	2.3
2020	47.1	2.4
Total	225.2	

- However, \$7.6 billion rescission on July 1, 2020
  - \$217.6 billion net of FFY2020 rescission
  - Rescission will not apply to safety-related apportionments or funds sub-allocated based on population (STBGP and TAP sub-allocations)
  - Amount based pro rata on unobligated balances held by states on 9/30/2019

Amounts shown are preliminary and subject to change

# Highway Funding Overview

## Contract Authority and Obligation Limitation (Obligation Authority)

Millions of dollars of apportioned highway contract authority per fiscal year. Excludes ferry boats.								
NATIONALLY	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	5-year FAST Act Total	
	Actual	FAST Act	FAST Act	FAST Act	FAST Act	FAST Act	Cumulative	Average
Contract Authority	40,995.0	43,100.0	44,005.1	44,973.2	46,007.6	47,104.1	225,190.0	45,038.0
Obligation Limitation	40,256.0	42,361.0	43,266.1	44,234.2	45,268.6	46,365.1	221,495.0	44,299.0
% Ob Limit to Contract Auth	98.20%	98.29%	98.32%	98.36%	98.39%	98.43%	98.36%	98.36%

Amounts shown do not include \$7.6 billion planned rescission of Contract Authority in FY2020

Obligation Limitation (Obligation Authority) will be reduced for FHWA Administrative Expenses and other allocated programs before being distributed to states for the core formula programs, resulting in reduced % of Ob Limit to Contract Authority.

Amounts shown are preliminary and subject to change

# Highway Funding Overview

## Florida's Contract Authority and Obligation Limitation (Obligation Authority)

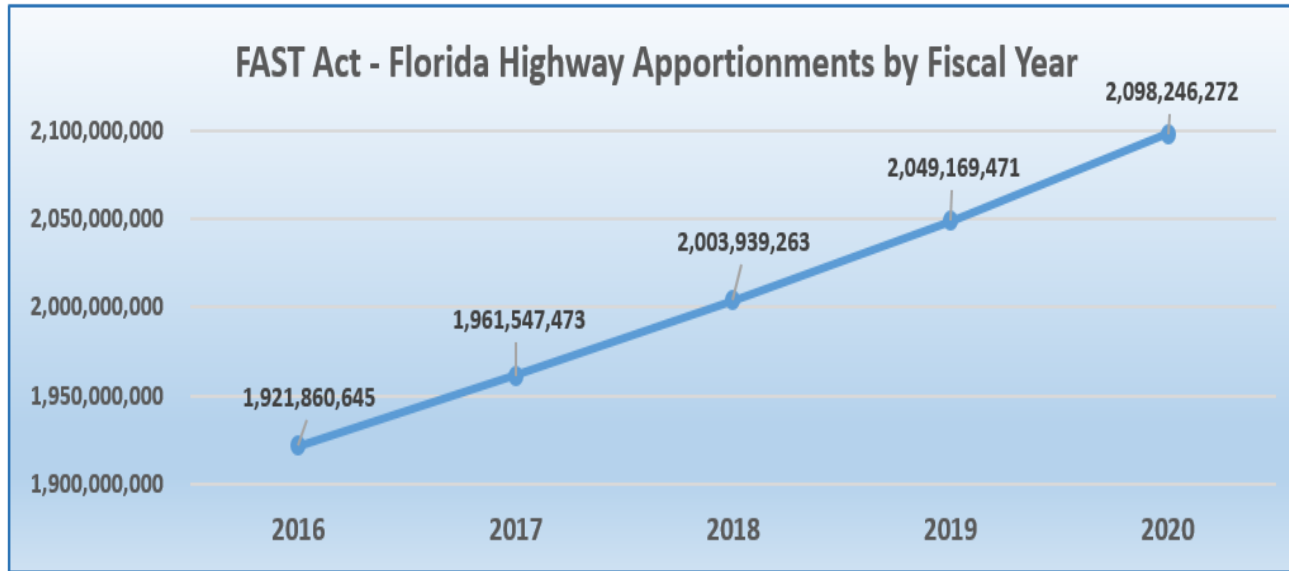
Millions of dollars of apportioned highway contract authority per fiscal year. Excludes ferry boats.								
FLORIDA	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	5-year FAST Act Total	
	Actual	FAST Act	FAST Act	FAST Act	FAST Act	FAST Act	Cumulative	Average
Contract Authority	1,828.7	1,921.9	1,961.5	2,003.9	2,049.2	2,098.2	10,034.7	2,006.9
Obligation Limitation	1,794.7	1,888.5	1,928.9	1,972.0	2,018.1	2,067.0	9,874.5	1,974.9
% Ob Limit to Contract Auth	98.14%	98.26%	98.34%	98.41%	98.48%	98.51%	98.40%	98.40%

Amounts shown do not include \$366 million planned rescission of Contract Authority in FY2020

Obligation Limitation (Obligation Authority) will be reduced for FHWA Administrative Expenses and other allocated programs before being distributed to states for the core formula programs, resulting in reduced % of Ob Limit to Contract Authority.

Amounts shown are preliminary and subject to change

# Florida Highway Apportionments



**SUMMARY OF ESTIMATED FLORIDA APPORTIONMENTS UNDER THE CONFERENCE REPORT FOR H.R. 22 (FAST ACT)**  
 (before post-apportionment set-asides; before penalties; before sequestration)

Fiscal Year	NHPP	STP Block Grant	TAP set-aside	Rec Trails set-aside	HSIP	Rail-Hwy Xings	CMAQ	Metro Planning	Nat'l Freight Program	Florida Total
2016	1,140,082,761	516,661,110	48,217,971	2,602,532	116,455,633	8,649,509	13,544,856	20,619,163	55,027,110	1,921,860,645
2017	1,165,386,197	529,938,236	48,217,971	2,602,532	119,044,018	8,841,721	13,845,475	21,036,696	52,634,627	1,961,547,473
2018	1,187,545,011	541,333,026	49,130,914	2,602,532	121,286,842	9,033,932	14,108,735	21,478,677	57,419,594	2,003,939,263
2019	1,211,876,986	551,945,482	49,130,914	2,602,532	123,483,528	9,226,143	14,367,007	21,939,836	64,597,043	2,049,169,471
2020	1,237,072,962	565,147,341	49,130,914	2,602,532	125,990,342	9,418,355	14,658,808	22,450,526	71,774,492	2,098,246,272

# Florida Highway Apportionments

## Impact to Funds in Tentative Work Program

<b>Updated Schedule A Fund Allocations</b>	<b>Congestion Mitigation AQ</b>	<b>Highway Safety Program</b>	<b>National Highway Performance Program</b>	<b>Metropolitan Planning</b>	<b>Surface Transportation Block Grant</b>	<b>Recreational Trails</b>	<b>National Freight Program</b>	<b>Transportation Alternatives</b>	<b>Total All Program Categories</b>
2016	13,544,856	125,105,142	1,140,082,761	20,619,163	516,661,110	2,602,532	55,027,110	48,217,971	<b>1,921,860,645</b>
2017	13,845,475	127,885,739	1,165,386,197	21,036,696	529,938,236	2,602,532	52,634,627	48,217,971	<b>1,961,547,473</b>
2018	14,108,735	130,320,774	1,187,545,011	21,478,677	541,333,026	2,602,532	57,419,594	49,130,914	<b>2,003,939,263</b>
2019	14,367,007	132,709,671	1,211,876,986	21,939,836	551,945,482	2,602,532	64,597,043	49,130,914	<b>2,049,169,471</b>
2020	14,658,808	135,408,697	1,237,072,962	22,450,526	565,147,341	2,602,532	71,774,492	49,130,914	<b>2,098,246,272</b>
<b>Total 2016-2020</b>	<b>70,524,881</b>	<b>651,430,023</b>	<b>5,941,963,917</b>	<b>107,524,898</b>	<b>2,705,025,195</b>	<b>13,012,660</b>	<b>301,452,866</b>	<b>243,828,684</b>	<b>10,034,763,124</b>

<b>Current Schedule A Fund Allocations</b>	<b>Congestion Mitigation AQ</b>	<b>Highway Safety Program</b>	<b>National Highway Performance Program</b>	<b>Metropolitan Planning</b>	<b>Surface Transportation Block Grant</b>	<b>Recreational Trails</b>	<b>National Freight Program</b>	<b>Transportation Alternatives</b>	<b>Total All Program Categories</b>
2016	13,212,298	122,439,844	1,112,091,062	19,517,353	511,526,971	2,602,532	0	47,298,941	<b>1,828,689,001</b>
2017	13,212,298	122,439,844	1,112,091,062	19,517,353	511,526,971	2,602,532	0	47,298,941	<b>1,828,689,001</b>
2018	13,212,298	122,439,844	1,112,091,062	19,517,353	511,526,971	2,602,532	0	47,298,941	<b>1,828,689,001</b>
2019	13,212,298	122,439,844	1,112,091,062	19,517,353	511,526,971	2,602,532	0	47,298,941	<b>1,828,689,001</b>
2020	13,212,298	122,439,844	1,112,091,062	19,517,353	511,526,971	2,602,532	0	47,298,941	<b>1,828,689,001</b>
<b>Total 2016-2020</b>	<b>66,061,490</b>	<b>612,199,220</b>	<b>5,560,455,310</b>	<b>97,586,765</b>	<b>2,557,634,855</b>	<b>13,012,660</b>	<b>0</b>	<b>236,494,705</b>	<b>9,143,445,005</b>

<b>Increase in Federal Funds from FAST Act</b>	<b>Congestion Mitigation AQ</b>	<b>Highway Safety Program</b>	<b>National Highway Performance Program</b>	<b>Metropolitan Planning</b>	<b>Surface Transportation Block Grant</b>	<b>Recreational Trails</b>	<b>National Freight Program</b>	<b>Transportation Alternatives</b>	<b>Total All Program Categories</b>
2016	332,558	2,665,298	27,991,699	1,101,810	5,134,139	0	55,027,110	919,030	<b>93,171,644</b>
2017	633,177	5,445,895	53,295,135	1,519,343	18,411,265	0	52,634,627	919,030	<b>132,858,472</b>
2018	896,437	7,880,930	75,453,949	1,961,324	29,806,055	0	57,419,594	1,831,973	<b>175,250,262</b>
2019	1,154,709	10,269,827	99,785,924	2,422,483	40,418,511	0	64,597,043	1,831,973	<b>220,480,470</b>
2020	1,446,510	12,968,853	124,981,900	2,933,173	53,620,370	0	71,774,492	1,831,973	<b>269,557,271</b>
<b>Total 2016-2020</b>	<b>4,463,391</b>	<b>39,230,803</b>	<b>381,508,607</b>	<b>9,938,133</b>	<b>147,390,340</b>	<b>0</b>	<b>301,452,866</b>	<b>7,333,979</b>	<b>891,318,119</b>

# Other Financial Provisions

- **TIFIA Loan Program**

- Authorized funding is cut from \$1 billion in FY2014 and FY2015 to \$275 million in FY2016
- Current unobligated TIFIA funding from prior years is \$1.8 billion
- Minimum project size is reduced to \$10 million
- More liberalized loan repayment terms, with loan terms up to 35 years after substantial completion

- **Tolling; HOV facilities; Interstate reconstruction and rehabilitation**

- Allows greater tolling of High Occupancy Vehicles (HOV) facilities by public authorities
- Sets a 3 year sunset provision on toll pilot project applications provisionally approved by USDOT



# FAST Act Highway Program Structure

- Retains the highway program structure enacted in the 2012 Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) surface transportation law with only a few major additions or changes:
  - National Highway Performance Program
  - Surface Transportation Block Grant Program (formerly Surface Transportation Program)
  - Congestion Mitigation and Air Quality Program
  - Highway Safety Improvement Program
  - Transportation Alternatives Program
  - National Freight Program (NEW)

# FAST Act Highway Program Structure

- **National Highway Performance Program**
  - Adds two additional permissible use of funds
    - Improvements to bridges that are on the federal aid system but not on the National Highway System (NHS)
    - Subsidy and administrative costs for TIFIA funded projects
- **Surface Transportation Block Grant Program (STBGP)**
  - Renamed Surface Transportation Program (STP) to Surface Transportation Block Grant Program (STBGP)
    - Distribution of the portion of the program funds distributed by population is increased:

	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
<b>% distributed by population</b>	<b>50%</b>	<b>51%</b>	<b>52%</b>	<b>53%</b>	<b>54%</b>	<b>55%</b>

# FAST Act Highway Program Structure

- **Congestion Mitigation and Air Quality (CMAQ) Program**
  - Only minor changes to this program
- **Highway Safety Improvement Program (HSIP)**
  - Ends the ability of states to shift funds designated for infrastructure safety projects to behavioral or educational activities, restricting use to construction-related projects and programs
- **Transportation Alternatives Program**
  - Requires annual reports from state and local planning organizations on the number of project applications and awards.

# FAST Act Highway Program Structure

- **Surface Transportation System Funding Alternatives Grant Program**
  - Authorizes \$15 million available in FY2016 and \$20 million annually for each of FY's 2017-2020
  - Program to provide grants to states to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Highway Trust Fund
- **National Freight Program**
  - Formula program funding of \$6.2 billion over five years
  - Details to be covered in another section of this presentation
- **Nationally Significant Freight and Highway Projects Program**
  - New competitively awarded discretionary grant program with average funding of \$900 million per year
  - Details to be covered in another section of this presentation

# Postscript on 2016 Appropriations Act

- **Old Federal Earmarks:**

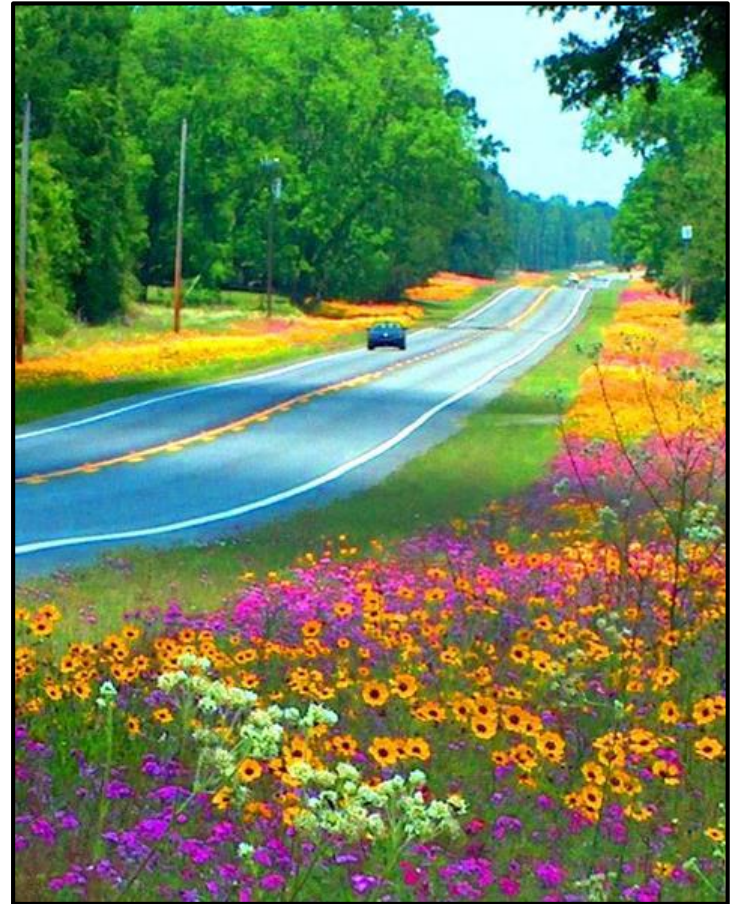
- Allows state DOT's to take \$2.1 billion in funding provided by Congress prior to 2006 for earmarked highway projects and redirect that money to other projects located within 50 miles of the location of the originally earmarked project
- Applies to projects older than 10 years old and for which less than 10 percent of the funding provided by USDOT has yet been legally obligated (about 1,300 projects)
- Places a three-year “use it or lose it” clock on the dead earmark money (even if the original earmark was to remain available forever until expended)
- Federal share of the cost of the new project is to remain the same as the cost of the old earmarked project
- **Florida's portion is \$35.3 million**

- **TIGER Grants continued for 2016**

- \$500 million for an eighth round of the Transportation Investment Generating Economic Recovery (TIGER) competitive grant program

# FAST Act: What it Means For Florida

## Major Environmental Provisions



# Highway Program Environmental Provisions

## Highpoints: Changes and Additions

1. Historic preservation requirements (Section 106) and 4(f). Removes redundancy, if concurrence (SHPO, ACHP and DOI), then 4(f) requirements can be satisfied; exempts some bridges and culverts
2. Allows use of Programmatic Agreements to process Categorical Exclusion projects
3. NEPA Assignment; continues and made changes to audit requirements, now only 1 per year for 4 years
4. Pilot program for up to 5 states with NEPA Assignment to use State Environmental Laws in place of NEPA

# Highway Program Environmental Provisions

## Highpoints: Changes and Additions (continued)

5. Requires USDOT to encourage the development and protection of pollinator habitat in right of way
6. Requires designs to consider environmental, scenic, historic, community and preservation impacts
7. Planning and environmental linkages; additional direction for using planning decisions in NEPA
8. Environmental review and coordination to expedite project delivery; consultation requirements
9. Transparency in environmental review process: National Permitting Dashboard; Public website of project review and permitting status



# Highway Program Environmental Provisions

## Environmental Review to Expedite Project Delivery

1. To use Planning Decisions in NEPA; for all Classes of Action (CE 2, EA, EIS):
  - a. **Concurrence** of federal **permitting agencies** on adoption of planning product
  - b. **Involvement** of public and **participating agencies** in purpose, need and range of alternatives development
  - c. **Lead** agency must provide **guidance** in planning decisions (purpose, need, alternatives development)
  - d. **Public** must be **advised** of intent to use planning product or decisions in NEPA

# Highway Program Environmental Provisions

## Environmental Review to Expedite Project Delivery

### 2. Expedite Project Delivery in NEPA:

- a. Lead will develop an issue **checklist** in **consultation** with **participating** agencies for **all Classes of Action (CE 2's, EA's EIS's)**
- b. Lead establishes schedule with **consultation and concurrence** with each **participating** agency for **EA's and EIS's**; schedule **changes require new concurrence**
- c. Early **concurrence or issue resolution** with applicable Federal resource agencies during the NEPA **scoping** process on the DOT's statement of project's purpose and need, **AND** during development of range of Alternatives for analysis for **EIS's**

# Highway Program Environmental Provisions

## Environmental Review to Expedite Project Delivery

### 3. Other Provisions to Expedite Environmental Review:

- a. Limits opportunities for regulatory issues which have been resolved early in process from being raised again
- b. Limits participating agencies to comment only within their areas of expertise
- c. Lead agency has deadlines for initiating project and consulting with participating agencies for EA's and EIS's
- d. Continues emphasis on combining Final Environmental Impact Statement (FEIS) with Record of Decision (ROD) document
- e. Requires same related provisions for other operating agencies of USDOT

# Highway Program Environmental Provisions

## Summary of Potential Issues

- Points of concurrence or consultation with participating or cooperating agencies reemphasized or expanded
  - Concurrence or issue resolution early during Scoping process for EIS
  - Concurrence of Federal permitting agencies, all Classes of Action on use of planning decisions
  - In planning, hit all marks in coordinating and documenting coordination and involvement of agencies and public
  - Concurrence on project schedule at initiation of NEPA study and during project if schedules change for EA's and EISs'

# Highway Program Environmental Provisions

## Why are these issues?

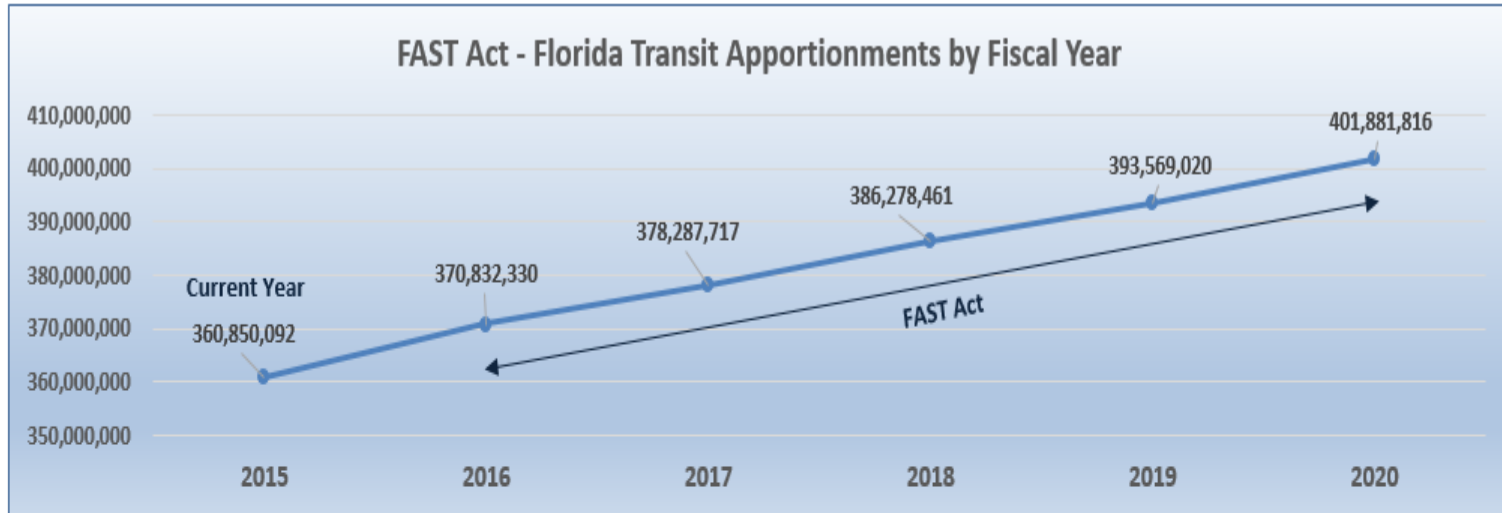
- Greater emphasis on non-transportation agency involvement in transportation decisions
- Participating agency differences in mission could conflict with transportation analysis and project delivery
- Potential delays in concurrence or issue resolution during EIS Scoping, asking for concurrence before analysis
- May force conservative decisions of resource agencies if needed prior to full evaluation of project and impacts
- Potential need to dedicate more FDOT resources both before and during NEPA to achieve concurrence
- Dilutes authority of lead transportation agencies in decision making
- Reduces flexibility in schedule management from sponsor agency, concurrence on schedule revisions adds time

# FAST Act: What it Means For Florida

## Major Transit Provisions



# Major Transit Program Funding



Fiscal Year	Metropolitan Planning	Statewide Planning	Urbanized Area Formula	State Safety Oversight	Section 5310	Section 5311	RTAP	High Intensity Fixed Guideway	High Intensity Motorbus	Bus and Bus Facilities Formula	Florida Total
2015	7,639,678	1,559,843	250,618,420	760,282	20,502,263	15,622,378	250,108	37,396,800	1,060,052	25,438,253	360,850,092
2016	7,754,273	1,583,241	255,261,492	773,967	20,871,304	15,863,090	255,110	42,956,169	1,590,894	23,920,774	370,832,330
2017	7,912,461	1,615,539	260,417,984	789,446	21,288,730	16,218,172	260,213	43,687,298	1,617,971	24,479,903	378,287,717
2018	8,078,622	1,649,465	265,980,846	806,025	21,735,793	16,596,201	265,677	44,441,791	1,645,914	25,078,127	386,278,461
2019	8,249,889	1,684,434	270,783,110	823,113	22,196,592	16,985,555	271,309	45,207,074	1,674,257	25,693,687	393,569,020
2020	8,424,787	1,720,144	276,558,340	840,563	22,667,160	17,383,360	277,061	45,985,519	1,703,086	26,321,796	401,881,816

# Major Transit Program Provisions

- Total funding for FTA programs increases 10.2% in 2016, with a cumulative 17.7% increase by 2020.
- Dedicated funding for buses and bus facilities increases 89% over the life of the bill, with a competitive grant bus program.
- Capital Investment Programs (New Starts and Small Starts) increase 21%. The maximum federal share for New Starts is set at 60%.
- Makes \$199 million available to assist in funding the installation of Positive Train Control (PTC) safety technology.



# FAST Act: What it Means For Florida

## Major Freight Provisions



# Major Multimodal Freight Program Provisions

- National Highway Freight Program (NHFP) -- \$1.2B/Year
  - Each state's share is based on the state's overall share of highway program apportionments
  - Flexibility of use of funds within a state will be related to its share of miles on the Primary Highway Freight System
- Discretionary Nationally Significant Freight & Highway Projects – average \$900M/Year
  - Up to 10% for non-highway projects that improve highway ops
- Both programs above require an adopted/approved State Freight Plan
- Rail-Highway Grade Crossing safety improvement program

# Major Multimodal Freight Program Provisions

- Motor Carrier Safety Grants
  - Safety Assistance Program, Discretionary Grants, and Innovative Technology Deployment Grants
  - Requires multi-year state plan for improving motor carrier safety (likely FHP lead)
- Commercial Driver Pilot Program – test feasibility of drivers under 21 in interstate commerce
- Consolidated Rail Infrastructure and Safety Improvements program
  - Authorized, but no funding set aside in first year

## Questions?