

U.S. Department of Transportation

Federal Highway Administration

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MAP-21 - Moving Ahead for Progress in the 21st Century

Surface Transportation Program (STP) Implementation Guidance



U.S. Department of
Transportation

**Federal Highway
Administration**

Memorandum

Subject: **Information:** Surface Transportation Program
(STP) Implementation Guidance

Date: November 19, 2012

From: John Baxter
Associate Administrator for Infrastructure

In Reply: HIPA-10
Refer To:

To: Division Administrators
Directors of Field Services
Director of Technical Services

On July 6, 2012, the President signed the Moving Ahead for Progress in the 21st Century Act (MAP-21) into law (P.L. 112-141). The attached Implementation Guidance provides policy direction on the Surface Transportation Program (STP) and provides information on funding, eligible activities, and specific requirements.

This memorandum cancels "Surface Transportation Program (STP), Section 1113 of SAFETEA-LU – Implementing Guidance," dated November 30, 2005.

The effective date of this MAP-21 STP eligibility guidance is October 1, 2012. The STP requirements in effect on October 1, 2012 will apply to all related funding obligated on or after that date, whether carryover or new.

This document will be accessible on the MAP-21 website <http://www.fhwa.dot.gov/map21/> and through the Policy Guidance Center.

If you have any questions, please contact Mr. Peter Kleskovic (202-366-4652) or Mr. David Bartz (512-536-5906) of the Office of Program Administration.

Surface Transportation Program (STP) Implementation Guidance

A. GOVERNING AUTHORITIES

Section 1108 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) establishes the STP under 23 U.S.C. 133. Section 1105 of MAP-21 provides for the apportionment of funds under 23 U.S.C. 104.

B. FUNDING

1. **Authorization Levels under MAP-21:** Section 1101 of MAP-21 authorizes funds for the STP and Section 1105 amends 23 U.S.C. 104(b)(2) to provide for apportionment of funds. The estimated amounts of STP funds are as follows:

FY 2013	\$10,005,135,419
FY 2014	\$10,089,729,416
TOTAL	\$20,094,864,835

MAP-21's approach to distribution of formula funds is based on the amounts of formula funds each State received under SAFETEA-LU.

Once each State's total Federal-aid apportionment is calculated, amounts are set aside for Metropolitan Planning and the Congestion Mitigation and Air Quality Improvement Program, and the remainder is divided among the rest of the formula programs as follows: National Highway Performance Program (NHPP) (63.7%), STP (29.3%), and Highway Safety Improvement Program (7.0%).

The Program Codes for these STP funds are as follows:

Program Code	Program Description	Statutory Reference ¹
M240	Surface Transportation Program (STP) Flex	Section 1101(a)(1)
M230	STP - Urbanized Areas With Population Over 200K	Section 1108(c)
M231	STP - Areas with Population Over 5K to 200K	Section 1108(c)
M232	STP - Areas with Population 5K and Under	Section 1108(c)
M233	STP Off-System Bridge	Section 1108(f)
M234	Special Rule for Areas of 5,000 or Less Population	Section 1108(f)

¹ All references are to MAP-21 (Public Law 112-141) unless otherwise noted.

From the State's STP apportionment, the following sums are to be set aside:

- a. A proportionate share of funds (as described in Section 1133 of MAP-21, 23 U.S.C. 213(a)(1)) for the State's Transportation Alternatives Program (TAP)).
 - b. 2 percent for State Planning and Research (SPR). (Section 52005 of MAP-21; 23 U.S.C. 505).
 - c. An amount equal to not less than 15 percent of the State's FY 2009 Highway Bridge Program apportionment will be set aside from the funds identified in 23 U.S.C. 133 (d)(1)(B) for Bridges Not on Federal-Aid Highways, "off-system bridges." (Section 1108(f) of MAP-21.
2. **Period of Availability:** STP funds are contract authority. STP obligations are reimbursed from the highway account of the Highway Trust Fund. STP funds are available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Thus funds are available for obligation for up to 4 years.
 3. **Obligation Limitation:** STP funds are subject to the annual obligation limitation imposed on the Federal-aid highway program.
 4. **Federal share:** The Federal share is governed by 23 U.S.C. 120. It is generally 80 percent, subject to the upward sliding scale adjustment for States containing public lands. The Federal share for projects on the Interstate System is 90 percent, subject to the upward sliding scale adjustment, unless the project adds lanes that are not high-occupancy-vehicle or auxiliary lanes. For projects that add single occupancy vehicle capacity, that portion of the project that increases single occupancy vehicle capacity will revert to the 80 percent level.

Certain safety improvements as listed in 23 U.S.C. 120(c)(1) (traffic control signalization, maintaining minimum levels of retroreflectivity of highway signs or pavement markings, traffic circles/roundabouts, safety rest areas, pavement marking, shoulder and centerline rumble strips and stripes, commuter carpooling and vanpooling, rail-highway crossing closure, and installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier endtreatments, breakaway utility poles, or priority control systems for emergency vehicles or transit vehicles at signalized intersections) may have a Federal share of 100 percent, but this provision is limited to 10 percent of the total funds apportioned to a State under 23 U.S.C. 104.

The Federal share for workforce development, training, and education activities carried out with STP funds under 23 U.S.C. 504(e) is 100 percent. For projects funded under the Local Technical Assistance Program, the 50 percent non-Federal share may be satisfied with up to 100 percent STP funds. This provision will be the subject of further guidance.

The Federal share for projects located on toll roads, and subject to the provisions of 23 U.S.C. 129, is limited to 80 percent.

For fiscal years 2012 through 2021, the Federal share payable for the cost of constructing highways and access roads on the Appalachian Development Highway System under 40 U.S.C. 14501, with apportioned Federal funds is 100 percent. (Section 1528 of MAP-21).

Projects incorporating Innovative Project Delivery, as described in 23 U.S.C. 120(c)(3), may have an increased Federal share. This provision will be the subject of further guidance.

As provided for in Section 1116 of MAP-21, projects that demonstrate an improvement to the efficient movement of freight and are identified in a State freight plan are eligible for an increased Federal share at the discretion of the Secretary of Transportation: 95 percent for projects on the Interstate System and 90 percent for all other projects. This provision will be the subject of further guidance.

States may use a lower Federal share on Federal-aid projects as provided in 23 U.S.C. 120.

5. **Transferability of STP Funds:** A State may transfer up to 50 percent of the amount apportioned for the fiscal year to any other 23 U.S.C. 104(b) apportionment for the State. However, funds suballocated under 23 U.S.C. 133(d)(1)(A), may not be transferred. Additionally, from the TAP funds, only those funds allocated under 23 U.S.C. 213(c)(1)(B) are available for transfer.

C. ELIGIBILITY

1. Eligible Projects and Activities

- a. **Location of Projects (23 U.S.C. 133(c)):** In general, the location of STP projects is not limited. However, STP projects may not be undertaken on roads functionally classified as local or rural minor collectors unless the roads were on a Federal-aid highway system on January 1, 1991, except—
 1. for Bridges Not on Federal-aid Highways,
 2. for projects described in paragraphs (2), (4), (6), (7), (11), (20), (25), and (26), of 23 U.S.C. 133(b) (described below under "Eligible Activities"),
 3. as approved by the Secretary, and
 4. for areas of 5,000 or less population (described below under "Special Rule for Areas of 5,000 or less population (23 U.S.C. 133(h))").
- b. **Eligible Activities (23 U.S.C. 133(b)):**
 1. Construction, reconstruction, rehabilitation, resurfacing, restoration, preservation, or operational improvements for highways, including construction of designated routes of the Appalachian Development Highway System and local access roads under section 14501 of title 40. "Construction" is defined in 23 U.S.C. 101(a)(3) and "operational improvement" is defined in 23 U.S.C. 101(a)(17). Projects to accommodate other transportation modes continue to be eligible pursuant to 23 U.S.C. 142(c) if such accommodation does not adversely affect automotive safety.
 2. Replacement (including replacement with fill material), rehabilitation, preservation, protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) and application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing compositions for bridges (and approaches to bridges and other elevated structures) and tunnels on public roads of all functional classifications, including any such construction or reconstruction necessary to accommodate other transportation modes.
 3. Construction of a new bridge or tunnel at a new location on a Federal-aid highway.

4. Inspection and evaluation of bridges and tunnels and training of bridge and tunnel inspectors as defined in 23 U.S.C. 144, and inspection and evaluation of other highway assets. This includes, but is not limited to, signs, retaining walls, and drainage structures. Not subject to Location of Project requirement in section 133(c).
5. Capital costs for transit projects eligible for assistance under chapter [53](#) of title [49](#); which includes vehicles and facilities (publicly or privately owned) that are used to provide intercity passenger bus service.
6. Carpool projects, fringe and corridor parking facilities and programs, including electric vehicle and natural gas vehicle infrastructure in accordance with 23 U.S.C. 137, bicycle transportation and pedestrian walkways in accordance with 23 U.S.C. [217](#), and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 ([42 U.S.C. 12101](#) et seq.). Carpool Project is defined in 23 U.S.C. 101(a)(3), and described in 23 U.S.C. 146. Fringe and corridor parking facilities is described in 23 U.S.C. 137, and further discussed in 23 U.S.C. 142. Not subject to Location of Project requirement in section 133(c).
7. Highway and transit safety infrastructure improvements and programs, installation of safety barriers and nets on bridges, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings. Not subject to Location of Project requirement in section 133(c).
8. Highway and transit research and development and technology transfer programs.
9. Capital and operating costs for traffic monitoring, management, and control facilities and programs, including advanced truck stop electrification systems. Truck stop electrification system is defined in 23 U.S.C. 101(a)(32).
10. Surface transportation planning programs.
11. Transportation alternatives. Transportation Alternatives is defined in 23 U.S.C. 101(a)(29), and further described in 23 U.S.C. 213. Not subject to Location of Project requirement in section 133(c).
12. Transportation control measures listed in section [108 \(f\)\(1\)\(A\)](#) (other than clause (xvi)) of the Clean Air Act ([42 U.S.C. 7408 \(f\)\(1\)\(A\)](#)).
13. Development and establishment of management systems.
14. Environmental mitigation efforts relating to projects funded under title 23, U.S.C., in the same manner and to the same extent as such activities are eligible under 23 U.S.C. 119(g).
15. Projects relating to intersections that have—
 - A. disproportionately high accident rates;
 - B. high levels of congestion, as evidenced by interrupted traffic flow at the intersection and a level of service rating of “F” during peak travel hours, calculated in accordance with the Highway Capacity Manual; and
 - C. are located on a Federal-aid highway.
16. Infrastructure-based intelligent transportation systems capital improvements.
17. Environmental restoration and pollution abatement in accordance with 23 U.S.C. [328](#).
18. Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with 23 U.S.C. [329](#).
19. Projects and strategies designed to support congestion pricing, including electric toll collection and travel demand management strategies and programs.
20. Recreational trails projects eligible for funding under 23 U.S.C. 206. Not subject to Location of Project requirement in section 133(c).

21. Construction of ferry boats and ferry terminal facilities eligible for funding under 23 U.S.C. 129(c). Approach roadways for these terminals are eligible as projects to accommodate other transportation modes (pursuant to 23 U.S.C. 142(c)) and as a project that provides access into and out of the port under paragraph (25)(23 U.S.C. 133(b)(25)). Not subject to the Location of Project requirement in section 133(c).
22. Border infrastructure projects eligible for funding under section 1303 of the SAFETEA-LU.
23. Truck parking facilities eligible for funding under section 1401 of MAP-21.
24. Development and implementation of a State asset management plan for the National Highway System in accordance with 23 U.S.C. 119, including data collection, maintenance, and integration and the costs associated with obtaining, updating, and licensing software and equipment required for risk based asset management and performance based management, and for similar activities related to the development and implementation of a performance based management program for other public roads.
25. A project that, if located within the boundaries of a port terminal, includes only such surface transportation infrastructure modifications as are necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port. Not subject to Location of Project requirement in section 133(c).
26. Construction and operational improvements for any minor collector if—
 - A. the minor collector and the project to be carried out are in the same corridor and in proximity to a National Highway System route;
 - B. the construction or improvements will enhance the level of service on the National Highway System route and improve regional traffic flow; and
 - C. the construction or improvements are more cost-effective, as determined by a benefit-cost analysis, than an improvement to the National Highway System route.
27. Workforce development, training, and education activities that are in accordance with 23 U.S.C. 504(e).

2. **Applicability of Planning Requirements (23 U.S.C. 133(c)(5)):** Projects must be identified in the STIP/TIP and they must be consistent with the Long-Range Statewide Transportation Plan and the Metropolitan Transportation Plan(s). When obligating suballocated funding (discussed below), the State must coordinate with relevant MPO or rural planning organizations. Programming and expenditure of funds for projects under this section shall be consistent with 23 U.S.C. 134 and 135.

D. SUBALLOCATION (23 U.S.C. 133(d)) - Fifty percent of a State's STP apportionment (after deducting the set-asides for SPR and TAP) is suballocated to areas based on their relative share of the total State population with the other 50 percent available for use in any area of the State. The suballocated funds are divided into three categories:

1. Urbanized areas with a population over 200,000. These funds are further distributed among the individual areas based on their relative share of the population of the areas. The State and the relevant metropolitan planning organizations may jointly apply to the FHWA division office for permission to base the distribution on other factors. These funds may be obligated in the metropolitan area established under 23 U.S.C. 134 that encompasses the urbanized area.

2. Areas with a population of 5,000 or less.
3. Urban areas with a population of 5,001 to 200,000. Prior to obligating funds attributed to an area of this type, the State must consult with the regional transportation planning organizations that represent the area, if any.

E. SPECIAL RULE FOR AREAS OF 5,000 OR LESS POPULATION (23 U.S.C. 133(h)) - The special rule for funding projects on minor collectors has been continued in MAP-21. Up to 15 percent of the amounts required to be obligated in areas with a population of 5,000 or less for each of fiscal years 2013 through 2014 may be obligated on roads functionally classified as minor collectors. The Secretary may suspend this special rule with respect to a State if the FHWA division office determines that this authority is being used excessively by the State. Prior to MAP-21, the comparable rural special rule was applicable to areas with populations of less than 5,000.

F. ADMINISTRATION (23 U.S.C. 133(e)) - MAP-21 continues the authority under the STP that gives States the option to administer a program of STP-funded projects as a program under a single project agreement. In advancing a program of STP-funded projects, the following requirements apply:

1. For each fiscal year, the State shall submit a project agreement that certifies that it will meet all the requirements of 23 U.S.C. 133 and that notifies the FHWA division office of the amount of obligations needed to carry out the program under this section.
2. Each State shall request from the FHWA division office such adjustments to the amount of obligations referred to in (F)(1) above as it determines to be necessary.
3. Approval by the FHWA division office of a project agreement under paragraph (F)(1) shall be deemed a contractual obligation of the United States to pay STP funds made available.

Projects used to satisfy the State match of a program must meet all applicable Federal requirements.

G. BRIDGES NOT ON FEDERAL-AID HIGHWAYS (23 U.S.C. 133(g))

1. Section 1108(f) of MAP-21 amends 23 U.S.C. 133(g) to add the definition of off-system bridge as a highway bridge located on a public road that is not a Federal-aid highway. Eligible activities are those described in 23 U.S.C. 133(b)(2) and 23 U.S.C. 133(b)(4). MAP-21 continues to provide a set-aside for minimum expenditures on off-system bridges. By special rule, States shall obligate for activities described in 23 U.S.C. 133(b)(2) an amount not less than 15 percent of the amount of funds apportioned to the State for the Highway Bridge Program for fiscal year 2009. These obligations must be from the funds identified in 23 U.S.C. 133(d)(1)(B); suballocated amounts identified in 23 U.S.C. 133 (d)(1)(A) are not to be used. The FHWA Administrator, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges if the FHWA Administrator determines that the State has inadequate needs to justify the expenditure.
2. Credit for Bridges Not on Federal-Aid Highways is also continued. Under MAP-21, up to 80 percent of the construction costs incurred from bridge replacement and rehabilitation projects that are not on Federal-aid highways and are wholly funded by State and local sources (additional requirements must also be met) may be credited to the non-Federal share of the cost of other bridge projects that are eligible under the STP.

Page last modified on September 12, 2013.