

# CHAPTER 40 – FEDERAL-AID

## Topic 41 – Enabling Legislation

### Index 41.1 – General

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 is the first transportation legislation since the Interstate System was enacted. ISTEA has changed the established Federal-Aid system. During the 20 years prior to ISTEA there were four Federal-Aid systems: Interstate, Primary, Secondary, and Urban. Now, instead of four Federal-aid systems there are two, the National Highway System (NHS) and the Interstate System, which is a component of the National Highway System.

In 2005, the Safe, Accountable, Flexible, Efficient Transportation Enhancement Act, Legacy for the Users, better known as SAFETEA-LU, was passed. SAFETEA-LU, invests in highway, transit and safety programs. While ISTEA created new federal-aid programs, SAFETEA-LU continued those programs such as the Surface Transportation Program, National Highway System, Congestion Mitigation and Air Quality Improvement Program and the Bridge Replacement and Rehabilitation Program.

A variety of other programs also continued to exist to provide flexibility in determining transportation solutions and promote a multi-modal system approach. Some of these programs include those that target funding for rail and transit projects while others provide funds for environmental enhancement such as habitat mitigation and wetland banking. Numerous other funding categories are also available for use during the six year term of the act.

## Topic 42 – Federal-Aid System

### 42.1 National Highway System

After consultation with the States, in 1995 the Secretary of Transportation proposed a National Highway System (NHS) consisting of approximately 160,000 miles across the United States. The NHS consists of all Interstate routes, a large percentage of urban and rural principal arterials, the defense strategic highway network, and strategic highway connectors.

### 42.2 Interstate

As a result of ISTEA the Interstate System is a part of the NHS, but will retain its separate identity and receive separate funding. SAFETEA-LU continued those funding programs for the Interstate and NHS; however, SAFETEA-LU concentrated on safety and congestion. SAFETEA-LU also addressed other important aspects of an effective and efficient highway program.

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## **Topic 43 – Federal-Aid Programs**

### **43.1 Surface Transportation Program (STP)**

The Surface Transportation Program is a funding program which may be used for roads (including NHS) that are not functionally classified as local or rural minor collectors. These roads are now collectively referred to as Federal-aid roads.

The STP includes safety and enhancement programs. Ten percent of the STP funds must be used for safety construction activities, hazard elimination and rail-highway crossings. Another ten percent of the program is designated for transportation enhancement, which encompasses a broad range of environmental related activities. The remainder of the STP funds are divided as follows; 50 percent is to be divided between areas of the State based on population; the remaining 30 percent can be used in any area.

### **43.2 California Stewardship and Oversight Agreement with FHWA**

The goal under the Stewardship and Oversight Agreement (Agreement) is to document the roles and responsibilities of the FHWA's California Division Office and Caltrans with respect to project approvals and related responsibilities, and to document the methods of oversight which will be used to efficiently and effectively deliver the Federal-aid Highway Program. The Agreement states that "Caltrans [Department] and the FHWA will jointly determine which projects are considered to be projects of Division or Corporate Interest (PODI and/or POCI). The initial PODI and POCI determination will be made at the Caltrans [Department] District level in conjunction with the FHWA." Projects not selected as PODIs or POCIs will be considered as Delegated Projects and, the Department will have approval authority for all aspects of a Federal-aid project, except those which may not be delegated by federal law (requiring FHWA approval). For the Delegated Projects, FHWA will verify compliance with federal regulations via annual program and process reviews. See the Project Development Procedures Manual for other essential procedures regarding the Stewardship and Oversight Agreement between the Department and FHWA. For additional information see the FHWA webpage on Stewardship and Oversight. See the Department Design website for the current Stewardship and Oversight Agreement between FHWA California Division Office and Caltrans.

### **43.3 Congestion Mitigation and Air Quality Improvement Program (CMAQ)**

The Congestion Mitigation and Air Quality Improvement Program directs funds toward transportation projects in Clean Air Act non-attainment areas for ozone and carbon monoxide. Projects using CMAQ funds contribute to meeting the attainment of national ambient area air quality standards. CMAQ funds may not be used for projects which will increase capacity for single occupant vehicles. Exceptions might include HOV lanes which allow single occupant vehicles at other than peak travel times or auxiliary lanes.

## **43.4 Bridge Replacement and Rehabilitation Program**

The Bridge Replacement and Rehabilitation Program was continued in order to provide assistance for any bridge on public roads. Caltrans, Division of Engineering Services, Office of Structures Maintenance and Investigation, develops the bridge sufficiency rating for bridges on the State system and sets a sufficiency threshold for the use of Bridge Replacement and Rehabilitation Funds.

## **43.5 Federal Lands Program**

The Federal Lands Program authorizations are available through three categories: Indian Reservation roads, Parkways and Park roads, and Public Lands Highways (which incorporates the previous Forest Highway category).

## **43.6 Highway Safety Improvement Program**

SAFETEA-LU established the Highway Safety Improvement Program (HSIP) as a core Federal-aid program for safety funding to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. The state apportionment of funds is subject to a set aside for construction and operational improvements on high risk rural roads (HRR). HRR are functionally classified as rural major or minor collectors or rural roads with a fatal or injury crash rate above statewide average for those functional classes of roadways, injury crash rates above those functional classes of roadways, or those roads which are likely to experience an increase in traffic volumes that could lead to a crash rate in excess of the statewide rate.

The HSIP also created a planning process for safety which is overseen by the Department. The Strategic Highway Safety Plan is developed with input from stakeholders to better coordinate funding and safety efforts on the State highway system

## **43.7 Special Programs**

Special Program funds are allocated for projects which generally fall into the following groups: Special Projects-High Cost Bridge, Congestion Relief, High Priority Corridors on the NHS, Rural and Urban Access, Priority Intermodal and Innovative Projects; National High Speed Ground Transportation Programs; Scenic Byways Program; Use of Safety Belts and Motorcycle Helmets; National Recreational Trails Program; Emergency Relief.

# **Topic 44 – Funding Determination**

## **44.1 Funding Eligibility**

Each Federal program has certain criteria and requirements. During design the project engineer is to consult with the FHWA reviewer to determine the appropriate Federal program each individual project is eligible for and the level of future Federal involvement. The final determination to request Federal participation will be made by Caltrans, Budgets Program, Federal Resource Branch.

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## **44.2 Federal Participation Ratio**

SAFETEA-LU designates the percentage of Federal participation in several programs and fund types. The Interstate System reimbursement allotment is approximately 90 percent. The remainder of projects on the NHS, STP and CMAQ reimbursement allotments is approximately 80 percent. For certain safety improvements, the federal share may be up to 100%. FHWA determines the final detailed ratio based on a formula applied to each State. Contact Caltrans, Budgets Program, Federal Resources Branch for the most current reimbursement rates.

## **44.3 Emergency Relief**

Emergency opening projects are funded 100 percent for the first 180 days following a disaster. For restoration projects and emergency opening projects after 180 days Federal participation is pro-rated.