



**OHMVR COMMISSION MEETING
Livermore, CA**

February 25, 2012

STAFF REPORT: S.1813 (Boxer) Moving Ahead for Progress in the 21st Century Act (MAP-21)

STAFF: Dan Canfield, Planning Manager

SUBJECT: Recreation Trails Program - Funding Authorization

Summary

The Recreational Trails Program (RTP) is a federal program that provides funds to the states to develop and maintain recreational trails and trail-related facilities for non-motorized and motorized recreational trail uses. Individual states manage their respective RTP programs, but the program is dependent on funding administered by the Federal Highway Administration (FHWA).

The amount of RTP funding distributed to each state is determined by calculations performed by FHWA. In federal Fiscal Year (FY) 2009 \$85 million was authorized for the RTP nationwide. California was apportioned \$4.68 million in 2009. Within each state apportionment, 30% of the funds are available for motorized projects.

The proposed S.1813 federal legislation does not include a reauthorization for the RTP (both motorized and non-motorized).

Discussion

The RTP was created by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), reauthorized in 1998 as part of the Transportation Equity Act for the 21st Century (TEA-21), and reauthorized again in 2005 through the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

The RTP funds come from the Federal Highway Trust Fund, and represent a portion of the motor fuel excise tax collected from non-highway recreational fuel use, i.e., fuel used for off-highway recreation by snowmobiles, all-terrain vehicles, off-highway motorcycles, and off-highway light trucks. Fuel taxes thus fund both the motorized and non-motorized portions of the program. From FY 2005 to FY 2009, the RTP authorization grew from \$60 million to \$85 million.

Moving Ahead for Progress in the 21st Century (MAP-21) reauthorizes federally funded highway programs for two fiscal years and reorganizes numerous programs. Unlike prior legislation, S.1813 does not identify a specific line item authorization for RTP funding. Rather RTP is included under an overarching “transportation mobility program” for which funding may be obligated for 28 specified programs or purposes.

Senator Amy Klobuchar (D-MN) will propose an amendment to S.1813 that would include a specific authorization for the RTP.

A bill introduced in the House of Representatives, the American Energy & Infrastructure Jobs Act (H.R.7) (Rep. John Mica, R-FL), similarly addresses federal transportation activities and reorganizes numerous programs. H.R. 7 maintains RTP as a specific program and would continue the RTP funding for four years (2013-2016) at \$85 million annually.

Differences between House and Senate bills would be worked out in Conference Committee.

Commission Action

No recommendation made. Action to be determined by the Commission.

Attachments

Excerpts from S.1813: MAP-21 legislation related to the RTP Program

**112th CONGRESS
2d Session
S. 1813**

To reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

November 7, 2011

Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

February 6, 2012

Reported by Mrs. BOXER, with amendments

A BILL

To reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title- This Act may be cited as the 'Moving Ahead for Progress in the 21st Century Act' or the 'MAP-21'.

*** Relevant sections of S.1813 related to the Recreational Trails Program (RTP) program have been extracted from the bill, are highlighted, and indicated below.**

SEC. 1105. APPORTIONMENT.

(a) In General- Section 104 of title 23, United States Code, is amended to read as follows:

Sec. 104. Apportionment

(a) Administrative Expenses-

(1) IN GENERAL- There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary for administrative expenses of the Federal Highway Administration \$480,000,000 for each of fiscal years 2012 and 2013.

(2) PURPOSES- The amounts authorized to be appropriated by this subsection shall be used--

(A) to administer the provisions of law to be funded from appropriations for the Federal-aid highway program and programs authorized under chapter 2;

(B) to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system; and

(C) to reimburse, as appropriate, the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.

(3) AVAILABILITY- The amounts made available under paragraph (1) shall remain available until expended.

(b) Division of State Apportionments Among Programs- The Secretary shall distribute the amount apportioned to a State for a fiscal year under subsection (c) among the national highway performance program, the transportation mobility program, the highway safety improvement program, the congestion mitigation and air quality improvement program, and the national freight program, and to carry out section 134 as follows:

(1) NATIONAL HIGHWAY PERFORMANCE PROGRAM- For the national highway performance program, 58 percent of the amount remaining after distributing amounts under paragraphs (4) and (6).

(2) TRANSPORTATION MOBILITY PROGRAM- For the transportation mobility program, 29.3 percent of the amount remaining after distributing amounts under paragraphs (4) and (6).

(3) HIGHWAY SAFETY IMPROVEMENT PROGRAM- For the highway safety improvement program, 7 percent of the amount remaining after distributing amounts under paragraphs (4) and (6).

(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM- For the congestion mitigation and air quality improvement program, an amount determined by multiplying the amount determined for the State under subsection (c) by the proportion that--

(A) the amount apportioned to the State for the congestion mitigation and air quality improvement program for fiscal year 2009, plus 10 percent of the amount apportioned to the State for the surface transportation program for that fiscal year; bears to

(B) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2) (except for the high priority projects program referred to in section 105(a)(2)(H)), as in effect on the day before the date of enactment of the MAP-21.

SEC. 1108. TRANSPORTATION MOBILITY PROGRAM.

(a) In General- Section 133 of title 23, United States Code, is amended to read as follows:

Sec. 133. Transportation mobility program

(a) Establishment- The Secretary shall establish and implement a transportation mobility program under this section.

(b) Purpose- The purpose of the transportation mobility program shall be to assist States and localities in improving the conditions and performance on Federal-aid highways and on bridges on any public road.

(c) Eligible Projects- Funds apportioned under section 104(b)(2) to carry out the transportation mobility program may be obligated for any of following purposes:

(1) Construction, reconstruction, rehabilitation, resurfacing, restoration, preservation, or operational improvements for highways, including construction of designated routes of the Appalachian development highway system.

(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 on a new location on a highway, including any such construction necessary to accommodate other transportation modes.

(4) Inspection and evaluation (within the meaning of section 144) of bridges and tunnels on public roads of all functional classifications and inspection and evaluation of other highway infrastructure assets, including signs and sign structures, retaining walls, and drainage structures.

(5) Training of bridge and tunnel inspectors (within the meaning of section 144).

(6) Capital costs for transit projects eligible for assistance under chapter 53 of title 49, including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus.

(7) Carpool projects, fringe and corridor parking facilities and programs, including electric vehicle infrastructure in accordance with section 137, bicycle transportation and pedestrian walkways in accordance with section 217, and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(8) 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.

(9) Highway and transit research and development and technology transfer programs.

(10) Capital and operating costs for traffic and traveler information monitoring, management, and control facilities and programs, including truck stop electrification systems.

(11) Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.

(12) Surface transportation planning.

(13) Transportation enhancement activities.

(14) Recreational trails projects eligible for funding under section 206.

SEC. 1113. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

Section 149 of title 23, United States Code, is amended to read as follows:

Sec. 149. Congestion mitigation and air quality improvement program

(a) Establishment- The Secretary shall establish and implement a congestion mitigation and air quality improvement program in accordance with this section.

(b) Eligible Projects-

(1) IN GENERAL- Except as provided in subsection (c), a State may obligate funds apportioned to the State for the congestion mitigation and air quality improvement program under section 104(b)(4) that are not reserved under subsection (l) only for a transportation project or program if the project or program is for an area in the State that is or was designated as a nonattainment area for ozone, carbon monoxide, or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) and classified pursuant to section 181(a), 186(a), 188(a), or 188(b) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a), 7513(a), or 7513(b)) or is or was designated as a nonattainment area under section 107(d) of that Act after December 31, 1997, or is required to prepare, and file with the Administrator of the Environmental Protection Agency, maintenance plans under the Clean Air Act (42 U.S.C. 7401 et seq.);

(l) Additional Activities-

(1) RESERVATION OF FUNDS- Of the funds apportioned to a State under section 104(b)(4), a State shall reserve the amount of funds attributable to the inclusion of the 10 percent of surface transportation program funds apportioned to such State for fiscal year 2009 in the formula under section 104(b)(4) for projects under this subsection.

(2) ELIGIBLE PROJECTS- A State may obligate the funds reserved under this subsection for any of the following projects or activities:

(A) Transportation enhancements, as defined in section 101.

(B) The recreational trails program under section 206.

(C) The safe routes to school program under section 1404 of the SAFETEA-LU (23 U.S.C. 402 note; Public Law 109-59).