

Ferry Boat Discretionary (FBD) Program
Updated November 1, 2012

STATUS: ACTIVE until FBD funds are rescinded or expended.

PROGRAM CODES:

- 3270 - FYs 1992-1997
- Q950 - FYs 1998-2003
- H950 - FYs 2004-2005
- L950 - FYs 2006-2009
- L95E – SAFETEA-LU Extension (P.L. 111-068)

FEDERAL SHARE: 80 percent

PERIOD AVAILABLE: Until expended

FUND: Highway Trust Fund

FUND DISTRIBUTION METHOD: Allocation

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 129(c) and 147 (as in effect prior to MAP-21); SAFETEA-LU Sections 1101(a)(13) and 1801

CFR REFERENCE: None

ELIGIBILITY: FBD funds may be used for the construction of ferry boats and ferry terminal facilities in accordance with 23 U.S.C. 129(c).

BACKGROUND: Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) created the FBD program for funding the construction of ferry boats and ferry terminal facilities in accordance with 23 U.S.C. 129(c). Section 1064 authorized \$14 million for FY 1992, \$17 million for each of FYs 1993 through 1996, and \$18 million for FY 1997.

Section 410 of the FY 1993 DOT Appropriations Act (Public Law 102-388) amended 23 U.S.C. 129(c) to expand eligible uses of Federal-aid highway funds to ferries on any route classified as a public road except an Interstate route, and to include passenger-only ferries as well.

Section 313(c) of the National Highway System Designation Act of 1995 (Public Law 104-59) amended 23 U.S.C. 129(c) to include ferry boats that operate between the United States and Canada.

Section 1207(a) of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) amended 23 U.S.C. 129(c) to expand the eligibility criteria to include ferry boats and ferry terminal facilities that are publicly "operated," and those with the public authority having a "majority ownership interest" provided the operation provides substantial public benefits.

Section 1207(b) of TEA-21 amended section 1064 of ISTEA to include a required annual \$20 million set-aside, beginning in FY 1999, from funds made available for the FBD program to be used for projects within marine highway systems in Alaska, New Jersey and Washington that were part of the National Highway System.

Section 1101(a)(10) of TEA-21 authorized \$30 million for FY 1998, and \$38 million for each of FYs 1999 through 2003.