

Surface Transportation Program (STP)
Updated October 18, 2012

STATUS: ACTIVE

PROGRAM CODES:

MAP-21 (Public Law 112-141)

- M240 – STP Flex (MAP-21 Section 1101(a)(1))
- M230 – STP – Urbanized Areas with Population Over 200K (MAP-21 Section 1108(c))
- M231 – STP – Areas with Population Over 5K to 200K (MAP-21 Section 1108(c))
- M232 – STP – Areas with Population 5K and Under (MAP-21 Section 1108(c))
- M233 – STP Off-System Bridge (MAP-21 Section 1108(f))
- M234 - STP – Special Rule for Areas of Less Than 5,000 Population (MAP-21 Section 1108(f))

SAFETEA-LU

- L200 - STP<200K
- L20E - STP<200K (SAFETEA-LU Extension – P.L. 111-068)
- L20R - STP<200K (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L21R – STP-Optional Safety (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L220 - STP ENH
- L22E - STP ENH (SAFETEA-LU Extension – P.L. 111-068)
- L22R - STP ENH (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L230 - STP>200K
- L23E - STP>200K (SAFETEA-LU Extension – P.L. 111-068)
- L23R - STP>200K (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L240 - STP FLEXIBLE
- L24E - STP FLEXIBLE (SAFETEA-LU Extension – P.L. 111-068)
- L24R - STP FLEXIBLE (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L250 - STP <5,000
- L25E - STP <5,000 (SAFETEA-LU Extension – P.L. 111-068)
- L25R - STP <5,000 (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L26R - STP-Rail-Highway, Protective Devices (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L27R - STP-Rail-Highway, Elimination of Hazards (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L28R - STP-Hazard Elimination Program (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- L290 - STP NHI
- L29E - STP NHI (SAFETEA-LU Extension – P.L. 111-068)
- L300 - STP 1/2 SK TR
- L30E - STP 1/2 SK TR (SAFETEA-LU Extension – P.L. 111-068)
- L310 - STP Tax Evasion
- L31E - STP Tax Evasion (SAFETEA-LU Extension – P.L. 111-068)
- LT30 - STP Tax Evasion
- LT3E - STP Tax Evasion (SAFETEA-LU Extension – P.L. 111-068)

SURF. TRANS. EXT. ACTS OF 2003, 2004 & 2005

- H200 - STP<200K
- H210 - STP SFTY
- H220 - STP-ENH
- H230 - STP URB
- H240 - STP-FLEX
- H250 - STP <5K
- H260 - STP RH PR
- H270 - STP-RH HZ
- H280 - STP-HAZ EL
- H290 - STP-NHI
- H300 - STP 1/2
- HT30 - STP-TAX EVA

TEA-21

- Q200 - STP < 200K
- Q210 - STP SFTY
- Q220 - STP-ENH
- Q230 - STP-URB
- Q240 - STP-FLEX
- Q250 - STP < 5K
- Q260 - STP RH PR
- Q270 - STP-RH HZ
- Q280 - STP-HAZ EL
- Q290 - STP-NHI
- Q300 - STP 1/2
- Q310 - STP PILOT
- Q320 - STP < 200K-G
- Q330 - STP-SAFETY-G
- Q340 - STP ENHAN-G
- Q350 - STP URBAN-G
- Q360 - STP ANY AREA-G
- Q370 - STP NON-URB-G
- Q380 - STP R/H P/D-G
- Q390 - STP HAZ EL-G
- Q430 - STP HAZ ELIM-G
- QB10 - STP < 200,000-FTA
- QB20 - STP ASFETY-FTA
- QB30 - STP ENHAN-FTA
- QB40 - STP > 200K-FTA
- QB50 - STP ANY-FTA
- QB60 - STP NON-URB-FTA
- QB70 - STP PROT DV-FTA
- QB80 - STP ELM HAZ-FTA
- QB90 - STP HAZ ELM-FTA
- QT30 - STP-TAX EVA

ISTEA

- 3AA0 -- STP-Other Than 200,000 Population
- 3AC0 -- STP-Areas Under 200,000 Population, 100 percent Federal Participation
- 3AD0 -- STP-1/4 percent Skill Training
- 3AE0 -- STP-TMFW Rail-Highway Crossings/Protective Devices
- 3AF0 -- STP-TMFW Rail-Highway Crossings/Hazard Elimination
- 3AG0 -- STP-TMFW-1/16 percent NHI Skill Training
- 3AH0 -- STP-TMFW Hazard Elimination Program
- 3AJ0 -- STP-TMFW 1/4 percent Skill Training
- 3AK0 -- STP-FTA Urbanized Areas >200,000 Population
- 3AL0 -- STP-FTA Optional Safety
- 3AM0 -- STP-FTA Transportation Enhancement
- 3AN0 -- STP-FTA State Flexible
- 3AP0 -- STP-FTA Mandatory Amount for Non-Urban Areas
- 3AR0 -- STP-FTA Rail-Highway Crossings, Protective Devices
- 3AT0 -- STP-FTA Rail-Highway Crossings, Elimination of Hazards
- 3AW0 -- STP-FTA Hazard Elimination Program
- 3AY0 -- STP-FTA Other Than 200,000 Population
- 33A0 -- STP-Optional Safety
- 33B0 -- STP-Transportation Enhancement
- 33C0 -- STP-Urbanized Areas With Populations >200,000
- 33D0 -- STP-State Flexible
- 33E0 -- STP-Mandatory Amount for Non-Urban Areas
- 33F0 -- STP-1/16 percent Skill Training (23 U.S.C. 321(b), NHI)
- 33M0 -- STP-Rail-Highway Crossings, Protective Devices
- 33N0 -- STP-Rail-Highway Crossings, Elimination of Hazards

- 33P0 -- STP-Hazard Elimination Program
- 33Q0 -- STP-Optional Safety, 100 percent
- 33R0 -- STP-Transportation Enhancement, 100 percent for Safety
- 33S0 -- STP-Urbanized Areas With Populations >200,000, 100 percent for Safety
- 33T0 -- STP-State Flexible, 100 percent for Safety
- 33W0 -- STP-Mandatory Amount for Non-Urban Areas, 100 percent for Safety
- 33X0 -- STP-Rail-Highway Crossings, Protective Devices, 100 percent for Safety
- 33Y0-- STP-Rail-Highway Crossings, Elimination of Hazards, 100 percent for Safety
- 33Z0 -- STP-Hazard Elimination Program, 100 percent for Safety

FEDERAL SHARE: The Federal share is governed by 23 U.S.C. 120. The Federal share 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 end treatments, 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 LTAP, the 50 percent non-Federal share may be satisfied with up to 100 percent STP funds

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 section 40 U.S.C. 14501, with apportioned Federal funds is 100 percent. (MAP-21, §1528).

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.

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

PERIOD AVAILABLE: 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.

FUND: Highway account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment

AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 133, 23 U.S.C. 104(b)(2); MAP-21 Sections 1101, 1105, and 1108

CFR REFERENCE: None

ELIGIBILITY: Projects must meet the Location, Eligibility, and Planning requirements listed below:

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—

- for Bridges Not on Federal-aid Highways,
- 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”),
- as approved by the Secretary, and
- 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))”).

Eligible Activities (23 U.S.C. 133(b)): Funds apportioned to a State for the STP may be obligated for:

- (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 the [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).

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.

BACKGROUND: The STP was established by Section 1007 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240), which added Section 133 to Title 23, United States Code. The 1991 ISTEA authorized \$23.9 billion to be appropriated out of the Highway Trust Fund for the 6-years FYs 1992-1997. These funds were apportioned to the States based on a State s percentage share of apportionments for FYs 1987-1991.

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178), enacted on June 9, 1998, authorized \$33.3 billion from the Highway Trust Fund for FYs 1998 through 2003 for the STP. The authorized amounts were subject to deductions of \$500,000 each year for Operation Lifesaver, and \$5,250,000 each year for elimination of hazards at railway-highway crossings in high-speed rail corridors.

The TEA-21 also established a formula for apportionment of STP funds to the States as follows:

- 25 percent in the ratio that total lane miles of Federal-aid highways in a State bears to total lane miles of Federal-aid highways in all States;
- 40 percent in the ratio that total vehicle miles of travel on lanes on Federal-aid highways in a State bears to the total vehicle miles of travel on lanes on such highways in all States; and

- 35 percent in the ratio the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year bears to the total of such payments in all the States.
- Each State was to receive a minimum of 1/2 percent of the funds apportioned.
- In addition, a portion of a State's Minimum Guarantee program funds was added to its STP apportionment.

Each State's apportioned STP funds were suballocated in the following manner:

- Ten percent of each State's apportionment was set-aside for safety construction activities (i.e., hazard elimination and rail-highway crossings);
- Ten percent was set-aside for transportation enhancement activities;
- Fifty percent (62.5 percent of the remaining 80 percent) of the funds were divided between urbanized areas over 200,000 in population and the remaining areas of the State. (The portion that goes to urbanized areas over 200,000 population must be distributed on the basis of population unless the State and relevant MPOs request the use of other factors and the FHWA approves. This provision is not applicable to Alaska and Hawaii.);
- The remaining 30 percent (37.5 percent of the remaining 80 percent) could be used in any area of the State. (This provision is not applicable to Alaska and Hawaii.);
- Areas of less than 5,000 population were guaranteed an amount that was not less than 110 percent of a State's FY 1991 pre-ISTEA secondary road program apportionment. For FYs 1998-2003, up to 15 percent of the funds for areas less than 5,000 population could be used on roads functionally classified as rural minor collectors;
- For the period FYs 1992-1997, a State with STP funds suballocated to urbanized areas over 200,000 population had to make obligation authority available over this 6-year period to each of these areas at the same percent that obligation authority was made available to the State over this period. The TEA-21 changed this provision to require that such obligation authority be made available over each of two 3-year periods, FYs 1998-2000 and FYs 2001-2003; and
- If a State or local government had failed to comply substantially with any provision of 23 U.S.C. 133 and the State failed to take corrective action within 60 days from the date of receipt of notification of noncompliance, future STP apportionments were to be withheld until appropriate corrective action had been taken.

The Surface Transportation Extension Acts of 2003, 2004 (Parts I through V), and 2005 (Parts I through VI) authorized continued funding for the STP program at FY 2003 levels until the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) was enacted on August 10, 2005.

Section 1101(a)(4) of SAFETEA-LU authorized \$32.5 billion for the STP for FYs 2005 through 2009.

For FY 2005, \$560,000 of this STP authorization was set aside for the Operation Lifesaver Program. For FYs 2006 through 2009, Operation Lifesaver is funded with its own authorization.

For FY 2005, \$5.25 million of this STP authorization was set aside for Rail-Highway Crossing Hazard Elimination in High Speed Rail Corridors. For FYs 2006 through 2009, this program is funded with its own authorization.

In addition, under 23 U.S.C. 140(b) and 23 U.S.C. 140(c), up to \$10 million each was set aside for administration of OJT Supportive Services and DBE Training, respectively.

The remaining STP authorization under SAFETEA-LU continued to be apportioned to the States in accordance with the above formula established in TEA-21. Each State was required to receive a minimum of ½ percent of the total STP funds apportioned. In addition, each State's STP apportionment is augmented by a portion of the Equity Bonus Program (previously Minimum Guarantee Program under TEA-21) under 23 U.S.C. 105.

The set-asides and sub-allocations of a State's STP apportionment under SAFETEA-LU continued as under TEA-21 with the following modifications:

- For FY 2005, the 10 percent set-aside of a State's STP apportionment under 23 U.S.C. 133(d)(1) for safety programs continued. However, for FYs 2006 through 2009, safety programs were funded under the new Highway Safety Improvement Program established in 23 U.S.C. 148 by section 1401

of SAFETEA-LU, and 23 U.S.C. 133(d)(1) was repealed effective October 1, 2005 by section 1113(b) of SAFETEA-LU.

- For FY 2005, the 10 percent set-aside of a State's STP apportionment under 23 U.S.C. 133(d)(2) for transportation enhancements continued. However, under the provisions of 23 U.S.C. 133(d)(2), as amended by section 1113(c) of SAFETEA-LU, for FYs 2006 through 2009, this set-aside was modified to be the greater of 10 percent of a State's STP apportionment or the amount set aside for transportation enhancements for the State in FY 2005.
- The 62.5 percent of a State's remaining STP apportionment (after the transportation enhancements set-aside) was divided among sub-State areas on the basis of population under the provisions of 23 U.S.C. 133(d), as amended by section 1113(b) of SAFETEA-LU.

The following modifications to STP eligible activities were included in SAFETEA-LU:

- Under section 1113(a)(1) of SAFETEA-LU, advanced truck stop electrification systems was added to 23 U.S.C. 133(b)(6).
- Under section 1113(a)(2) of SAFETEA-LU, 23 U.S.C. 133(b)(12) was added, which provides eligibility for projects at intersections that have high accident rates, high levels of congestion, and are on a Federal-aid highway.
- Under section 6006 of SAFETEA-LU, environmental restoration and pollution abatement, as described in 23 U.S.C. 328, was added under 23 U.S.C. 133(b)(14).
- Under section 6006 of SAFETEA-LU, control of noxious weeds and aquatic noxious weeds and establishment of native species, as described in 23 U.S.C. 329, was added under 23 U.S.C. 133(b)(15).
- The provision in section 1108(f) of TEA-21, which allowed obligation of up to 15 percent of a State's STP sub-allocation for areas with less than 5,000 population on rural minor collectors, was not continued under SAFETEA-LU.
- Section 113(a) of the SAFETEA-LU Technical Corrections Act of 2008 (Public Law 110-244), which was enacted on June 6, 2008, amended Section 1108(f) of TEA-21 by extending this provision through FY 2009. This special rule permits obligation on minor collectors of up to 15 percent of a State's sub-allocation of STP funds for areas of less than 5,000 population.

MAP-21 modified the program eligibilities as shown above. 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 (CMAQ), 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%).

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

- A proportionate share of funds (as described in MAP-21 §1122, 23 U.S.C. 213(a)(1)) for the State's Transportation Alternatives Program (TAP).
- 2 percent for State Planning and Research (SPR). (MAP-21 §52005; 23 U.S.C. 505).
- 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." (MAP-21 §1108(f)).

Under MAP-21, 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 (23 U.S.C. 133(d)). The suballocated funds are divided into three categories:

- 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.
- Areas with a population of 5,000 or less.

- 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.

The special rule for funding projects on minor collectors has been continued in MAP-21 (23 U.S.C. 133(h)). 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.

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 (23 U.S.C. 133(e)). In advancing a program of STP-funded projects, the following requirements apply:

- 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.
- 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.
- 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.

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.

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.

ADDITIONAL INFORMATION: Contact the Office of Planning (HEPP) or the Office of Program Administration (HIPA).