

Implementation Guidance for the Federal Lands Planning Program

Purpose

The purpose of this document is to provide guidance for implementing and administering funds provided for transportation planning for Federal Lands Transportation Facilities, Federal Lands Access Transportation Facilities, and other federally owned roads open to public travel.

Framework

Recognizing the need for all public Federal and tribal transportation facilities to be treated under uniform policies, 23 U.S.C. 201(c) requires that the Secretary of Transportation, in consultation with the Secretary of each appropriate Federal land management agency (FLMA), implement transportation planning procedures for Federal lands and tribal transportation facilities that are consistent with the planning processes required under 23 U.S.C. 134 (Metropolitan Transportation Planning) and 135 (Statewide and Nonmetropolitan Transportation Planning). Therefore, the transportation planning program provides opportunities for inter-governmental cooperation in performance-based transportation planning, programming, and decision-making.

To carry out eligible transportation planning and programming activities for Federal Lands Transportation Facilities, Federal Lands Access Transportation Facilities, and other federally owned roads open to public travel (as defined in 23 U.S.C. 125(e)), 23 U.S.C. 201(c)(8) requires the Secretary to combine and use each fiscal year not greater than 5 percent of the funds authorized for the Federal Lands Transportation and Federal Lands Access Programs (FLTP and FLAP, respectively) under sections 203 and 204 of title 23, United States Code.

Eligibility Requirements

The Secretary of Transportation shall combine and use each fiscal year up to 5 percent of the funds made available under the FLTP and FLAP to carry out the long-range system-wide transportation planning and coordination, asset management, and data collection activities described in 23 U.S.C. 201(c). For example, these resources may fund bridge inspections for public bridges owned by Federal agencies, and support applicable FLMAs required to implement safety, bridge, pavement, and congestion management systems for facilities funded under the FLTP. These latter activities support and inform the many performance goals and targets that are foundational to the administration of the FLTP.

Section 1120 of the Fixing America's Surface Transportation (FAST) Act added eligibility for Cooperative Research and Technology Deployment Program activities under 23 U.S.C. 201(c). Such activities are to be carried out by the Secretary of Transportation in coordination with FLMAs, as determined appropriate by the Secretary.

All eligible activities described in 23 U.S.C. 201(c) must be funded within this 5 percent setaside, and not with core FLTP or FLAP contract authority.

Funding

23 U.S.C. 201(c)(8) caps the obligation of funds for eligible activities at 5 percent of the amount authorized from both the FLTP and FLAP for each fiscal year. Although the law permits up to 5 percent, the decision to leverage the full 5 percent will be made in coordination with eligible FLMA partners.

	FY2016	FY2017	FY2018	FY2019	FY2020
5 percent Planning Setaside	\$29,250,000	\$30,000,000	\$30,750,000	\$31,500,000	\$32,250,000

The annual and/or multi-year funding levels will be coordinated in partnership with FLMAs. To assist in ensuring compliance with the funding limitation, each agency that received planning funds subject to the 5 percent setaside should provide FHWA with data on unobligated planning funds at the end of each fiscal year. The amount carried over is subject to the next year's 5 percent setaside and must be considered each year in determining how much new funding to set aside.

Period of Availability

The funds made available under this program are available for obligation for three fiscal years after the fiscal year for which the funds were authorized.

Federal Share

The Federal share for activities funded by the 5 percent setaside is 100 percent.

Transfers or "Loan" Provisions

Upon agreement between FLTP recipients and the Secretary, the Secretary may lend funds from the 5 percent planning setaside between FLTP recipients of planning funds to advance planning projects more timely and efficiently. Planning funds usage cannot be lent or reimbursed for construction projects funded by FLTP and/or FLAP. An agreement must be developed and signed by the pertinent parties to document any loan arrangement. The terms of such agreement will, among other things, include a repayment term. The borrower must pay back the funds to the lender from unobligated balances of funds that have not lapsed and are available to the recipient for the program to which or within which the loan was made, whether current year funds or carryover balances.

During the last year of the FAST Act (i.e., 2020), new loan-reimbursement arrangements will generally cease since the expiration of the FAST Act is imminent and the length and funding levels of possible extensions are unpredictable.

Program Administration

Work Plan

FLTP partners, in cooperation with the Office of Federal Lands Highway (FLH), will develop a work plan and proposed budget of planning activities (for both agency and FLH) by suspense dates agreed upon by FHWA and partners. Work plans enhance transparency, accountability, and coordination; reduce duplication of similar activities; and strengthen our joint stewardship and oversight of planning funds. The work plan and budget will include planning projects/activities of both the partner and FLH to be implemented in the next fiscal year and/or over the course of multiple years within the FAST Act authorization period.

Annual Accomplishment Report

Following the completion of the work plan and budget, partners will provide the FLH Headquarters Planning Program Manager with annual accomplishment information for the previous year. This information will provide visibility on the uses of planning funds and provide potential areas of opportunity to work and leverage funds together across agencies for similar activities.