

PUBLIC LANDS HIGHWAYS DISCRETIONARY PROGRAM

PROGRAM INFORMATION

(March 2000)

BACKGROUND:

The Public Lands Highways (PLH) Program was originally established in 1930 by the Amendment Relative to Construction of Roads through Public Lands and Federal Reservations. Funding was provided from the General Funds of the Treasury. The intent of the program is to improve access to and within the Federal lands of the nation. The Federal-Aid Highway Act of 1970 changed the funding source for the program from the General Funds to the Highway Trust Fund, effective in FY 1972.

The program has been continued with each highway or transportation act since then, and the latest transportation act, the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178), has continued the program through FY 2003.

STATUTORY REFERENCES:

23 U.S.C. 202, 203 & 204; TEA-21 Section 1101(a)(8)(B)

FUNDING:

Fiscal Year	1998	1999	2000	2001	2002	2003
Authorization	\$66.6M	\$83.6M	\$83.6M	\$83.6M	\$83.6M	\$83.6M

TEA-21 provides \$196 million in FY 1998 and \$246 million in each of fiscal years 1999 through 2003 for Public Lands Highways. In accordance with 23 U.S.C. 202(a), 34 percent of these funds are available for the PLH discretionary program. For FY 1998, this is \$66.64 million, and for fiscal years 1999 through 2003, this is \$83.64 million per year.

This available funding is reduced by FHWA administration expenses, which may be up to 1.5 percent. The amount of available funding is also impacted by any obligation limitation imposed on the Federal-aid highway program under the provisions of TEA-21 Section 1102(f), Redistribution of Certain Authorized Funds. Under this provision, any funds authorized for the program for the fiscal year, which are not available for obligation due to the imposition of an obligation limitation, are not allocated for the PLH program, but are redistributed to the States by formula as STP funds. In accordance with 23 U.S.C. 204(i), these PLH funds are also available for administration expenses and transportation planning costs of Federal land management agencies.

After these reductions, it is expected that approximately \$70 million will be available for candidate projects each of fiscal years 2001 through 2003. Under the Revenue Aligned Budget Authority (RABA) provisions in TEA-21, this available funding may also increase or decrease each year depending on the estimated receipts to the Highway Trust Fund. For FY 2000, however, Congress modified

the TEA-21 provisions in the appropriations act and the FY 2000 RABA increase was not available for the PLH program.

FEDERAL SHARE:

In accordance with 23 U.S.C. 204(b), the Federal share of the costs for any project eligible under this program is 100 percent.

OBLIGATION LIMITATION:

The PLH discretionary funds are subject to obligation limitation; however, 100 percent obligation authority is provided with the allocation of funds for the selected projects. The obligation limitation reduces the available funding for the program under the provisions of TEA-21 Section 1102(f) discussed above.

ELIGIBILITY:

Under the provisions of 23 U.S.C. 202(b), the funds shall be allocated "among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations, on the basis of need in such States." Therefore, all States are eligible to apply for PLH discretionary funding.

In accordance with 23 U.S.C. 204(b), the PLH funds are available for any kind of transportation project eligible for assistance under Title 23, United States Code, that is within, adjacent to, or provides access to the areas served by the public lands highway. A "public lands highway" means a forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

Federal reservations are considered to include lands owned by the Department of the Interior, Department of Agriculture, Department of Defense and other Federal agencies.

The PLH funds are available for transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within the Federal public lands. Under 23 U.S.C. 204(h), eligible projects under the PLH program may also include the following:

1. Transportation planning for tourism and recreational travel, including the National Forest Scenic Byways Program, Bureau of Land Management Back Country Byways Program, National Trail System Program, and other similar Federal programs that benefit recreational development.
2. Adjacent vehicular parking areas.
3. Interpretive signage.
4. Acquisition of necessary scenic easements and scenic or historic sites.

5. Provision for pedestrians and bicycles.
6. Construction and reconstruction of roadside rest areas, including sanitary and water facilities.
7. Other appropriate public road facilities such as visitor centers.
- 8.

A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.

In addition, 23 U.S.C. 134(d)(3), as amended by TEA-21 Section 1203, provides that up to “1 percent of the funds allocated under 23 U.S.C. 202 may be used to carry out the transportation planning process for the Lake Tahoe region,” and that highway projects included in these transportation plans “may be funded using funds allocated under 23 U.S.C. 202.” Applications for the highway projects included in these plans, therefore, could also be submitted requesting PLH discretionary funding.

SELECTION CRITERIA:

The following criteria are used to evaluate the submitted candidates for selection.

The only statutory criterion is found in 23 U.S.C. 202(b): “The Secretary shall give preference to those projects which are significantly impacted by Federal land and resource management activities which are proposed by a State which contains at least 3 percent of the total public lands in the Nation.”

The following eleven States have at least 3 percent of the nation’s Federal public lands: Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming.

FHWA has not established regulatory criteria for selection of PLH discretionary projects; however, in its annual solicitation, FHWA notes that the following criteria are also considered in the evaluation of candidates for this program:

1.

Equitable distribution of funding among the States - In applying this criterion, the PLH discretionary funding distributed over the past 20 years is considered and two factors are used to determine a State’s fair share of this distribution: (1) the State’s share of the Nation’s Federal public lands and (2) the percentage of an individual State’s area that is comprised of Federal public lands. Preference is given to those States that are “behind” in their fair share of the funding.
2.

Leveraging of private or other public funding - Because the annual requests for funding far exceed the available PLH discretionary funds, commitment of other funding sources to complement the requested PLH discretionary funding is an important factor.
3.

Expeditious completion of project - Preference is also given to requests that will ex

pedite the completion of a viable project over requests for initial funding of a project that could require a long-term commitment of future PLH funding. For large-scale projects consideration is given to the State's total funding plan to expedite the completion of the project.

4.

Amount of PLH funding - The requested amount of funding is another consideration. For States that have a relatively small amount of Federal public lands, moderately sized (< \$500,000) project requests are given more favorable consideration.

5.

State priorities - For States that submit more than one project, consideration is given to the individual State's priorities.

6.

Special or unique Federal public lands transportation needs - This criterion considers those special or unique Federal public lands transportation needs for a particular project that merit additional consideration, or satisfy a particular emphasis area.

7.

Congressional direction or guidance - Often Congress specifies in the legislative process that funding be directed to particular projects. Consideration is also given to this direction or guidance provided that the projects meet the statutory eligibility criteria.

SOLICITATION PROCEDURE:

Each year, usually around March, a memorandum is sent from the FHWA Headquarters Office of Program Administration to the FHWA division offices requesting the submission of candidate projects for the following fiscal year's funding. This solicitation is also posted on FHWA's website at www.fhwa.dot.gov/discretionary. The FHWA division offices provide this solicitation request to the State transportation departments, who are the only agencies that can submit candidates under the provisions of 23 U.S.C. 202(b). The State transportation departments coordinate with local and Federal agencies within their respective States in order to develop viable candidate projects. The State transportation departments submit the candidate applications to the FHWA division offices, who send them in to the Office of Program Administration. Candidate projects are due in FHWA Headquarters usually in July. The specific timetable for the solicitation process for any particular fiscal year is provided in the solicitation memorandum.

The candidate project applications are reviewed and evaluated by the Office of Program Administration and an allocation plan is prepared for presentation of the candidate projects to the Office of the Federal Highway Administrator, where the final selection of projects for funding is made. The announcement of the selected projects and the allocation of funds is usually accomplished by the middle of November.

SUBMISSION REQUIREMENTS:

Only State transportation departments may submit applications for funding under this program. Th

e following information must be included to properly evaluate the candidate projects. The applications must be submitted electronically in either Word Perfect or MS Word format. With the exception of the project area map, all of the following must be included to consider the application complete.

Those applications that do not include these items are considered incomplete and will be returned.

1. **State** in which the project is located.
2. **County** in which the project is located.
3. **U.S. Congressional District No.(s)** in which the project is located. This is the U.S. Congressional District not the State district.
4. **U.S. Congressional District Member's Name(s)**. This is the U.S. Congressional District representative, not the State legislature.
5. **Project Title** - This should be a very short project description that readily identifies the project.
6. **Project Location** - Describe the specific location of the project, including route number and mileposts, if applicable.
7. **Public Lands Category** - Specify what Federal public lands are being served by the project and whether the project is within, adjacent to, or provides access to these Federal public lands. State or local public lands do not make a project eligible, and should not be included here.
8. **Proposed Work** - Describe the project work that is to be completed under this particular request, and whether this is a complete project or part of a larger project.
9. **Project Purpose & Benefits** - The States' submission should show how the proposed project meets the Federal land and resource management needs in the State. This should include status and adequacy of the existing route with regard to route continuity, capacity and safety and the benefits anticipated from completion of the proposed project. Particular attention should be given to how the proposed project will benefit access to Federal public lands, as well as other transportation benefits that will result from the project.
10. **Planning and Coordination** - For the proposed project, describe the coordination with and input from the various Federal land management, State, and metropolitan planning agencies involved. Section 204(a) of Title 23, United States Code, as amended, requires all regionally significant Federal lands highways program projects to be developed in cooperation with States and metropolitan planning organizations, and included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.
11. **Current and Future Traffic** - For highway projects provide the current and design year average daily traffic. For other facilities, such as visitor centers, provide information on current and projected users of the facility.
12. **Project Administration** - Indicate whether the Federal funds for this project will be adminis

tered by the State transportation agency or a Federal Lands Highway Division (FLHD) of FHWA. If the FLHD or other Federal Agencies are involved, the type of involvement, whether it is preliminary engineering or contract administration, or other, should be specified. This information is needed to determine to whom to allocate the funds if the project is selected for funding.

13. **Amount of Federal PLH Discretionary Funds Requested** - Indicate the amount of Federal PLH funds being requested for the fiscal year. Candidates should only be submitted from projects that are ready to advance in that fiscal year. If a State is willing to accept partial funding of the request, that should also be indicated. Sometimes partial funding of requests is utilized to provide funding to more projects, since the requests far exceed the funding available.
14. **Commitment of Other Funds** - Indicate the amounts and sources of any private or other public funding being provided as part of this project. Only indicate those amounts of funding that are firm and documented commitments. Do not include funding that was provided for previous projects. The submission should include written confirmation of these commitments from the entities controlling the committed funds.
15. **Previous PLH Discretionary Funding** - Indicate the amount and fiscal year of any previous PLH discretionary funds received for this project. Only include previous PLH discretionary funds, not other funding sources.
16. **Future Funding Needs** - Indicate the estimated future funding needs for the project, including anticipated requests for additional PLH discretionary funding, the items of work to be completed and projected scheduling.
17. **Project Area Map** - It is suggested that a readable map, clearly showing the proposed project and its relationship to the overall development of a highway route, as well as its relationship to the Federal public lands, be included. The map should also show any previously completed work on this highway route, if any, plus additional work being planned beyond the proposed project.

STATE TRANSPORTATION AGENCY RESPONSIBILITIES:

1. Coordinate with State, local, and Federal agencies within the State to develop viable candidate projects.
2. Ensure that the applications for candidate projects meet the submission requirements outlined above.
3. Establish priorities if submitting more than one project.
4. Submit the applications to the local FHWA division office electronically on time so that the submission deadline can be met.

FHWA DIVISION OFFICE RESPONSIBILITIES:

1. Provide the solicitation memorandum and this program information to the State transportation agency electronically to facilitate their electronic submission of candidates.
2. Request candidate projects be submitted by the State to the FHWA division office electronically to meet the submission deadline established in the solicitation.
3. Review all candidate applications submitted by the State prior to sending them to FHWA Headquarters to ensure that they are complete and meet the submission requirements.
4. Submit the candidate applications electronically to FHWA Headquarters Office of Program Administration official mail box (HIPA01) by the established submission deadline. Include the following in the transmitting Email message:
 - a. Confirm that all applications were submitted by the State transportation department.
 - b. List the submitted candidate projects by Project Title and include the Amount of PLH Discretionary Funds Requested for each project.
 - c. Indicate the priorities established by the State transportation department if submitting more than one project.

The individual project applications should be included as attachments to the Email message. These applications may be in either Word Perfect or MS Word format.

FHWA HEADQUARTERS PROGRAM OFFICE RESPONSIBILITIES:

1. Solicit candidates from the States through annual solicitation memorandum.
2. Review candidate project submissions and compile program and project information for preparation of allocation plan.
3. Submit allocation plan to the Office of the Federal Highway Administrator for use in making final project selections.
4. Allocate funds for the selected projects.

FHWA HEADQUARTERS PROGRAM OFFICE CONTACT:

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**PUBLIC LANDS HIGHWAYS DISCRETIONARY PROGRAM
FY 2001 CANDIDATE APPLICATION SUBMISSION REQUIREMENTS**

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