Implementation Guidance

Transportation Planning and Transfers

(Updated – BIL Enactment)

# Purpose

The purpose of this document is to provide guidance for implementing and administering funds provided for eligible activities cited in title 23 United States Code sections 201 (c) and (e), Transportation Planning and Transfers, respectively.

(Note: Section 201 addresses a range of partners, programs, and legislative provisions. Separate guidance is provided on Federal Lands Access Program (FLAP) provision that increases Federal share up to 100% and tribal transportation facility provisions.)

# Framework

Recognizing the need for all public Federal 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), to implement transportation planning procedures for Federal lands 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, integrated transportation planning, programming, and decision-making.

Federal Lands Planning Program (FLPP) funds support a range of eligible activities described below. The increase in the cap ceiling from 5% to 20% provides significant opportunities to advance planning, asset management, and research and innovation activities.

# Eligibility Requirements

Eligible activities include:

* long-range transportation planning and coordination,
* Transportation Improvement Program (TIP) development,
* coordination for inclusion of the Federal lands TIP into the Statewide Transportation Improvement Program,
* data collection activities and asset management (including Roadside Safety Audits),
* cooperative research and technology deployment,
* and inspections of federally owned bridges.

# Funding

The Infrastructure Investment and Jobs Act (IIJA) amended the funding provision that now reads:

(8) FUNDING. —

(A) IN GENERAL.—To carry out the activities described in this subsection for Federal lands transportation facilities, Federal lands access transportation facilities, and other federally owned roads open to public travel (as that term is defined in section 125(e)), the Secretary shall for each fiscal year combine and use not greater than **20 percent** of the funds authorized for programs under sections 203 and 204. Under BIL and following extensive coordination with partners, approximately 8% from FLTP and FLAP will be used to fund Section 201 activities through 2026.

At the end of each fiscal year, FLMAs are required to provide FHWA with the unobligated balances of planning funds to FHWA’s Office of the Chief Financial Officer and the Headquarters and Office of Federal Lands Highway.

Funds are made available by FHWA to FLMAs based on their approved multi-year Unified Planning Work Plan(s). Funds cannot be used toward any phase of a construction project.

# Period of Availability

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

# Federal Share

The Federal share for activities funded by the planning cap is 100 percent.

# Program Administration

FLTP partners, in cooperation with the Office of Federal Lands Highway (FLH), will develop a multi-year Unified Planning Work Program (UPWP). Activities and related budgets for Year 1 of the multi-year will be completed by 1 October. The UPWPs will include all servicing organizations, e.g., FLH division offices, Volpe Transportation Center, and their associated tasks to enhance transparency, accountability, and coordination; reduce duplication of similar activities; and strengthen our joint stewardship and oversight of planning funds.

**Reporting**

**FLPP Quarterly Reporting**

Using fiscal year (FY) quarters, partners will provide the FLH Headquarters Planning Program Manager with a quarterly report showing cumulative obligation and expenditure information for each budgeted FLPP activity by the end of the following month, e.g., 1st quarter report is due by January 31st.  This information will provide visibility and accountability on the uses of planning funds and provide potential areas of opportunity to work and leverage funds across agencies for similar activities. The timely receipt of quarterly reports is needed before full planning funds are made available in the next FY. Note: Under a continuing resolution, initial, partial planning allocations will be initiated to fund salaries and high priority activities. Following the enactment of the annual appropriation act where annual funds are made available, funds will be transferred to partners and/or FLH division offices following the receipt of the 4th quarter report from the preceding year.

**Annual Accomplishments Report**

Following the completion of the fiscal year (FY) and by April 1st of the subsequent FY, partners will provide the FLH Headquarters Planning Program Manager with an Annual Accomplishment Report with detailed information for the previous year. The Annual Accomplishments Report is to describe the FLMAs accomplishments in alignment with their Investment Strategy.  The receipt of this report is anticipated before full, i.e., not partial, planning funds are made available in the next FY.