U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: **INFORMATION:** Eligibility of Title 23 Federal Funds for Truck Parking

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From: Robert Arnold
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In Reply Refer To: HOFM-1

To: Directors of Field Services
Director of Technical Services
Division Administrators

The purpose of this memorandum is to provide information on funding eligibility for truck parking projects. These projects support critical transportation projects and facilitate the safe and efficient movement of freight on the Interstate System and other major roads.

Truck parking shortages are a national safety concern. Section 1401 of the Moving Ahead for Progress in the 21st Century (MAP-21), commonly referred to as "Jason's Law," was established to provide a "national priority on addressing the shortage of long-term parking for commercial motor vehicles on the National Highway System to improve the safety of motorized and non-motorized users and for commercial motor vehicle operators." Division Offices should provide technical assistance to State agencies to update State freight plans and investment programs to support truck parking solutions, both for facilities and technology for truck parking information systems.

If you have any questions, please contact Jeff Purdy of the Office of Freight Management and Operations at 202-366-6993.

Attachment

TRUCK PARKING FEDERAL AID ELIGIBILITY

A. Background

Truck parking shortages are a national safety concern. An inadequate supply of truck parking can result in tired truck drivers continuing to drive because they have difficulty finding a place to park for rest or choosing to park at unsafe locations, such as on the shoulder of the road or exit ramps. The Jason's Law Truck Parking Survey Results and Comparative Analysis released in August 2015, along with numerous other studies have identified a severe truck parking shortage in some regions, a lack of adequate information for truck drivers about parking capacity at existing facilities, and the challenges associated with routing and delivery requirements and accommodating rest periods.

States are encouraged to include truck parking considerations in their State Freight Plans and solicit input from truck drivers and truck stop operators through their State Freight Advisory Committees. States have the flexibility to use a number of formula programs for truck parking. They can also apply for grant opportunities to fund significant truck parking projects.

B. Jason's Law:

Section 1401 of Public Law 112–141 (MAP-21), commonly referred to as "Jason's Law," established eligibility for a range of facilities to provide truck parking that serves the National Highway System (NHS) to improve the safety for commercial motor vehicle operators, which benefits safety to the traveling public as a result of rested commercial motor vehicle drivers:

1. Constructing safety rest areas with truck parking;
2. Constructing public truck parking facilities adjacent to truck stops and travel plazas;
3. Opening existing facilities such as inspection and weigh stations and park-and-ride facilities to accommodate truck parking;
4. Promoting the availability of publicly or privately provided truck parking on the NHS using intelligent transportation systems (ITS) or other means;
5. Constructing turnouts[1] along the NHS for truck parking;
6. Making capital improvements to seasonal public truck parking facilities to allow the facilities to remain open year-round; and
7. Improving the geometric design of interchanges on the NHS to improve access to truck parking facilities.

[1] Note that construction of turnouts and other facilities must meet applicable access and design standards.

C. Formula Funding Eligibility:

Truck parking projects as described under Section 1401 of Public Law 112–141 (MAP-21) may be an eligible activity under the following formula programs:

1. **Surface Transportation Block Grant Program (STBG)** – Provides specific eligibility for the construction of truck parking on Federal-aid highways under 23 U.S.C. 133(b)(1)(E). See additional information at: http://www.fhwa.dot.gov/specialfunding/stp/160307.cfm.

2. **National Highway Freight Program (NHFP)** – The NHFP provides formula funds to States to improve the condition and performance of the National Highway Freight Network under 23 U.S.C. 167(i). Eligible activities include truck parking facilities[2] and real-time traffic, roadway condition, and multimodal transportation information systems. The NHFP funds are eligible for use on the Primary Highway Freight System or National Highway Freight Network, as appropriate. See additional information at: http://www.ops.fhwa.dot.gov/freight/pol_plng_finance/policy/fastact/s1116nhfpguidance/

3. **Highway Safety Improvement Program (HSIP)** – Truck parking facilities may be funded through this program, provided the need for truck parking is consistent with the State Strategic Highway Safety Plan (SHSP) developed under 23 U.S.C. 148 and corrects or improves a roadway feature that constitutes a hazard to road users or addresses a highway safety problem. See additional information at: http://safety.fhwa.dot.gov/legislationandpolicy/fast/qanda.cfm.

4. **National Highway Performance Program (NHPP)** – NHPP funds may be obligated for a project on an eligible facility that supports progress toward the achievement of national performance goals for improving infrastructure condition, safety, congestion reduction, system reliability, or freight movement on the NHS. Eligible projects include highway safety improvements on the NHS, which may include truck parking per 23 U.S.C. 148. See additional information at: http://www.fhwa.dot.gov/specialfunding/nhpp/160309.cfm.

5. **Congestion Mitigation and Air Quality Improvement Program (CMAQ)** – While CMAQ funding is not eligible for construction of truck parking, truck stop electrification systems that reduce the need for trucks to idle may be eligible under 23 U.S.C. 149. Eligibility must be determined in consultation with the U.S. Environmental Protection Agency based upon the likelihood that the associated emissions reduction would benefit a nonattainment or maintenance area. See additional information at: https://www.fhwa.dot.gov/fastact/factsheets/cmaqfs.cfm and https://www.fhwa.dot.gov/environment/air_quality/cmaq/.

Federal Share – The normal Federal share for projects under the above formula programs is generally 80 percent, or 90 percent for a project on the Interstate System (excluding a project to add new general purpose lanes). Under 23 U.S.C. 120 (a) and (b), an upward sliding scale adjustment applies for States containing large amounts of public lands. Certain safety

[2] 23 U.S.C. 167(i)(5)(c)(xi).

projects, including safety rest areas where the U.S. Department of Transportation has determined there to be a shortage of public and private areas, may have a Federal share of 100 percent, as provided in 23 U.S.C. 120(c); but, this provision is limited to 10 percent of the total funds apportioned to a State under 23 U.S.C. 104. See additional information on Federal share at: http://www.fhwa.dot.gov/fastact/factsheets/federalsharefs.cfm.

See additional information on increased Federal share at: http://www.fhwa.dot.gov/federalaid/141125.cfm.

D. Grant Opportunities

1. **Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) Grants** – The FASTLANE program is a new multiyear discretionary grant program in the Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94) to fund critical freight and highway projects. Eligible projects include highway freight projects on the National Highway Freight Network, highway projects on the NHS and other specified intermodal freight projects. The FASTLANE Grant can cover up to 60 percent of the total project cost. See additional information at: https://www.transportation.gov/buildamerica/FASTLANEgrants and https://www.fhwa.dot.gov/fastact/factsheets/fastlanegrantsfs.cfm.

2. **Transportation Investment Generating Economic Recovery (TIGER) Grants**[3] – TIGER grants can provide capital funding directly to any public entity, including municipalities, counties, port authorities, tribal governments, and metropolitan planning organizations, including multi-modal and multi-jurisdictional projects that are difficult to fund through traditional Federal programs. These grants are intended to support innovative projects that generate economic development and improve access to reliable, safe, and affordable transportation. See additional information at: https://www.transportation.gov/tiger.

E. Additional Information:

The following publications provide additional information on the planning, design, and development of truck parking facilities:

1. Jason's Law Truck Parking Survey, FHWA, 2015, available at http://www.ops.fhwa.dot.gov/freight/infrastructure/truck_parking/.

2. Commercial Driver Rest Area Requirements: Making Space for Safety, FHWA, 1996, available at: http://www.fhwa.dot.gov/reports/append3.htm.

3. Guide for Development of Rest Areas on Major Arterials and Freeways Third Edition, AASHTO, 2001, available from AASHTO.

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[3] Note that unlike the other title 23 funding programs discussed in this memorandum, the TIGER Discretionary Grant Program is subject to annual appropriations.