



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION:** Eligibility of Title 23 Federal
Funds for Commercial Motor Vehicle Parking

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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 commercial motor vehicle parking projects to support critical transportation projects to facilitate the safe and efficient movement of freight on the Interstate System and other major roads.

Commercial motor vehicle parking shortages are a national safety concern. Section 1401 of the Moving Ahead for Progress in the 21st Century (MAP-21, Pub. L. 112-141 July 6, 2012), 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 commercial motor vehicle parking solutions, both for facilities and technology for commercial motor vehicle parking information systems.

This update provides additional guidance for 23 U.S.C. 120(c) to allow 100 percent Federal share for safety rest areas located on a segment of highway that the Federal Highway Administration Division Administrator determines to have a shortage of rest areas.

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

Attachment

COMMERCIAL MOTOR VEHICLE PARKING: FEDERAL-AID ELIGIBILITY

A. Background

Commercial motor vehicle parking shortages are a national safety concern. An inadequate supply of commercial motor vehicle parking can result in tired commercial motor vehicle 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 commercial motor vehicle parking shortage in some regions, a lack of adequate information for commercial motor vehicle 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 commercial motor vehicle parking considerations in their State Freight Plans (49 U.S.C. 70202) and solicit input from commercial motor vehicle drivers and truck stop operators through their State Freight Advisory Committees (49 U.S.C. 70201). States have the flexibility to use a number of Federal-aid highway funding programs for commercial motor vehicle parking. They can also apply for discretionary grants to fund commercial motor vehicle parking projects.

B. Jason's Law:

Section 1401 of MAP-21, "Jason's Law," established eligibility for a range of facilities to provide commercial motor vehicle parking that serves the National Highway System (NHS) to improve the safety for commercial motor vehicle operators. Eligible projects under section 1401 include:

1. Constructing safety rest areas (as defined in 23 U.S.C. 120(c)(1)) with commercial motor vehicle parking;
2. Constructing commercial motor vehicle 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 commercial motor vehicle parking;
4. Promoting the availability of publicly or privately provided commercial motor vehicle parking on the NHS using intelligent transportation systems (ITS) or other means;
5. Constructing turnouts¹ along the NHS for commercial motor vehicle parking;

¹ Construction of turnouts and other facilities must meet applicable access and design standards incorporated by reference at 23 CFR part 625.

6. Making capital improvements to seasonal public commercial motor vehicle 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 commercial motor vehicle parking facilities.

C. Federal-aid Highway Funding Eligibility:

Commercial motor vehicle parking projects as described under section 1401(b) of 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)(5)(C). Eligible activities include truck parking facilities² and real-time traffic, truck parking, roadway condition, and multimodal transportation information systems³. The NHFP funds are eligible for use on the 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 program⁴, 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 NHS⁵. Eligible projects include highway safety improvements on the NHS⁶, which may include truck parking per 23 U.S.C. 148⁷. 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 commercial motor vehicle parking, truck stop electrification systems that reduce the need for commercial motor vehicles to

² 23 U.S.C. 167(i)(5)(c)(xi).

³ 23 U.S.C. 167(i)(5)(c)(xii).

⁴ 23 U.S.C. 148(a)(4)(B)(xxiii).

⁵ 23 U.S.C. 119(d).

⁶ 23 U.S.C. 119(d)(2)(I)

⁷ 23 U.S.C. 148(a)(4)(B)(xxiii).

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 Federal-aid share of eligible project costs shall be established at the time of the project agreement (authorization) pursuant to 23 CFR 630.106(f). The standard Federal share for projects using most Federal-aid Highway program funds is 90 percent for a project on the Interstate System (excluding a project to add new general purpose lanes), or 80 percent for other types of projects. 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 projects, including safety rest areas where the U.S. Department of Transportation has determined there to be a shortage of public and private rest areas, may have a Federal share of 100 percent, as provided in 23 U.S.C. 120(c)(1). The Federal Highway Administration (FHWA) Division Administrator would need to determine there is a shortage of public and private rest areas along a highway corridor⁸. This provision is limited for all safety projects using the provision 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. Discretionary Grant Opportunities

- 1. Infrastructure for Rebuilding America (INFRA) Grants** – The Nationally Significant Freight and Highway Projects (also known as Infrastructure for Rebuilding America (INFRA)) program is a multiyear discretionary grant program authorized in the Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94, December 4, 2014 and codified at 23 U.S.C. 117) 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 INFRA Grant can cover up to 60 percent of the total project cost. See additional information at: <https://www.transportation.gov/buildamerica/infragrants> and <https://www.fhwa.dot.gov/fastact/factsheets/infragrantsfs.cfm>.

⁸ As a safety project, a data-driven systemic process should be used to identify highway corridors that have a shortage of safety rest areas and are at risk for crashes related to driver fatigue or high instances of truck parking in illegal or unsafe locations that create hazards to other motorists. The analysis should support additional rest areas as an appropriate countermeasure to mitigate commercial motor vehicle-related crashes or fatigue-related crashes. The Jason's Law Truck Parking Survey and Comparative Analysis, available at: https://ops.fhwa.dot.gov/Freight/infrastructure/truck_parking/index.htm, along with State Freight Plans, truck parking plans, crash data, and commercial motor vehicle enforcement data, are good sources of information for making this determination.

2. **Better Utilizing Investments to Leverage Development (BUILD) Grants** - The National Infrastructure Investments program (also known as the Better Utilizing Investments to Leverage Development (BUILD) grant program), provides capital funding directly to any public entity, including States 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/BUILDgrants>.

E. Additional Information:

The following publications provide additional information on the planning, design, and development of commercial motor vehicle 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.