

MAP-21 - Moving Ahead for Progress in the 21st Century

Interim Guidance on Congestion Mitigation and Air Quality (CMAQ) Operating Assistance under MAP-21

June 2013

There are several general conditions for operating assistance eligibility under the CMAQ program:

- a. Operating assistance is limited to new transit, commuter and intercity passenger rail services, intermodal facilities, travel demand management strategies, including traffic operation centers, inspection and maintenance programs, and the incremental cost of expanding these services.
- b. In using CMAQ funds for operating assistance, the intent is to help start up viable new transportation services that can demonstrate air quality benefits and eventually cover costs as much as possible. Other funding sources should supplement and ultimately replace CMAQ funds for operating assistance, as these projects no longer represent additional, net air quality benefits but have become part of the baseline transportation network. The provisions in 23 U.S.C. 116 place responsibilities for maintenance of transportation facilities on the States. Since facility maintenance is akin to operations, a time-limited period of CMAQ assistance provides adequate incentive and flexibility while not creating a pattern of excessive or even perpetual support.
- c. Operating assistance includes all costs of providing new transportation services, including, but not limited to, labor, fuel, administrative costs, and maintenance.
- d. When CMAQ funds are used for operating assistance, non-Federal share requirements still apply.
- e. With the focus on start-up, and recognizing the importance of flexibility in the timing of financial assistance, the 3 years of operating assistance allowable under the CMAQ program may now be spread over a longer period, for a total of up to 5 sequential years of support. Grantees who propose to use CMAQ funding for operating support may spread the third year amount (an amount not to exceed the greater of year 1 or 2) across an additional 2 years (i.e. years 4 and 5). This will provide an incremental, taper-down approach, while other funding is used for a higher proportion of the operating costs as needed. See Table 3 for examples of possible funding allocations. At the conclusion of the 5-year period, operating costs would have to be maintained with non-CMAQ funding. It is anticipated that this may enable a transition to more independent system operation. The amounts which apply to years 1 and/or 2 are established at the discretion of the State or local sponsor.

Table 3 - Example Allocations of CMAQ Funds for Operating Assistance

Example	Year 1	Year 2	Year 3	Year 4	Year 5	Total
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A	\$300	\$300	\$200	\$50	\$50	\$900
B	300	300	100	100	100	900
C	100	400	200	100	100	900

Eligible activities that used CMAQ funds for operating support in FY 2012, as described in the 2008 CMAQ Program Guidance, and that had not received operating assistance for three fiscal years as of September 30, 2012, may continue to receive operating assistance under MAP-21, transitioning into the 5-year schedule described above. The number of prior years of operating assistance will determine which year of the 5-year cycle applies in FY 2013.

Except as noted in this paragraph, activities that already have received 3 years of operating support under prior authorizations of the CMAQ program are not considered to be in a start-up phase and are not eligible for the expanded assistance period. Those transportation uses expressly eligible for CMAQ funding under SAFETEA-LU sections 1808(g)-(k) and certain provisions in appropriations acts are eligible for CMAQ dollars for an additional 5 years consistent with this Section. The maximum allowable assistance level and the 5-year time period described above will apply.

- f. Elements of operating assistance prohibited by statute or regulation are not eligible for CMAQ participation, regardless of their emissions or congestion reduction potential.