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PDDM CHAPTER 2

PLANNING AND PROGRAMMING

2.1 GENERAL

Federal Lands Highway (FLH) works with numerous Federal Land Management Agencies (FLMA) and Indian Tribes to improve transportation to and within Federal and Tribal Lands. FLH provides technical services to the highway/transportation community, as well as builds infrastructure to ensure the many national treasures within our Federal Lands can be enjoyed by all. The FLMAs include, but are not limited to:

- Department of Interior:
 - ◇ Bureau of Indian Affairs;
 - ◇ Bureau of Land Management;
 - ◇ Bureau of Reclamation;
 - ◇ Fish and Wildlife Service;
 - ◇ National Park Service;
- Department of Agriculture:
 - ◇ U.S. Forest Service;
- Department of Defense:
 - ◇ Surface Deployment and Distribution Command (Component of U.S. Transportation Command);
 - ◇ U.S. Army Corps of Engineers;
- Independent Federal Agencies:
 - ◇ Presidio Trust.

FLH also works closely with States and Territorial partners to deliver projects.

This chapter provides an overview of the programming and planning process, and the different FLH funding sources available to FLMAs, military, tribal, state, and local governments partners to build and maintain their infrastructure.

2.2 GUIDANCE AND REFERENCES

There are many law, regulation, and policy references that apply to Federal and tribal transportation systems. (See [Chapter 1](#) for definitions.) These include the following:

2.2.1 LEGISLATION

- [Infrastructure Investment and Jobs Act \(IIJA\)](#), November 15, 2021;
- [Fixing America's Surface Transportation Act or "FAST Act"](#), December 4, 2015;
- [Moving Ahead for Progress in the 21st Century Act \(MAP-21\)](#), July 6, 2012;
- Title 23 United States Code (23 U.S.C.). The following sections of Title 23 are routinely used in the administration of FLH programs, but do not represent an exhaustive list:
 - ◇ [Section 101](#) – Definitions and Declarations of Policy;
 - ◇ [Section 125](#) – Emergency Relief;
 - ◇ [Section 134](#) – Metropolitan transportation planning;
 - ◇ [Section 135](#) – Statewide and nonmetropolitan transportation planning;
 - ◇ [Section 201](#) – Federal lands and tribal transportation programs;
 - ◇ [Section 202](#) – Tribal transportation program;
 - ◇ [Section 203](#) – Federal lands transportation program;
 - ◇ [Section 204](#) – Federal lands access program;
 - ◇ [Section 205](#) – Forest development roads and trails;
 - ◇ [Section 210](#) – Defense Access Roads.
- [Title 23 Code of Federal Regulations](#). The following parts of Title 23 apply:
 - ◇ [Part 450, Subpart B](#) – Statewide and Nonmetropolitan Transportation Planning and Programming;
 - ◇ [Part 450, Subpart C](#) – Metropolitan Transportation Planning and Programming;
 - ◇ [Part 660, Subpart E](#) – Defense Access Roads;
 - ◇ [Part 668](#) – Emergency Relief Program;
 - ◇ [Part 970-973](#) – NPS, USFS, FWS, BIA Management Systems.
- [Title 25 Code of Federal Regulations](#). The following part of Title 25 applies:
 - ◇ [Part 170](#) – Tribal Transportation Program.

2.2.2 PROGRAM MEMORANDUM OF AGREEMENTS AND MEMORANDUM OF AGREEMENTS

There are overarching [agreements](#) between FLH and partner agencies, which outline roles and responsibilities in key areas of program administration. [Section 2.5](#) provides additional information about agreements within FLH.

2.2.3 STEWARDSHIP AND OVERSIGHT GUIDANCE AND SUPPLEMENTAL INSTRUCTIONS

The following websites and documents provide standard operating procedures and working instructions for the execution of the FLAP, FLTP, and Federal Aid programs:

- [Federal Lands Stewardship and Oversight](#);
- [Stewardship and Oversight on the administration of FLTP and FLAP](#);
- [Stewardship and Oversight: Working Instructions for FLMA Partners](#);
- [Federal-aid Stewardship and Oversight](#).

2.3 PROGRAMS

The FHWA Office of Federal Lands Highway (FLH) administers the core federal lands programs and plays a role in delivering transportation projects for other transportation programs.

2.3.1 FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAM

The Federal Lands and Tribal Transportation Program (FLTTP) is composed of:

- Federal Lands Access Program;
- Federal Lands Transportation Program;
- Tribal Transportation Program.

2.3.1.1 Federal Lands Access Program

The [Federal Lands Access Program](#) (FLAP) or Access Program as described in 23 U.S.C. 204 improves non-Federal transportation facilities that provide access to, are adjacent to, or are located within Federal lands. The Access Program supplements State and local resources for public roads, transit systems, and other transportation facilities, with an emphasis on high-use recreation sites and economic generators.

The Access Program provides flexibility for a wide range of transportation projects in the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

The Federal Lands Access Program is funded by contract authority from the Highway Trust Fund and is subject to the overall Federal-aid obligation limitation. Funds are allocated among States using a statutory formula based on road mileage, number of bridges, land area, and visitation.

2.3.1.2 Federal Lands Transportation Program

The [Federal Lands Transportation Program](#) (FLTP), defined in 23 U.S.C. 203, improves Federal lands transportation facilities that are located on, adjacent to, or provide access to Federal lands for which title and maintenance responsibility is vested in the Federal Government, including the following agencies: National Park Service (NPS), US Fish and Wildlife Service (FWS), US Forest Service (USFS), Bureau of Land Management (BLM), US Army Corps of Engineers (USACE), Bureau of Reclamation (BOR), and Presidio Trust (PT).

The Federal Lands Transportation Program is funded by contract authority from the Highway Trust Fund and is subject to the overall Federal-aid obligation limitation. Funds are allocated to the FLMAs using statutory language in each Authorization Act.

2.3.1.3 Tribal Transportation Program

The Office of Tribal Transportation (OTT) administers the [Tribal Transportation Program](#) (TTP). The TTP is established in 23 U.S.C. 202 to address the transportation needs of Tribal governments throughout the United States. The purpose of the TTP is to provide safe and

adequate transportation and public road access to and within Indian reservations, Indian lands, and Alaska Native Village communities. A prime objective of the TTP is to contribute to the economic development, self-determination, and employment of Indians and Native Americans.

The Tribal Transportation Program is funded by contract authority from the Highway Trust Fund and is subject to the overall Federal-aid obligation limitation. Funds are allocated among Tribes using a statutory formula based on tribal population, road mileage, and average tribal shares of the former Tribal Transportation Allocation Methodology (TTAM) formula.

2.3.2 OTHER FLH ADMINISTERED PROGRAMS

In addition to the FLTTP, FLH administers other allocated and competitive grant programs, including:

- Federal Lands Planning Program;
- Nationally Significant Federal Lands and Tribal Projects Program;
- Emergency Relief for Federally Owned Roads Program;
- Defense Access Road Program;
- Innovation and Research Program;
- Wildlife Crossing Pilot Program.

2.3.2.1 Federal Lands Planning Program (FLPP)

23 U.S.C. 201(c) requires that the Secretary of Transportation, in consultation with the Secretary of each appropriate FLMA, 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.

The FLMAs have considerable responsibility and latitude for managing their program within the FLPP. The FHWA is responsible for ensuring the program is administered according to the statutory and implementing regulations for Title 23.

Funds are made available by FHWA to FLMAs based on the approved multi-year Unified Planning Work Plan(s).

The Federal Lands Planning Program is funded by contract authority from the Highway Trust Fund and is subject to the overall Federal-aid obligation limitation. Funds are allocated to this program through a takedown of not more than 20% from the FLTP and FLAP program Funds.

2.3.2.2 Nationally Significant Federal Lands and Tribal Projects (NSFLTP) Program

The [Nationally Significant Federal Lands and Tribal Transportation Projects Program](#) provides funding for the construction, reconstruction, and rehabilitation of nationally significant projects within, adjacent to, or accessing Federal and tribal lands. This Program provides an opportunity to address significant challenges across the nation for transportation facilities that serve Federal and Tribal lands.

2.3.2.3 Emergency Relief for Federally Owned Roads Program (ERFO)

The [Emergency Relief for Federally Owned Roads Program](#) is a component of the larger [Emergency Relief \(ER\) Program](#). Both the ERFO and ER programs are administered by FHWA's Office of Infrastructure (HIF). The Federal Lands Highway Division Offices liaise with FLMA partners and HIF on ERFO financial needs and disaster recovery services.

The ERFO Program helps pay the unusually heavy expenses associated with the repair and reconstruction of Federal and tribal transportation facilities seriously damaged by a natural disaster over a wide area or catastrophic failure. Restoration in-kind to pre-disaster conditions is expected to be the predominant type of repair under this program. The program assists in restoring safe passage consistent with the pre-disaster conditions of the facility.

Applicants are expected to prioritize the repair of ERFO projects that are in the public's best interest, based on available funds. Federal agencies and local government entities have the responsibility to perform emergency repairs, shift project and program priorities, give emergency relief work prompt attention and priority over non-emergency work, and assist FHWA in its stewardship and oversight responsibilities.

2.3.2.4 Defense Access Road Program (DAR)

The [Defense Access Road Program](#) provides a means for the military to pay its fair share of public road improvements with funds transferred to the DOT from Department of Defense (DOD) appropriations. Congress authorizes and appropriates all eligible DAR project funding. There are two main funding categories: MILCON and O&M. O&M uses one year funding for operations and maintenance activities, e.g., snow removal. MILCON uses multiyear funds for larger construction projects.

2.3.2.5 Innovation and Research Program (I&R)

FLH is committed to continuous improvement to meet the unique transportation needs of access across the country to and from public lands. [FLH's research program](#) is a collaborative effort with FLMAs and tribal governments and seeks to develop and leverage talent and provide technical assistance in a cross-agency approach.

One goal of the [I&R Program](#) is to share innovations that are being developed more widely to identify and deploy innovative technologies into practice. FLH has Technical Disciplines by

subject matter that also generate and promote innovative solutions and technical resources. See the [FLH Technical Resources page](#) for more about available resources and the different Technical Disciplines.

2.3.2.6 Wildlife Crossings Pilot Program (WCPP)

The IJIA established the [Wildlife Crossings Pilot Program](#) to provide competitive grants for projects that seek to achieve a reduction in the number of wildlife-vehicle collisions and improved habitat connectivity for terrestrial and aquatic species. The program is administered by the Headquarters Office of Federal Lands Programs.

2.3.3 PROJECT DELIVERY WITH OTHER PROGRAMS FUNDS

FLH receives funds from other Agencies, states, and Federal-aid programs to deliver projects. These funds are subject to their program requirements. FLH ensures those requirements are met as appropriate.

FLH has adopted a process to accept new work requests from partners that are funded under non-FLTTP sources such as DAR, OMAD, ERFO, Federal Aid, state, tribal, Title 54, or other non FLTP/FLAP funding sources. Using this process, Divisions discuss project requirements with the partner and determine if the Division has the capacity and capability to deliver the project.

2.3.4 STEWARDSHIP AND OVERSIGHT

FLH works with multiple partners to deliver a range of programs. These partners include other Federal agencies, State Highway agencies, local public agencies, and Tribal governments. FLH is responsible for ensuring the program and projects are delivered in accordance with Title 23 requirements and other applicable laws independently of the delivery agency.

[Stewardship and oversight](#) encompass many activities including program evaluation. Program evaluation is a systematic method for collecting, analyzing, and using information to answer questions about projects, policies, and programs, particularly about their effectiveness and efficiency. Regular evaluations of programs, processes and projects occur for FLH programs.

2.4 PLANNING

Transportation planning is a process used to create a decision-making framework for addressing transportation needs and issues. Title 23 U.S.C. Section 201 requires FLH, in consultation with FLMAs, to develop planning procedures that are consistent with metropolitan and statewide planning processes (23 U.S.C. Sections 134 and 135). These processes include key elements: Long Range Transportation Plans, Asset Management Systems (pavement, bridge, congestion, safety), and Transportation Improvement Programs (TIPs).

2.4.1 LONG RANGE TRANSPORTATION PLAN (LRTP)

Long Range Transportation Plans establish a long-term vision (25-year time frame) for improving and maintaining an agency's transportation system. These documents serve as the foundation for the development of the TIPs. LRTPs can be conducted at the national, regional, and unit level for FLMAs and help to guide decision making and prioritize future funding to fulfill the transportation needs.

The FLH Planning Team may be responsible for assisting with LRTPs.

2.4.2 ASSET MANAGEMENT SYSTEMS

Asset management helps FLMAs identify program needs and provides tools to make informed, defensible decisions for maximizing investments on their transportation facilities. Complete and accurate data are needed for the decision making process identifying needs, costs, and priorities for projects and maintenance programs. Continuous review and application of such data during the project life cycle is described as [Asset Management](#).

FLH provides engineering services to collect and assess facility inventory conditions and provides oversight and/or services to support FLMAs with their asset management systems, required in law (23 USC 201(c)(5) for Pavement, Bridge, Congestion and Safety management). The management systems are used by the FLMAs to determine transportation network needs and monitor progress toward the performance goals and objectives identified in their Investment Strategies and LRTP.

To support asset management, inventories of public, FLMA-owned transportation facilities are submitted annually by the FLMAs for the Federal Lands Transportation Facility Inventory (FLTFI) as required by 23 U.S.C. 203(c). The FLTFI identifies facilities eligible for the FLTP, or at a minimum the ones identified by FLMAs that serve high-use recreation sites and economic generators.

2.4.3 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The [Transportation Improvement Program](#) is an essential component of the FLPP, developed cooperatively between FLH Division offices and the FLMA. The TIP provides a list of transportation improvements for a four-year period among the primary programs administered by

the Office of Federal Lands Highway, the Federal Lands Transportation Program, and the Federal Lands Access Program. FLH has responsibility for approval of the TIP.

TIP requirements include:

- Administration by FLH;
- Covering a four-year period;
- Updates at least every four years;
- Individually identified regionally significant projects;
- Public participation; and
- Submission by FLH to appropriate States and metropolitan areas on behalf of the FLMA.

The TIP is not an all-inclusive transportation program for all Federal agencies; rather it shows those projects approved by the FHWA to utilize Federal Lands Highway Program funding. Each Federal Lands Division office develops their own TIP for projects delivered in their respective geographic region.

2.4.4 TRANSPORTATION STUDIES

FLH and partnering agencies conduct [studies and research](#) to assist in the transportation planning, programming, and project development process. These include corridor studies, project scoping investigation and assessment, special issue-specific or technical studies and research, road and bridge inventories, and unit-wide transportation planning or engineering studies. Such studies and research help to identify obstacles, needs, costs, and alternatives. In addition, they help to establish relative priorities for improvements.

Special technical studies are evaluations of specific engineering problems and are usually conducted by the appropriate engineering staff specialist, while issue-specific research may be conducted by planning staff. Examples of these types of studies are referenced in the individual PDDM chapters devoted to specific technical disciplines.

2.5 AGREEMENTS

The term “agreement” describes an understanding between two or more parties. FLH utilizes a variety of “agreements” to effectively manage Title 23 funds and deliver projects. Agreements can be divided in two major categories: programs and projects.

2.5.1 PROGRAM AGREEMENTS

Program agreements establish procedures, objectives, and roles/responsibilities between agencies or organizations; with no funds, goods, property, or services exchanged.

2.5.1.1 FLAP Statewide Program Agreement or Charter

States, the District of Columbia, and the Commonwealth of Puerto Rico are encouraged to execute Statewide Program Agreements for the Access Program. These agreements identify the Programming Decision Committee (PDC) representatives, program roles and responsibilities, legislative and regulatory authorities, and other pertinent policies that address details for Access Program. The agreement should be updated as the PDC determines appropriate, particularly when there is a change in local government representation on the committee.

2.5.1.2 Program Memorandums of Understanding (MOU)

FLH works with FLMA partners to develop or update a high level overarching [program agreement](#) to address roles and responsibilities in key areas of program administration. An executed MOU is required for an FLMA to receive funding under the FLTP.

2.5.2 PROJECT AGREEMENTS

Project agreements will document the scope, roles and responsibilities, funding, points of contact, budget, schedule, and other important elements for a project.

Project agreements, depending on the partner, are also called Project Management Plans, Project Memorandum of Agreement (MOA), and Preliminary Project Agreements. Every project constructed by FLH or funded through the FLTP should have a project agreement.

[Project Agreement instructions](#) for FLH and partner-delivered projects using FLTP and FLAP funds are included in FLH’s Stewardship and Oversight (S&O) Guidance and S&O Supplemental Instructions.

Each project receiving FLAP funds is required to have an executed project MOA among all project partners. The project MOA is a non-obligating document that defines the project roles and responsibilities, scope, schedule, budget, and stewardship and oversight activities (as applicable) for the successful completion of the project. As a standard practice, all costs to be counted towards match should be incurred after the execution of the project MOA. Exceptions may involve right-of-way purchased prior to submitting the application. To that end, an Access Program project MOA template is available to aid partners in the development of their agreement.

Generally, the FLH Division Office will initiate the agreement process, although the state or local government may initiate the agreement for a project it administers.

For partner-delivered FLAP projects with S&O provided by Federal Aid, the MOA is executed by Federal Aid. For partner-delivered FLAP projects with S&O provided by FLH, the MOA is executed by FLH.

2.5.3 FUNDING AGREEMENT (INTER-GOVERNMENTAL TRANSACTIONS (IGT), REIMBURSABLE AGREEMENTS (RA), AND COOPERATIVE AGREEMENTS)

A reimbursable agreement is a contractual agreement used by the Division to perform services for other agencies or to obtain supplies and or services. Reimbursable agreements are divided in two types: Servicing Agency Agreement and Requesting Agency Agreement.

Servicing Agreements are used to pay FLH for work and or services provided. Requesting Agreements are utilized to pay other agencies for services or supplies provided to FLH. Reimbursable agreements are collaboratively executed between Programs and Acquisitions' staff, typically through the PRISM system and/or G-Invoicing.

Inter-governmental Transactions – Servicing and Requesting agreements with Federal Agencies.

Reimbursable Agreements – Agreements with non-Federal entities, States, local, or tribal governments.

Cooperative Agreements – Requesting agreements with non-Federal entities, States, local, or tribal governments.

All funding agreements must be authorized by law. The authorities for FLH are:

- Federal lands and tribal transportation programs (23 U.S.C. 201 (d)) – authorize FLH to work under reimbursable agreements with any State, local, or tribal government.
- Economy Act of 1932 (31 U.S.C. 1535), as amended – authorizes Federal agencies to provide services or furnish materials to each other on a reimbursable basis.
- 23 U.S.C. 308 – Cooperation with Federal and State agencies and foreign countries – authorizes FLH to perform services in connection of survey, construction, maintenance, or improvement of highways for other Federal agencies, cooperating foreign countries, and state cooperating agencies.
- Defense access roads (23 USC 210) – authorizes FHWA to spend Military Construction funds on public highway projects when such projects are certified important to National Defense by the Secretary of Defense designated agent, SDDC Commanding General.

2.5.4 MISCELLANEOUS AGREEMENTS

In addition to the above agreements, the FLH Divisions may enter into agreements with utilities, railroads, Federal agencies, state agencies, and local governments to perform specific tasks (e.g., utility removal, railroad crossing protection, signing and markings, materials testing or investigation, special project design, construction management activities).

2.6 GENERAL PROCEDURES

Formal fiscal procedures have been developed for allocating funds, establishing accounts and account numbers, recording obligations, producing project cost reports, determining accruals, determining August Redistribution amounts, and closing out project accounts. For additional details contact the respective Program Manager.

2.6.1 PROJECT NUMBERING SYSTEM

Procedures have been adopted for using a standardized project numbering system across all Divisions. The use of a formal numbering system assists in tracking and identifying the type, location, and source of funding for a particular project. Consistency in project identification and numbering enables a more efficient crosswalk between systems and streamlines reporting. Projects are named by the Program Manager.