

# MAP-21 FACT SHEET

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**DATE:** October 15, 2012

**SUBJECT:** Early Acquisition

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## **PROBLEM STATEMENT:**

### **MAP 21 Section 1302 revises eligibility for federal reimbursement for early acquisition activities**

Effective October 1, 2012, federal reimbursement for early acquisition activities is established whereas prior to enactment, federal dollars could only participate in a soft match during construction as a “delayed reimbursement” for early acquisition.

## **RECOMMENDATION:**

Develop memoranda and revise R/W manual accordingly to reflect MAP-21 changes. Include guidance reflecting the need to supply the Federal Highway Administration (FHWA) with a certification that steps have been taken, in essence, to ensure that the purchase of property interests in advance of the environmental document approval has not influenced the selection of the preferred alternative and that all property owners have been treated fairly and equitably in accordance with the federal Uniform Act..

## **BACKGROUND:**

Currently early acquisition activities have been allowed only in circumstances where local agencies working on the State Highway System(SHS) have received permission from the Department when certain criteria have been met. Because the Department has been delegated National Environmental Policy Act (NEPA) since 2007 the Department curtailed its ability to perform early acquisition activities on projects where the delegation was in place. Prior to the NEPA delegation the Department would conduct early acquisition activities only when certain criteria (as provided in various memoranda) were met. Typically, since the Department had been using State dollars only for the purchase of Right of Way no federal reimbursement in the form of soft matches during construction was sought. With the enactment of MAP 21 Section 1302 early acquisition activities can now receive direct federal funding contingent upon certain criteria being met

## **ALTERNATIVES:**

**PROS :** The Department and Local Agencies working on the SHS now have the ability to receive federal funds for early acquisition activities contingent on a certification. Federal reimbursement of early acquisition activities will help continue expediting/accelerating project delivery and maximizing funding ,

**CONS:** If criteria needed for receiving federal reimbursement are not, in fact, met, loss of federal funding could impact project delivery.

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**PROPOSED IMPLEMENTATION SCHEDULE:**

Memoranda and follow-up manual changes will occur prior to December 1, 2012.

Codes and Statutes impacted by Map-21 Section 1302  
23 U.S.C. 108 is amended