

FEDERAL PROGRAM: Congestion Mitigation and Air Quality Improvement Program (CMAQ)

FEDERAL AGENCY: U.S. Department of Transportation

PROGRAM DESCRIPTION:

The IIJA continues the Congestion Mitigation and Air Quality Improvement Program (CMAQ) to provide a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Funding is available to reduce congestion and improve air quality for areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter and for former nonattainment areas that are now in compliance.

*Apportionment Levels **

	IIJA Estimated Apportionments						
<i>\$ in millions</i>	FAST Act (2016-2020) Total	2022	2023	2024	2025	2026	IIJA Total
WA	187.1	39.5	40.2	41.1	41.9	42.7	205.4

*The amounts for FFY2022 come from FHWA apportionment notice N4510.858 found at https://www.fhwa.dot.gov/legregs/directives/notices/n4510858/n4510858_t1.cfm. The numbers in the table above include a 2% reduction from the federal notices to reflect the SPR set aside.

The amounts for FFY2023 – FFY2026 come from FHWA Estimated Highway Apportionments under the IIJA (before post-apportionment set-asides; penalties, and sequestration) found at https://transportation.house.gov/download/ta_est-fy-2022-2026-apportionments_ans-as-passed-by-senate-infrastructure-investment-and-jobs-act. Estimates increase 2% annually based on the data shown in the highway authorizations estimates document found at https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/highway_authorizations_nov302021.pdf.

BACKGROUND

IIJA continues the CMAQ program to provide a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Funding is available to reduce congestion and improve air quality for areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter (nonattainment areas) and for former nonattainment areas that are now in compliance (maintenance areas).

Under the IIJA, 2% of CMAQ funds are set-aside for State Planning and Research (SPR). The federal share is generally 80%, (subject to the sliding scale adjustment). The IIJA allows states to transfer up to 50% of the CMAQ funds to other formula federal-aid highway programs. This flexibility allows the State to make investment choices based on the most pressing preservation needs.

Requirements

For a State that has a nonattainment or maintenance area for fine particulate matter (PM2.5), the IIJA requires that an amount equal to 25% of the amount of the State’s CMAQ apportionment attributable to the weighted population of such areas in the State must be used for projects targeting reductions in those nonattainment and maintenance areas. The IIJA requires States to prioritize benefits to disadvantaged communities or low-income populations living in or adjacent to such area, to the extent practicable. Under certain condition, states with low population density are not subject to this set aside.

Changes in IIJA

The IIJA continues all prior CMAQ eligibilities, and adds four new eligibilities:

- shared micro mobility, including bike sharing and shared scooter systems.

- the purchase of diesel replacements, or medium-duty or heavy-duty zero emission vehicles and related charging equipment.
- modernization or rehabilitation of a lock and dam, or a marine highway corridor, connector, or crossing if functionally connected to the Federal-aid highway system and likely to contribute to attainment or maintenance of national ambient air quality standards (capped at 10% of CMAQ apportionment).
- in alternative fuel projects, vehicle refueling infrastructure that would reduce emissions from nonroad vehicles and nonroad engines used in construction projects or port-related freight operations.

The IIJA permits, upon request of an MPO serving a transportation management area with population of 1 M or more, the United States Department of Transportation to assist the MPO in tracking progress made in minority or low-income populations as part of a performance plan.

The IIJA allows CMAQ funds to be used for operating assistance (without time limitation) in association with a transit system located in certain areas.

Fund Distribution

In Washington, the CMAQ are provided to the five (5) MPOs with areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter and for former nonattainment areas that are now in compliance. These MPOs include Puget Sound, Spokane, Vancouver, Olympia, and Yakima. The MPOs provide funding to both WSDOT and Local projects through regional competitive processes.