



U.S. Department
of Transportation

Federal Highway
Administration

Federal Motor
Carrier Safety
Administration

Memorandum

Subject: **INFORMATION:** Eligibility of Title 23
and Title 49 Federal Funds for Commercial
Motor Vehicle Parking
(Updated)

Date: September 20, 2022

From: Martin C. Knopp 
Federal Highway Administration
Associate Administrator for Operations

In Reply Refer To:
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Federal Motor Carrier Safety Administration
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To: Division Administrators

The purpose of this memorandum is to provide information on funding eligibility for commercial motor vehicle parking projects and to highlight the new requirements for commercial motor vehicle parking assessments as part of State Freight Plans to support safe and efficient movement of freight on the National Highway System and other major roads.

Truck parking shortages are a national concern affecting the safety of commercial motor vehicle drivers and other roadway users as well as the efficiency of U.S. supply chains. 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,” includes a “national priority to address projects under [Jason’s Law] for 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.” The lack of adequate and safe truck parking has been identified as a top concern by the commercial motor vehicle industry and commercial motor vehicle drivers.

This guidance replaces previously issued guidance titled, “Eligibility of Title 23 Federal Funds for Commercial Motor Vehicle Parking” dated October 29, 2018. This guidance has been updated with commercial motor vehicle parking funding eligibility and related State Freight Plan requirements of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58, Nov. 15, 2021).

The BIL amended 49 U.S.C. 70202 to require States to include an assessment of the adequacy of commercial motor vehicle parking in their State Freight Plans. State Freight Plans developed under the Fixing America's Surface Transportation (FAST) Act

must be updated at least once every 5 years. The BIL amended 49 U.S.C. 70202(e)(1) and modified the length of the update to a 4-year cycle for State Freight Plans. As State Freight Plans are updated, the Division Offices should provide technical assistance to State agencies that supports commercial motor vehicle parking solutions.

Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the States or the public in any way. This document is intended only to provide information regarding existing requirements under the law or agency policies.

COMMERCIAL MOTOR VEHICLE PARKING: FEDERAL-AID ELIGIBILITY

A. Background

Truck parking shortages are a national concern affecting the safety of commercial motor vehicle drivers and other roadway users as well as the efficiency of U.S. supply chains. The U.S. economy depends on the trucking industry, with trucks moving over 73 percent of the Nation's goods by value, and over 67 percent by weight. Drivers need adequate rest in safe places to continue to operate safely on the Nation's roadways, and to play a vital role in the American economy.

Parking facilities provide commercial motor vehicle operators, including buses and trucks, a location where they can take rest breaks in compliance with hours-of-service regulations in order to avoid operating while fatigued. Without safe truck parking, drivers are forced to park in unsafe locations such as highway shoulders, freeway exit/entrance ramps, vacant lots, and local streets. Parking along the road creates a safety hazard for other motorists that may crash into a parked truck and leads to increased maintenance costs to repair roadway shoulders not designed for heavy vehicle parking. Inadequate parking and staging around ports often create negative neighborhood impacts from noise, emissions, and roadway congestion.

The availability of truck parking is a top concern for truck drivers according to Federal Highway Administration (FHWA) industry surveys and outreach conducted by the Federal Motor Carrier Safety Administration (FMCSA). The 2015 and 2019 Jason's Law truck parking surveys and analysis¹, along with numerous other studies, have identified issues including:

1. Commercial motor vehicle parking shortage in many regions;
2. Crashes with trucks parked in unsafe locations;
3. Lack of adequate information for commercial motor vehicle drivers about parking capacity at existing facilities; and

¹ Truck Parking survey data available at http://www.ops.fhwa.dot.gov/freight/infrastructure/truck_parking/.

4. Challenges associated with routing and delivery requirements and accommodating rest periods.

B. State Freight Plans

The Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58, Nov. 15, 2021), amended the State Freight Plan requirements of 49 U.S.C. 70202. State Freight Plans developed or updated after November 15, 2021, are required to include a commercial motor vehicle parking facilities assessment under 49 U.S.C. 70202(b)(10). Section 70202(f) of Title 49, U.S.C., requires commercial motor vehicle parking facilities assessments conducted by the State to include:

1. The capability of the State, together with the private sector in the State, to provide adequate parking facilities and rest facilities for commercial motor vehicles engaged in interstate transportation;
2. The volume of commercial motor vehicle traffic in the State; and
3. Whether there exist any areas within the State with a shortage of adequate commercial motor vehicle parking facilities, including an analysis (economic or otherwise, as the State determines to be appropriate) of the underlying causes of such a shortage.

States are now required to update their State Freight Plans every 4 years under 49 U.S.C. 70202(e)(1). Prior to the BIL, State Freight Plans were valid for 5 years. Since the prior approvals were valid for a 5-year cycle, the new requirements for the content of a State Freight Plan in the BIL will not be required until the next required update.

The Division offices should recommend that States use a collaborative process for conducting an assessment of commercial motor vehicle parking facilities. States should consider working with private sector truck stop operators and the trucking community in the revision of State Freight Plans and in the siting and development of specific truck parking projects. States also are encouraged to offer opportunities for input from commercial motor vehicle drivers and truck stop operators through their State Freight Advisory Committees established under 49 U.S.C. 70201.

There are many ways for States to fund truck parking projects. This Memo provides information on the types of funding programs that include eligibility for truck parking projects. Section C of this Memo covers eligibility for commercial truck parking facilities under Section 1401 of MAP-21, generally referred to as Jason's Law. Section D of this Memo covers Federal-aid highway funding programs that can be used for commercial motor vehicle parking projects. Section E and F of the Memo covers discretionary grant programs that States and other public entities can apply for to help fund truck parking programs. Section G provides links to additional truck parking resources.

The FHWA staff should be communicating with your States about the importance of truck parking and encouraging them to consider programming funding for truck parking solutions, both using Federal-aid highway funding programs and applying for discretionary grants to fund truck parking projects consistent with the needs identified in their State Freight Plans. The FHWA and FMCSA Division offices will coordinate on truck parking needs and collaborate on recommendations to the States.

C. Jason's Law

Section 1401 of MAP-21, "Jason's Law," established eligibility for a range of projects 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 turnouts² along the NHS for commercial motor vehicles;
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.

D. Federal-aid Highway Funding Eligibility

1. States may use the following Federal-aid highway funding programs for truck parking projects as described under section 1401(b) of MAP-21 (Jason's Law):
 - a) **Surface Transportation Block Grant Program (STBG)** – The STBG program 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:
https://www.fhwa.dot.gov/specialfunding/stp/bil_stbg_implementation_guid

² Construction of turnouts and other facilities must meet applicable access and design standards incorporated by reference at 23 CFR part 625.

ance-05_25_22.pdf.

- b) **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(h)(5)(C). Eligible activities include truck parking facilities under 23 U.S.C. 167(h)(5)(C)(xi) and real-time traffic, truck parking, roadway condition, and multimodal transportation information systems under 23 U.S.C. 167(h)(5)(C)(xii). The NHFP funds are eligible for use on the National Highway Freight Network, as appropriate. See additional information at: <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/nhfp.cfm>.
- c) **Highway Safety Improvement Program (HSIP)** – Truck parking facilities may be funded through this program under 23 U.S.C. 148(a)(4)(B)(xxiii), provided the need for commercial motor vehicle 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: <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/hsip.cfm> and eligibility guidance at: https://safety.fhwa.dot.gov/hsip/rulemaking/docs/BIL_HSIP_Eligibility_Guidance.pdf.
- d) **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 NHS, as provided in 23 U.S.C. 119(d)(1)(A). Highway safety improvements on the NHS are eligible under 23 U.S.C. 119(d)(2)(I), which may include truck parking, as provided in 23 U.S.C. 148(a)(4)(B)(xxiii). See additional information at: https://www.fhwa.dot.gov/specialfunding/nhpp/bil_nhpp_implementation_guidance-05_25_22.pdf.
- e) **Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT)** – PROTECT apportioned funds could be used to make resilience improvements at existing truck parking facilities if the facility is eligible under 23 U.S.C. 176(c)(3). See 23 U.S.C. 176(c).
- f) **Carbon Reduction Program (CRP)** – Advanced truck stop electrification systems are eligible for CRP funds under 23 U.S.C. 175(c)(1)(A) and projects that reduce transportation emissions at port facilities are eligible under 23 U.S.C. 175(c)(1)(M). See additional information at: https://www.fhwa.dot.gov/environment/sustainability/energy/policy/crp_guidance.pdf and https://www.fhwa.dot.gov/bipartisan-infrastructure-law/crp_fact_sheet.cfm.
- g) **Congestion Mitigation and Air Quality Improvement Program (CMAQ)**

- While CMAQ funding is not eligible for construction of commercial motor vehicle parking, advanced truck stop electrification systems may be eligible under 23 U.S.C. 149(b)(4) or as a strategy to control extended idling of vehicles under 23 U.S.C. 149(b)(1)(A). Truck stop electrification is defined in 23 U.S.C. 101(a)(34) as “a system that delivers heat, air conditioning, electricity, or communications to a heavy-duty vehicle.” See additional information at: <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/cmaq.cfm> and https://www.fhwa.dot.gov/environment/air_quality/cmaq/.

2. **Federal Share and Opportunities for Increasing the Federal Share to 100%**

– The Federal-aid share of eligible project costs varies by program.

- a) 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 increased Federal share for safety projects under this provision is limited to 10 percent of the total funds apportioned to a State under 23 U.S.C. 104.

The FHWA Division Administrator would need to determine if there is a shortage of public and private rest areas along a highway corridor.³ Division Administrators are encouraged to work with your State and the FMCSA Division office to identify corridors where safety rest areas and other safety projects may have a 100 percent Federal share because FHWA has determined that there is a shortage of public and private rest areas. The FHWA Operations staff is available to work with States and Divisions to assist with the data analysis needed to support such a determination.

The authority to increase Federal share for certain safety projects in 23 U.S.C. 120(c)(1) applies to programs administered under Title 23 that do not set a program specific Federal share. See additional information on applicability of Section 23, U.S.C. 120(c)(1) at: <https://www.fhwa.dot.gov/federalaid/141125.cfm>.

- b) The Federal Share payable for projects incorporating Innovative Project Delivery as described in 23 U.S.C. 120(c)(3) may be increased by up to 5 percent of the total project cost not to exceed a 100 percent Federal share, subject to limitations in 23 U.S.C. 120(c)(3).

³ 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.

E. Discretionary Grant Opportunities

States and other eligible public entities can also apply for discretionary grants to fund commercial motor vehicle parking projects:

1. **Infrastructure for Rebuilding America (INFRA) Grants** – The Nationally Significant Multimodal Freight and Highway Projects (also known as INFRA) program is a discretionary grant program authorized under 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. Eligible applicants include: a State⁴ or a group of States, a Metropolitan Planning Organization (MPO) that serves an urbanized area with a population of more than 200,000 individuals, a unit of local government or a group of local governments, a political subdivision of a State or local government, a special purpose district or public authority with a transportation function, including a port authority, a Federal land management agency that applies jointly with a State or group of States, a tribal government or a consortium of tribal governments, a multistate corridor organization, and a multistate or multijurisdictional group of these entities. The INFRA grant may not exceed 60 percent of the total project cost, subject to 23 U.S.C. 117(j). An additional 20 percent of project costs may be funded with other Federal assistance, bringing total Federal participation in the project to a maximum of 80 percent, except that under 23 U.S.C. 117(j)(2)(A) for a State with a population density of not more than 80 persons per square mile of land area, based on the 2010 census, the maximum share of the total Federal assistance provided for a project receiving a grant under 23 U.S.C. 117 shall be the applicable share under 23 U.S.C. 120(b). See additional information at: <https://www.transportation.gov/grants/infra-grants-program>.
2. **Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grants** - The Local and Regional Project Assistance program (also known as the RAISE program), is a discretionary grant program authorized under 49 U.S.C. 6702. Eligible applicants include: a State, the District of Columbia, any territory or possession of the United States, a unit of local government, a public agency or publicly chartered authority established by one or more States, a special purpose district or public authority with a transportation function, including a port authority, a Federally recognized Indian Tribe or a consortium of such Indian Tribes, a transit agency, and a multi-State or multijurisdictional group of these entities. The goal of the program is to fund eligible projects that will have a significant local or regional impact and improve transportation infrastructure. Highway projects under Title 23 are eligible, which includes truck parking. Under 49 U.S.C. 6702(e)(1), the RAISE grant can cover up to 80 percent of the total project cost. Under 49 U.S.C. 6702(e)(2), the Secretary of Transportation may increase the RAISE grant share for projects in a rural area, a historically disadvantaged community, or an area of persistent poverty. See additional information at: <https://www.transportation.gov/RAISEgrants>.

3. **Rural Surface Transportation Grants** - The Rural Surface Transportation Grant program is a discretionary grant program authorized under 23 U.S.C. 173 that provides funding to improve and expand the surface transportation infrastructure in rural areas that are outside an urbanized area with a population of over 200,000. Highway freight projects are eligible under 23 U.S.C. 173(e)(1)(D), which includes truck parking. Eligible applicants include: a State⁵, a regional transportation planning organization, a local government, a Tribal government or a consortium of Tribal governments, and a multijurisdictional group of these entities. The Rural Surface Transportation Grant can generally cover up to 80 percent of the total project cost. Under 23 U.S.C. 173(j), Federal assistance other than a grant under the program may be used to satisfy the non-Federal share of the cost of a project carried out with a grant under the program. See additional information at: <https://www.transportation.gov/grants/rural-surface-transportation-grant>.

4. **National Infrastructure Project Assistance (Mega) Grants** - The National Infrastructure Project Assistance grants program (Mega) is a discretionary grant program authorized under 49 U.S.C. 6701 that provides funding for projects likely to generate national or regional economic, mobility, or safety benefits. Highway projects under Title 23 are eligible, which includes truck parking. Eligible applicants include: a State or a group of States (including the District of Columbia, Commonwealth of Puerto Rico, Commonwealth of the Northern Mariana Islands, United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States), an MPO, a unit of local government, a political subdivision of a State, a special purpose district or public authority with a transportation function, including a port authority, a Tribal government or a consortium of Tribal governments, a partnership between Amtrak and one or more entities described above, and a group of entities described above. The National Infrastructure Project Assistance Program can cover up to 60 percent of the total project cost. Federal assistance from other sources may be used on a project, provided the total amount of Federal assistance shall not exceed 80 percent of the total cost of the project, as provided in 49 U.S.C. 6701(i). Financing provided under 23 U.S.C. 603 or 49 U.S.C. 22402 and repaid with local funds or revenues shall be considered part of the local share of the cost of a project. See additional information at: <https://www.transportation.gov/grants/mega-grant-program>.

5. **Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT)** – In addition to the PROTECT apportioned funding noted above in D.1(e), PROTECT competitive awards could be used to make resilience improvements at existing truck parking facilities if the facility is eligible under 23 U.S.C. 176(d)(5)(C). See 23 U.S.C. 176(d).

⁴ Per 23 U.S.C. 101(a)(28) the term "State" means any of the 50 States, the District of Columbia, or Puerto Rico.

⁵ Per 23 U.S.C. 101(a)(28) the term "State" means any of the 50 States, the District of Columbia, or Puerto Rico.

6. **Advanced Transportation Technologies and Innovative Mobility Deployment (ATTIMD) Grants** - The ATTIMD program is a discretionary grant program authorized under 23 U.S.C. 503(c)(4) that provides funding for advanced transportation and congestion management technologies, which may include truck parking information and management systems. Eligible applicants include: a State⁶ or local government, a transit agency, an MPO, or other political subdivision of a State or local government or a multijurisdictional group or a consortia of research institutions or academic institutions. The ATTIMD grant can cover up to 80 percent of the total project cost, as provided in 23 U.S.C. 503(c)(4)(J). This program is not eligible for constructing additional truck parking capacity.
7. **Reduction of Truck Emissions at Port Facilities Grants** – The Reduction of Truck Emissions at Port Facilities program is a discretionary grant program authorized under section 11402 of the BIL that provides funding for projects that reduce port-related emissions from idling trucks, including through the advancement of port electrification and improvements in efficiency. This includes truck stop electrification systems for parking at port facilities. This program is not eligible for constructing additional truck parking capacity.

F. Federal Motor Carrier Safety Administration

States and U.S. territories can also apply for grants from FMCSA to fund truck parking information and management systems:

1. **High Priority Innovative Technology Deployment (HP-ITD) Grants** – The HP-ITD program authorized under 49 U.S.C. 31102(1)(3) encourages projects related to better matching truck parking supply with truck parking demand by developing and deploying truck parking availability information systems. Such systems can then provide availability information to truckers via a variety of communication channels so that truck drivers seeking parking spots can make better decisions about where and when to utilize specific parking facilities. The BIL provided increased funding levels and allows FMCSA to offer 100 percent Federal share for HP-ITD awards. See additional information at: <https://www.fmcsa.dot.gov/grants/itd-grant/innovative-technology-deployment-itd-grant>.

G. Additional Information

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

1. Truck Parking, FHWA available at http://www.ops.fhwa.dot.gov/freight/infrastructure/truck_parking/.

⁶ Per 23 U.S.C. 101(a)(28) the term "State" means any of the 50 States, the District of Columbia, or Puerto Rico.

2. National Coalition on Truck Parking, available at https://ops.fhwa.dot.gov/freight/infrastructure/truck_parking/workinggroups.

If you have any questions about programs administered by the FHWA, please contact Jeff Purdy in the Office of Freight Management and Operations at 202-366-6993 or jeffrey.purdy@dot.gov.

If you have any questions about programs administered by the FMCSA, please contact Jeff Loftus in the Office of Technology at 202-385-2363 or jeff.loftus@dot.gov.

cc: Directors of Field Services
Associate Administrators