

ARRA Overview

FHWA Webinar

April 14, 2009



Disclaimer

- Updates to this PowerPoint presentation are on-going. The final FHWA approved presentation will be made available to all users through the official FHWA website as well as other sources (TTAPs).



Topics

- Major Provisions of ARRA
- IRR Q&As regarding ARRA
- Other IRR information



General

- **What is the name of the final legislation?**
 - The legislation is known as the American Recovery and Reinvestment Act of 2009. The acronym is ARRA and it is Public Law 111-5.
- **Information & Guidance**
 - <http://www.fhwa.dot.gov/economicrecovery/>



Purpose and Principles

- **SEC. 3. PURPOSES AND PRINCIPLES.**
- (a) Statement of Purposes- The purposes of this Act include the following:
 - (1) To preserve and create jobs and promote economic recovery.
 - (2) To assist those most impacted by the recession.
 - (3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.
 - (4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.
 - (5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.



Purpose and Principles

- **SEC. 3. PURPOSES AND PRINCIPLES.**
 - (b) General Principles Concerning Use of Funds- The President and the heads of Federal departments and agencies shall manage and expend the funds made available in this Act so as to achieve the purposes specified in subsection (a), including commencing expenditures and activities as quickly as possible consistent with prudent management.



Major Highway Provisions of ARRA

- \$27.5 billion total
 - \$310 million for IRR
- Available through September 30, 2010
- Transparency
 - Publish fund usage on website (www.recovery.gov)

Major Highway Provisions of the Act: Conference Agreement

- Misc. General Provisions
 - Sec. 1604 – Appropriated funds cannot be used for casino, aquarium, zoo, golf course, or swimming pool
 - Sec. 1605 – Use of American iron, steel, and manufactured goods
 - Sec. 1606 – Laborers and mechanics to be paid prevailing wages*
 - Sec. 1607 – Certification by Governor and acceptance by State legislature**
 - Sec. 1609 – Compliance with National Environmental Policy Act requirements

IRR Specific Q&As



Funding

- **How will the IRR Portion of ARRA funds be administered and distributed?**
 - Administered in accordance with Chapter 2 of Title 23.
 - Distributed through modified formula from 25CFR170.
 - RNDF Construction
 - IRRHPP funding
 - PAF calculation
 - No 2% Planning funds made available
 - 100% Federal, ability to satisfy local match requirements is under review.



Funding

- **How will ARRA funding get to the Tribes?**
 - The funds have been made available to FHWA.
 - FHWA is withholding the funding amount associated with the Tribes under agreement with FHWA and will re-allocate the remainder to BIA-DOT for further redistribution to BIA Regions or OSG.
 - After the documentation is received and approved by BIA-DOT or FHWA, the ARRA funds will be dispersed to the Tribes via their typical contract/compact/FHWA agreement procedures.



Funding

- **What is the required documentation that must be submitted to and approved by FHWA or BIA-DOT prior to the release of the ARRA funds?**
 - a Transportation Improvement Program (TIP), approved by FHWA, showing the projects and activities to be performed with the ARRA funds;
 - the signed Addendum to the Tribe's AFA, RFA (for FHWA Tribes), or Title I PL 93-638 contract, including the scope of work. This addendum will contain standardized language that will identify tribal responsibilities with regard to reporting and use of ARRA funds.



Funding

- **What additional documentation is required for construction projects prior to the release of **ARRA funds**?**
 - the cover sheet of the approved PS&E, signed by a PE licensed in the State for which the work is located;
 - the certification that the project design meets or exceeds health and safety standards;
 - a completed project development checklist indicating that all NEPA requirements, utility easements, and R-O-W clearances have been completed; and
 - the proposed schedule for the construction project;
- Funds will not be provided for both the design and construction of a project simultaneously



Project Development Checklist

PROJECT NAME

ITEM

DATE

Environmental Documentation Completed

(See 25 CFR 170, Subpt. D, App. A)

Permits (if applicable):

- 404 COE Permit (Individual or Nationwide)
- 401 Certification
- NPDES Permit (Notice of Intent)
- Other Federal and State Permits

Right-of-Way and Utility Certification (Cert Level ____)

Right-of-Way Agreements

Right-of-Entry/Owner Letter of Consent

Utility Agreements

Approvals:

Owner Agency

This project's:

Anticipated Advertisement Date

Estimated Completion Date



Funding

- **What is the length of time on availability of the ARRA funds?**
 - The ARRA IRR funds are available until September 30, 2010.
 - Funds released or de-obligated after that date immediately expire and will not be available for re-obligation by any agency.
 - As a result, all contracts/agreements must be finalized and funds obligated prior to this date.

Funding

- **How will the redistribution of funds work?**
 - In order to assure the utilization of the ARRA funds, the Act authorizes the Secretary of Transportation to collect up unobligated funds and “redistribute” them within the IRR Program.
 - This will occur on February 17, 2010.
 - FHWA and BIA, with input from the IRRPCC will be developing the criteria for ranking/selecting the “redistribution” projects. Call for projects will occur Fall 2009.



Planning

- **What should Tribes be doing to ensure their projects are "ready to go" as part of the ARRA?**
 - Reviewing their current approved IRRTIP and contacting either their BIA Regional Office or FHWA/Federal Land's IRR Coordinator to begin work on updating or amending their IRRTIP to show the projects utilizing ARRA funding.
 - Tribes should begin public involvement and determine conformity and other planning process steps that are required for a new proposed project so as to have the project ready as soon as possible.
 - Transit related projects should be coordinated with the relevant transit operating agency as well.



Planning

- **Can ARRA funds be used to replace IRR funds in the first year of an IRRTIP to allow that money to be used on other projects?**
 - Yes, provided that the project on which the funds are to be used has not yet been obligated. In addition, all measures should be undertaken to still utilize FY09 IRR Program funds for another eligible transportation project/activities within FY09.
 - Because we are in the final year of SAFETEA-LU, it is imperative that minimal IRR Program funds be left unobligated at the end of FY09.



Activities

- **What will be the eligible activities for the ARRA funds?**
 - Except as noted below, the list of eligible activities will be the same as those for the IRR Program and shown in 25 CFR 170.
 - Planning activities are not eligible nor will they be approved except those directly associated with a specific construction project shown on an approved TIP.
 - Equipment purchases will be considered on a case by case basis and must be submitted to BIA-DOT and FHWA for consideration and approval.



Activities

- **Can Tribes use these funds for maintenance?**
 - Yes, in accordance with 25CFR170 and SAFETEA-LU, tribes may use up to 25% of their ARRA funds for eligible and approved maintenance activities.
 - These activities will have to be included in the TIP and will be subject to reporting.
 - Additional BIA Road Maintenance Funding



Activities

- **Besides pure road improvement or construction projects, what other types of “projects” should Tribes consider?**
 - Maintenance, Operational and Safety projects.
 - Project examples include chip seal and dust suppression projects, traffic signal upgrades, dynamic message signs, road weather information systems, roadway striping, guardrail replacement, and traffic sign upgrades.
 - Many of these projects require limited or no environmental review time, thus they can be developed quickly.



Reporting

- What will the reporting requirements be for the ARRA funds?
 - Transparency is critical
 - All report forms are available on FHWA and FLH site
 - All reports will be posted on-line at www.recovery.gov



Other IRR Information



FY09 IRR Program Funding

- Authorized level - \$450 million
- Appropriation passed
- Final numbers completed
 - Obligation limitation is 6.4%
 - No rescission or additional takedowns



QUESTIONS?

