ARRA Overview

Webinar Presentation

May 14, 2009
Lobbyist Identification

• Per the requirements of ARRA, all federally registered lobbyists must identify themselves before asking any question in order to have themselves and the question/answer shown on www.recovery.gov
Topics

• **ARRA**
  – Major Provisions
  – IRR specific Q&As
  – Reporting Requirements

• **Other IRR information**
  – FY09 Appropriations
  – PLH-D
  – Reauthorization
• 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
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.
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

  - 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. 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 (rolled into RNDF)
  – 100% Federal
  – Can be used to satisfy local match requirements of other funds.
• How will ARRA funding get to the Tribes?
  – **Initial**: FHWA keeps the funding amounts associated with the Tribes under agreement with FHWA and sends the remainder to BIA-DOT for further redistribution to BIA Regions or OSG.
  – **Tribal**: ARRA funds will be dispersed to the Tribes via their typical contract/compact/FHWA agreement procedures only after required documentation is received and approved by BIA-DOT or FHWA,
Funding

• What is the required documentation that must be submitted to and approved by FHWA or BIA-DOT prior to the release of any ARRA funds?

  – Non-Construction Activities:
    • a Transportation Improvement Program (TIP), approved by FHWA, showing the projects/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?
  – Both items previously described;
  – 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 stating estimated project dates and indicating that all:
    • NEPA requirements, clearances, and permits;
    • Utility and access easements; and
    • R-O-W clearances have been completed and/or acquired.

• Funds will not be provided for both the design and construction of a project simultaneously
Sample 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 gather up unobligated funds and “redistribute” them within the IRR Program.
  – This will occur on February 17, 2010.
  – Ranking/selecting the “redistribution” projects
    • FHWA and BIA with input from the IRRPCC will be developing the criteria for. Call for projects will occur Fall 2009.
Planning

• **What should Tribes be doing now to get their projects funded with ARRA funds?**
  – Review your current approved IRRTIP and work with the BIA Regional Office to begin work on updating or amending their IRRTIP to show the projects/activities utilizing ARRA funding.
  – For new projects:
    • Assure that public involvement, conformity, and other required planning process steps are completed as soon as possible.
  – Transit related projects:
    • Coordinate with the relevant transit operating agency as well.
Planning

• Can ARRA funds be used to replace IRR funds in the first year of an IRR-TIP 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.
  – However, all measures should be undertaken to still utilize FY09 IRR Program funds 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, tribes may use up to 25% of their ARRA funds for eligible and approved maintenance activities (in accordance with 25CFR170 and SAFETEA-LU).
  – These activities have to be included in the IRRTIP and will be subject to reporting.
  – Additional BIA Road Maintenance Program funding through DOI ARRA funds.
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 FLH site
  – All reports will be posted on-line at www.recovery.gov
Additional Information

- Website
- Additional webinars
- TTAP Centers
- Other national organizations
Other IRR Information
FY09 IRR Program Funding

- Authorized level - $450 million
- Appropriation passed
- Final numbers completed
  - Obligation limitation is 6.4%
  - Lake Tahoe takedown applies
  - No rescission
- Funds provided to BIA-DOT mid-April
IRR Bridge Program

- Authorized level - $14 million/year
- Can apply for design and/or construction.
- Replacement or rehab/reconstruction of existing bridges only.
- Both BIA and non-BIA bridges are eligible.
- Projects placed in funding queue based on sufficiency rating.
- Since 1999, funded more than 235 Projects by providing nearly $130 million.
Reauthorization

• Status
  – Last year of SAFETEA-LU
  – Congress has begun work as has FHWA
  – Options
    • New Highway Authorization in place by Oct. 1
    • Could begin FY2010 under “Extension”
Indian Reservation Roads / Bridges

Tribal Safety
High Priority Projects
Contracting Procedures
Tribal Technical Assistance Program
IRR SAFETEA-LU Changes
Contact Information

Indian Reservation Roads / Bridges (IRR)

The Indian Reservation Roads Program addresses transportation needs of tribes by providing funds for planning, designing, construction, and maintenance activities. The program is jointly administered by the Federal Highway Administration's Federals Lands Highway Office and the Bureau of Indian Affairs (BIA) in accordance with an interagency agreement.

The Indian Reservation Roads are public roads which provide access to and within Indian reservations, Indian trust land, restricted Indian land, and Alaska native villages. Approximately 25,000 miles are under the jurisdiction of BIA and tribes and another 24,000 are under State and local ownership. IRR funds can be used for any type Title 23 transportation project providing access to or within Federal or Indian lands and may be used for the State/local matching share for apportioned Federal-aid Highway Funds.

The BIA and Tribal governments undertake most of the design and construction of IRR projects. Under Public Law 93-638 contracts, Tribal governments can develop and operate portions of the IRR Program within its boundary.
Indian Reservation Roads Program Delivery Guide

A Manual for FHWA Program Agreement Tribes
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QUESTIONS?