

ARRA Overview for IRR Program

2009 AZ Tribal Transportation Forum

Phoenix, AZ

May 28, 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

- Major General Provisions
- IRR Specific Q&As
- Reporting Requirements

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>



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

- \$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 – 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 – no match required
 - However, ARRA – IRR funds can be used to satisfy local match requirements of other Federal funds.



Funding

- **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, Appendix A to Subpart D)
- 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
- Project Schedule:
 - Anticipated Advertisement Date
 - Estimated Completion Date



Funding

- What are the critical dates regarding ARRA “IRR” funds?
 - February 17, 2010
 - September 30, 2010



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

- **What is the redistribution of funds and how will it work?**
 - In order to assure the utilization of the ARRA funds, the Act authorizes the DOT Secretary to gather up unobligated funds ARRA-IRR funds and “redistribute” them within the IRR Program.
 - Ranking/selecting the “redistribution” projects
 - FHWA and BIA, with input from the IRRPCC, is developing the criteria. Call for projects will occur this fall.
 - Redistribution will occur on February 17, 2010.



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 update or amend it 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 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.
 - 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 must 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?
 - All report forms and guidance are on FLH website.
 - Excel spreadsheets
 - Should be included in your amendment
 - Transparency is critical
 - All reports will be posted on-line at www.recovery.gov



Additional Information

- Website
- Webinars
- TTAP Centers
- Other national organizations





Location: [Home](#) > [Policy](#) > American Recovery and Reinvestment Act (ARRA)

- ABOUT
- PROGRAMS
- POLICY
- PLANS
- RESOURCES

Policy

- SAFETEA-LU
 - FLHP Provision Summary
 - HPP Earmarks
 - Guidance
 - PLH Eligibility Guidelines
 - Training Resources
- ARRA Delivery
- Philosophy Statements

Delivery of the American Recovery and Reinvestment Act (ARRA)

President Obama and Transportation Secretary LaHood have announced that \$27 billion in American Recovery and Reinvestment Act (ARRA) funds are headed to states to provide critical repairs to our nation's crumbling roads and bridges.



Parts of the allocation are set aside to make sure that urban, suburban, and rural areas alike all get a share. But since local leaders -- mayors and governors -- know their communities best, much of the money is left to states' discretion. And if states don't use it, they lose it. To make sure that funds go out quickly to give our economy the jolt it needs, states have 120 days to assign the funds to specific projects.

FHWA WFL/TD 08 003

March 2008

Indian Reservation Roads Program Delivery Guide

A Manual for FHWA Program
Agreement Tribes



Federal Highway Administration
U.S. Department of Transportation

FLH
TD



QUESTIONS?

Bob Sparrow

(202) 366-9486

robert.sparrow@dot.gov

