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From: Anderson, Stuart [DOT]**Sent:** Sunday, April 12, 2009 3:22 PM

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Subject: FFY 2009 Ferry Boat Discretionary Program - American Recovery and Reinvestment Act of 2009

To: Iowa Metropolitan Planning Organizations
Regional Planning Affiliations
County Engineers
City Engineers
Iowa State Association of Counties
League of Iowa Cities

Date: March 12, 2009

From: Stuart Anderson, Director
Planning, Programming and Modal Division
Iowa Department of Transportation

Subject: FFY 2009 Ferry Boat Discretionary Program - American Recovery and Reinvestment Act of 2009

The American Recovery and Reinvestment Act of 2009 (ARRA) authorized \$60 million for the Ferry Boat Discretionary program for the construction of ferry boats and ferry terminal facilities. This funding can be used to reimburse up to 100 percent of eligible project costs; however, priority will be given to projects that can be completed by February 17, 2011, and to projects in economically distressed areas as defined by federal law (see attached map). This e-mail is a solicitation of applications for this funding.

The timeframe of this solicitation is as follows:

- ASAP: Respond to Iowa DOT if you have an interest in applying for funding
- May 7 (no later than 5:00 pm): Applications due to Iowa DOT for review and prioritization
- May 13: Iowa DOT submits applications to Iowa Division Office of the Federal Highway Administration (FHWA)
- May 15: Iowa Division Office of FHWA submits applications to Washington Headquarters of FHWA
- TBD: Projects are selected by FHWA and announced

As with all ARRA programs, the priority is to maximize job creation and economic development in a timely manner; therefore, applications should be submitted only for projects that can be started and completed expeditiously.

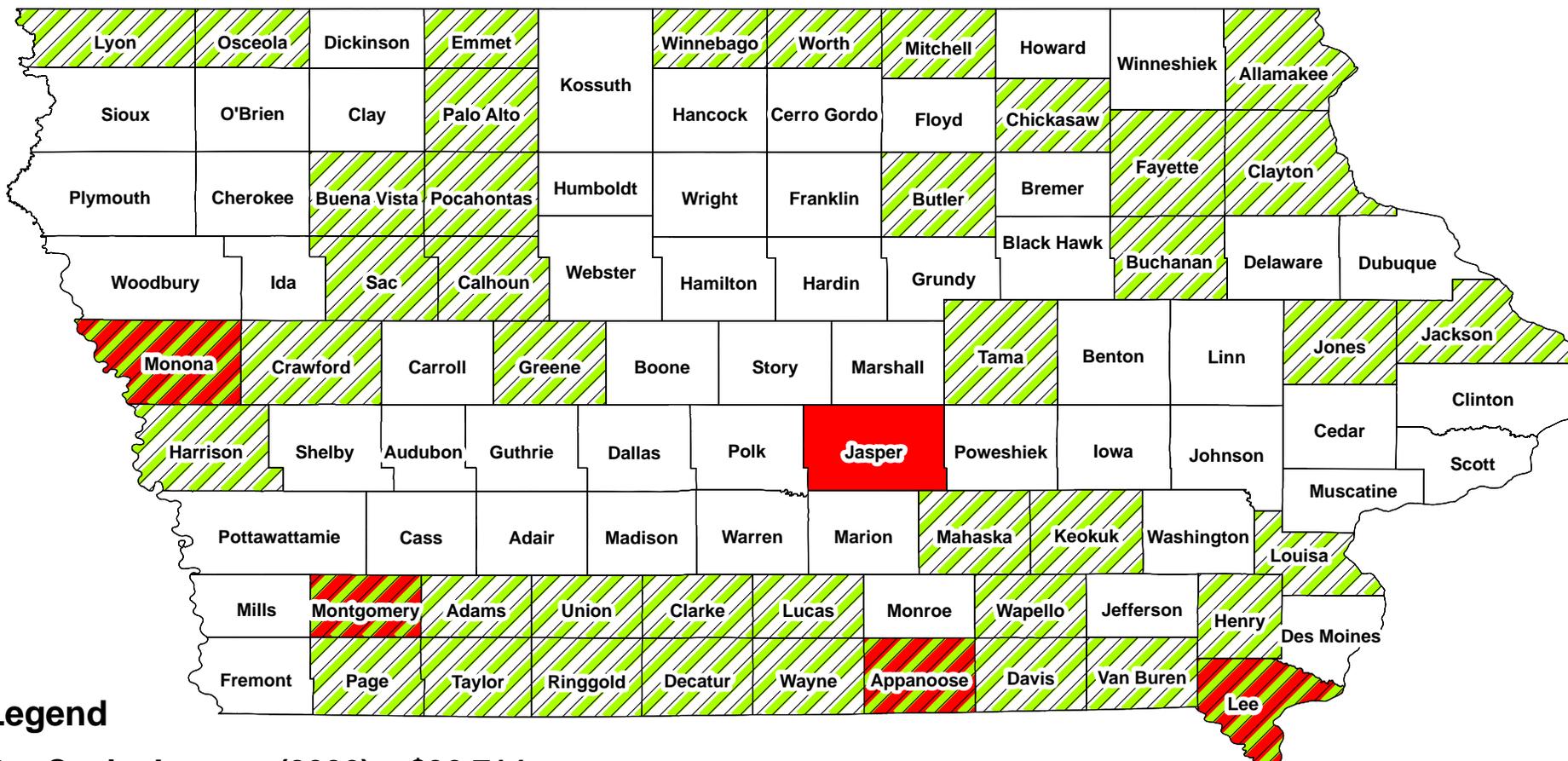
In addition to the map of economically distressed counties in Iowa (per applicable federal law) the following documents are also attached:

- 1) 090330 ARRA FBD signed memo.pdf: This is a memo from FHWA Washington Headquarters to the FHWA Iowa Division Office regarding this program. This is included for reference only. Do not follow the instructions regarding application submission to Washington Headquarters as those apply only to the Iowa Division Office. Your applications must be submitted to the Iowa DOT.
- 2) 090330 ARRA FBD Attachment 1.doc: This document provides detailed program information and application instructions. Please review and follow this material closely.
- 3) 090330 ARRA FBD Attachment 2.doc: This document is the project application form that must be filled out to request this funding. This is the document you will submit to Iowa DOT by May 7.

In order to be prepared for our review and prioritization of applications, we request that you contact us as soon as possible if you have an interest in submitting an application. Please do so by contacting John Fleig, Office of Systems Planning, at john.fleig@dot.iowa.gov or at 515-239-1686. You can also contact John if you have any questions.

Stuart Anderson
Planning, Programming and Modal Division
Iowa Department of Transportation
Phone: 515-239-1661
Fax: 515-239-1120
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Economically Distressed Areas in Iowa



Legend

Per Capita Income (2006) = \$36,714

- Over 80% Per Capita Income
- Under 80% of Per Capita Income

Unemployment (2007) = 4.6%

- 1% over 4.6% Unemployment
- Under 5.6% Unemployment



U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: **ACTION:** Recovery Act Ferry Boat Discretionary Program
Solicitation for FY 2009 Project Applications
(Electronic Reply Due: May 15, 2009)
CFDA # 20.205- Highway Planning and Construction

Date: March 30, 2009

From: Jeffrey F. Parfati
Acting Deputy Administrator

Reply to
Attn. of: HIPA-10

To: Division Administrators

The American Recovery and Reinvestment Act of 2009, Public Law 111-5 (Recovery Act), authorized \$60 million for the Ferry Boat Discretionary (FBD) program for the construction of ferry boats and ferry terminal facilities. I am asking you to contact your State department of transportation (DOT) counterpart as soon as possible to solicit applications as outlined in this memorandum. Applications should be submitted to Washington Headquarters by May 15, 2009.

Title XII of the Recovery Act authorized the funds for the FBD program to reimburse up to 100 percent of project costs at the option of the recipient. Priority is to be given to projects that can be completed by February 17, 2011, and to projects in economically distressed areas as defined by Section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161). All FBD program requirements also will apply to the Recovery Act FBD funds, with the exception of the set-asides in 23 U.S.C. 147(d).

The Recovery Act included additional requirements as outlined in the attached program information (Attachment 1). Those requirements include, but are not limited to, the reporting requirements in Sections 1201 and 1512 of the Recovery Act. The Recovery Act also requires recipients and their subawardees to provide a D-U-N-S number (www.dnb.com) and to have a current registration in the Central Contractor Registration (www.ccr.gov).

We have issued implementing guidance that discusses the requirements for the use of any Recovery Act funds, including special reporting requirements (see "Selection Criteria" in Attachment 1 and for further information, go to www.fhwa.dot.gov/economicrecovery). For ease of reference, I also am attaching a list showing the items to be addressed in each application for the Recovery Act FBD program (Attachment 2).

Separately, SAFETEA-LU authorized FY 2009 FBD program funds. In the omnibus appropriations act signed into law by President Barack Obama on March 11, Congress designated some FBD funding and provided some for discretionary allocation. We will solicit applications separately for the discretionary portion of this funding in the near future.

Project applications may be initiated by any public entity, including the States, cities, counties, transit authorities or other ferry operators, but all applications must be reviewed, prioritized, and submitted by the State DOT, including the U.S. Territories, to the appropriate FHWA division office. Please ensure that the applications submitted by your State DOT are for projects that can advance expeditiously. Because the Recovery Act emphasizes “ready-to-go” projects and the FBD provision gives priority to projects that can be completed by February 17, 2011, we prefer making awards to projects that can be obligated during FY 2009 if the requested FBD funding is provided. Work and expenditures on the project are expected to commence as soon as practicable following obligation.

The applications must be submitted electronically in MS Word format (see Attachment 2). Project applications for the Recovery Act FBD program should be received in Headquarters no later than May 15, 2009. Please transmit the State’s project applications via e-mail to Tony DeSimone (Anthony.Desimone@fhwa.dot.gov) of our Office of Program Administration. Your e-mail should include:

- a) A statement from the division office that the State’s submittal has been reviewed by the division office and that it meets the submission and eligibility requirements;
- b) The State transportation department’s submission e-mail or letter to the FHWA division office, including the prioritization of projects; and
- c) Each MS Word application as an attachment.

This memorandum will be posted on our Web site at www.fhwa.dot.gov/discretionary and at www.fhwa.dot.gov/economicrecovery.

The Recovery Act FBD funding is one part of a major Federal initiative to stimulate the economy in this very difficult period. I encourage you to work closely with your State counterparts to ensure we receive applications for eligible candidates that can move to construction promptly, generate many jobs, and leave behind a vitally needed service facility.

If you have any questions, please contact Mr. DeSimone by e-mail or telephone (317-226-5307).

2 Attachments

**FERRY BOAT DISCRETIONARY (FBD) PROGRAM
AMERICAN RECOVERY AND REINVESTMENT ACT
FY 2009, PUBLIC LAW 111-5 (“RECOVERY ACT”)
PROJECT APPLICATION
CFDA # 20.205 - Highway Planning and Construction**

1. **State:**
2. **County:**
3. **U.S. Congressional District No.(s):**
4. **U.S. Congressional District Member’s Name(s):**
5. **Project Title:**
6. **Project Location (Service Termini and Ports):**
7. **Ownership/Operation:**
8. **Current and Future Traffic:**
9. **Proposed Work:**
10. **Total Project Cost:**
11. **Amount of Federal FBD Funds Requested (up to 100% of project cost):**
12. **Commitment of Other Funds:**
13. **Previous FBD Funding:**
14. **Future Funding Needs:**
15. **Project Purpose & Benefits:**
16. **Potential Job Creation and Economic Benefit:**
17. **Project Administration:**
18. **Project Schedule:**
19. **Estimated Construction Award Date:**
20. **Estimated Construction Completion Date:**
21. **Is the project within an economically distressed area as defined in the Recovery Act?**

22. **D-U-N-S Number(s) for recipients and subrecipients:**

23. **Confirm that the recipient and any subrecipients have a current registration in the Central Contractor Registration and the recipient has systems and internal controls that allow it to separately track and report Recovery Act funds (this applies even if the Recovery Act funds will be used to fund an existing project/activity):**

**AMERICAN RECOVERY AND REINVESTMENT ACT
FERRY BOAT DISCRETIONARY (FBD) PROGRAM
PROGRAM INFORMATION**

CFDA # 20.205 - Highway Planning and Construction
(March 2009)

BACKGROUND:

The Ferry Boat Discretionary (FBD) Program, which provides a special funding category for the construction of ferry boats and ferry terminal facilities, was created by section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240). Section 1207 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178) reauthorized the FBD and it was continued through the Surface Transportation Extension Acts. Section 1801 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) continued the program and added it to 23 U.S.C. as section 147, "Construction of ferry boats and ferry terminal facilities."

Title XII of the American Recovery and Reinvestment Act of 2009, Public Law 111-5 ("Recovery Act"), provided additional funding for the program. These funds are subject to specific requirements in the Recovery Act, including but not limited to additional priority factors and reporting requirements. The priority factors include project construction completion by February, 2011, and projects in economically distressed areas as defined by Section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161). Primary reporting requirements appear in Sections 1201 and 1512 of the Recovery Act.

STATUTORY REFERENCES:

23 U.S.C. 147; 23 U.S.C. 129(c); SAFETEA-LU Sections 1101(a)(13) and 1801; Title XII of the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

FUNDING:

Under the Recovery Act, \$60,000,000 is provided for capital expenditures for ferry boats and ferry terminal facilities eligible under 23 U.S.C. 147, with up to 100 percent Federal share at the option of the recipient. This program is referred to as the Recovery Act FBD program in this document. The set-aside provisions of 23 U.S.C. 147(d) do not apply. Section 1602 of the Recovery Act requires that preference be given to projects that can be started and completed expeditiously. Specifically for this program, priority is to be given to projects that demonstrate their ability to be completed by February 17, 2011. Recipients must use the funds in a manner that maximizes job creation and economic benefit. Priority is to be given to projects in economically distressed areas as defined by Section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161). For more information on the complete requirements for the use of Recovery Act funds, please see FHWA implementing guidance available at www.fhwa.dot.gov/economicrecovery. Funds are available for obligation through September 30, 2010, and expire September 30, 2015.

FEDERAL SHARE:

In accordance with the Recovery Act, the Federal share of the costs for any project eligible under this program is up to 100 percent at the option of the recipient.

OBLIGATION LIMITATION:

Obligation limitation does not apply to projects awarded through the Recovery Act FBD program.

ELIGIBILITY:

As specified in 23 U.S.C 147(a), this program is for the construction of ferry boats and ferry terminal facilities in accordance with 23 U.S.C. 129(c). FBD funds are available for construction/improvement to ferry boats or ferry boat terminals where:

- It is not feasible to build a bridge, tunnel, combination thereof, or other normal highway structure in lieu of the use of such ferry.
- The operation of the ferry is on a route classified as a public road within the State and which has not been designated as a route on the Interstate System. Projects under this subsection may be eligible for both ferry boats carrying cars and passengers and ferry boats carrying passengers only.
- The ferry boat or ferry terminal facility is publicly owned or operated or majority publicly owned if the Secretary determines, with respect to a majority publicly owned ferry or ferry terminal facility, that such ferry boat or ferry terminal facility provides substantial public benefits.
- The ferry does not operate in international waters except for: Hawaii; Alaska; any Territory of the United States; and between a State and Canada.

SELECTION CRITERIA:

The statutory criteria for the Recovery Act FBD funds are found in the Recovery Act and 23 U.S.C. 147(c). Section 147(c) provides: “The Secretary shall give priority in the allocation of funds under this section to those ferry systems, and public entities responsible for developing ferries, that—

- 1) provide critical access to areas that are not well-served by other modes of surface transportation;
- 2) carry the greatest number of passengers and vehicles; or
- 3) carry the greatest number of passengers in passenger-only service.”

Selection criteria under the Recovery Act include—

- 1) priority given to those projects that demonstrate their ability to be completed by February 17, 2011;
- 2) priority given to projects that are located in economically distressed areas as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161);
- 3) projects that can be started and completed expeditiously; and
- 4) projects that maximize job creation and economic benefit.

The FHWA has not established regulatory criteria for selection of FBD projects; however, FHWA will consider the following additional factors in the evaluation of candidates for Recovery Act FBD program funding:

- Expeditious completion of project - Consideration is given to requests that will expedite the completion of a viable project. This means a project's ability to expeditiously complete usable ferry boat or terminal facilities within the limited funding amounts available. This program is intended for construction rather than for initial funding of a project that is dependent on future commitments of additional funding before a usable project can be completed.
- State priorities - For States that submit more than one project, consideration is given to the individual State's priorities.
- Leveraging of private or other public funding - Because the annual requests for funding far exceed the available FBD funds, commitment of other funding sources to complement the requested FBD funding is an important factor.
- National geographic distribution of funding within the FBD program - Consideration is given to selecting projects over time among all the States competing for funding.
- Amount of FBD funding - The requested amount of funding is a consideration. Realizing the historically high demand for funding under this program, modest sized requests for funding that would allow more States to receive funding under this program are given added consideration.

SOLICITATION PROCEDURE:

The process begins with a memorandum sent from the FHWA Headquarters Office of Program Administration to the FHWA division offices requesting the submission of candidate projects by States for funding. This solicitation is also posted on FHWA's website at <http://www.fhwa.dot.gov/discretionary> and, in this case, on the FHWA Recovery Act website at www.fhwa.dot.gov/economicrecovery. The FHWA division offices provide the solicitation request to the State transportation departments, which are the agencies that submit the applications for this program. The State transportation department coordinates with local agencies within the State to develop viable candidate projects, and submits the candidate

applications to the FHWA division office. After the division office has reviewed the submission and ensured that the submission and all applications meet the requirements, it sends the submission and applications to the Office of Program Administration in Headquarters. The specific timetable for the solicitation process is provided in the solicitation memorandum.

The candidate project applications are reviewed and evaluated by the Office of Program Administration, and an allocation plan is prepared for presentation of the candidate projects to the Office of the Federal Highway Administrator, where the final selection of projects for funding is made.

SUBMISSION REQUIREMENTS:

Only State transportation departments may submit applications for funding under this program. The following information must be included to properly evaluate the candidate projects. The appropriate division office must submit the applications by electronic mail in MS Word format. Those applications that do not include these items are considered incomplete and will not be considered in the evaluation selection process.

1. **State** in which the project is located.
2. **County** in which the project is located.
3. **U.S. Congressional District No.(s)** in which the project is located. This is the U.S. Congressional District, not the State district.
4. **U.S. Congressional District Member's Name(s)**. This is the U.S. Congressional District representative, not the State legislature.
5. **Project Title** - This should be a very short project description that readily identifies the project, or is commonly used to describe the facility or project.
6. **Project Location (Service Termini and Ports)** – Describe the ferry boat operation including the terminal locations, public road connections and name of the water crossing. In addition, explain whether the service would provide critical access to areas that are not well-served by other modes of surface transportation, including why a bridge, tunnel, or other highway means is impractical. A statement must be included for ferry boat operations carrying motorized vehicles, describing the link in the roadway system. Clearly identify any "passenger only" ferry service, and explain how the ferry service is linked to public transportation or is part of a transit system. For each project, indicate if the project is part of an existing link or service, or if it is new service. Identify if the ferry operates in domestic, foreign or international waters.

7. **Ownership/Operation** – Specify which of the following apply (a, b, or c):
 - a. The boat or terminal is publicly owned. The term "publicly owned" means that the title for the boat or terminal must be vested in a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality.
 - b. The boat or terminal is publicly operated. The term "publicly operated" means that a public entity operates the boat or terminal.
 - c. The boat or terminal is "majority publicly owned" (as opposed to publicly owned). This means that more than 50 percent of the ownership is vested in a public entity. If so, does it provide substantial public benefits? Documentation of substantial public benefits, concurred in by the division office, is required for ferry facilities that are in majority public ownership.
8. **Current and Future Traffic** – Provide a general description of the type and nature of traffic, both current and future (projected) average daily traffic and/or average daily passenger volumes, on the ferry route, if available. If the ferry links public roads or is a link on a highway route, provide the functional classification of the public road or route on which the project is located. The general description could include information on year round or seasonal service; commuter, recreational or visitor ridership; traffic generators and attractions.
9. **Proposed Work** – Describe project work that is to be completed under this particular request, and whether this is a complete project or part of a larger project.
10. **Total Project Cost:** Estimated total cost to complete the proposed phase of the project.
11. **Amount of Federal FBD Funds Requested** – Indicate the amount of FBD funds being requested (the maximum Federal share for the Recovery Act FBD program is 100 percent at the option of the recipient). The State may request partial funding (less than the 100 percent maximum), committing a larger portion of State or local funds. If the State is willing to accept partial funding of the request, that should be indicated. Partial funding along with the commitment of other funds (see item 12) will be used to determine leveraging of funds, and allow funding to more projects, since the requests typically far exceed the funding available.
12. **Commitment of Other Funds** – Indicate the amounts and sources of any private or other public funding being provided as part of this project (not including operation and maintenance). Only indicate those amounts of funding that are firm and documented commitments from the entity controlling the funds.
13. **Previous FBD Funding** – Indicate the amount and Federal fiscal year of any previous FBD funds received for this project, terminals or ferry boats operating on this route or transit system. Only include previous FBD funds, not other funding sources.

14. **Future Funding Needs** – Indicate the estimated future funding needs for the ferry boat operation, including vessels and terminals, if known, to make an operational route. Also, provide estimated time schedules for implementing future projects.
15. **Project Purpose & Benefits** – Each State's request for ferry boat discretionary funds must describe the project benefits and purpose. Particular attention should be given to how the completion of the proposed project will benefit the transportation network. Other benefits may include improved public safety, economic development, community enhancement, etc.
16. **Potential Job Creation and Economic Benefit** – The Recovery Act requires that preference be given to projects that maximize job creation and economic benefit. Describe the potential job creation and economic benefits that this project will provide, directly and indirectly.
17. **Project Administration** - Indicate whether the project is being administered by the State transportation agency, a county or other local jurisdiction, or another Federal agency.
18. **Project Schedule** – The anticipated project schedule (assuming the requested Recovery Act FBD funding is provided) is required. The schedule should show when the work will be commenced and the anticipated completion date of the work, including information on when the ferry service would be operational. Applications should be submitted only for projects that are ready to advance if the funding request is met. The Recovery Act requires that priority be given to projects that demonstrate they can be completed by February 17, 2011.
19. **Estimated Contract Award Date** – The earliest date that construction can be awarded on the project assuming funding immediately available.
20. **Estimated Construction Completion Date** – Assuming the award date in #19, when would the contract be completed?
21. **Is the project within an economically distressed area?** – The Recovery Act requires that projects in economically distressed areas be given priority. An economically distressed area is defined by Section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161). See the Recovery Act implementing guidance at www.fhwa.dot.gov/economicrecovery for more details.
22. **D-U-N-S number(s)** – Provide the D-U-N-S number (www.dnb.com) for the State department of transportation (DOT) and any other party (including subrecipients), as applicable, that is part of the application.
23. **Confirm that the recipient and any subrecipient(s) are currently in the Central Contractor Registration (www.ccr.gov) and the recipient has systems and internal controls that allow it to separately track and report Recovery Act funds** – This applies even if the Recovery Act funds will be used to fund an existing project/activity.

If the State desires to submit additional information, such as maps, pictures, copies of support letters etc., those items must be submitted either as an e-mail attachment no larger than 2 megabytes or by hard copy to the FHWA division office, who will submit them to the Office of Program Administration. This additional information should be identified by the State and Project Title that matches items 1 and 5 of the electronic application. These additional items are not required. Any support letters should be addressed and sent to the Federal Highway Administrator, who is the official ultimately responsible for selecting projects for funding.

ANNOUNCEMENT OF AWARDS / ALLOCATION OF FUNDS

After the applications are received and projects are selected for funding, it is required that Congress be notified before the funds are allocated to the States. When this Congressional notification process is completed, the Office of Program Administration will issue an announcement by email to all FHWA division offices, announcing the FBD projects that will be funded and the amount of funding for each project.

At that time, States may request that funds be allocated for any projects for which the funds are ready to be obligated. The State transportation agency shall send an email to the FHWA division office indicating the project, the amount requested for allocation, and the date by which the funds will be obligated. The Office of Program Administration will issue the allocation memorandum within a few days of receiving the allocation request.

STATE TRANSPORTATION AGENCY RESPONSIBILITIES:

The State DOT's responsibilities include:

- Coordinating with State, local, and Federal agencies within the State to develop project applications.
- Ensuring that the applications are completed for candidate projects in accordance with the submission requirements outlined above.
- Establishing priorities if submitting more than one project.
- Submitting the applications electronically to the local FHWA division office on time so that the submission deadline can be met.
- Submitting request to FHWA division office for allocation of funds, after awards are announced, and when project funds are ready to be obligated.

FHWA DIVISION OFFICE RESPONSIBILITIES:

The FHWA division office's responsibilities include:

- Providing the solicitation memorandum and this program information to the State transportation agency electronically to facilitate their electronic submission of applications.
- Requesting candidate projects be submitted by the State to the FHWA division office electronically to meet the submission deadline established in the solicitation.

- Reviewing all candidate applications submitted by the State prior to sending them to FHWA Headquarters to ensure that they are complete and meet the submission requirements.
- Submitting the candidate applications electronically to FHWA Headquarters Office of Program Administration as outlined in the solicitation memorandum. Include the following with the transmitting email message:
 - Statement from the division office that the State’s submittal has been reviewed by the division office and that it meets the submission requirements.
 - State transportation department submission email or letter to the FHWA division office.
 - Each MS Word two-page application as a separate attachment.
- Forward award announcement to the State.
- Forward allocation requests from State to the Office of Program Administration, via email to Tony DeSimone (Anthony.Desimone@fhwa.dot.gov).

FHWA HEADQUARTERS PROGRAM OFFICE RESPONSIBILITIES:

Headquarters program office is responsible for:

- Soliciting applications from the States through annual solicitation memorandum.
- Reviewing applications and compile appropriate program and project information for the Office of the Federal Highway Administrator.
- Issuing award announcement via email to all FHWA division offices.
- Allocating funds upon receipt of request from State through the FHWA division office.

RECOVERY ACT FUNDING REPORTING REQUIREMENTS

Funds provided under this program require additional special certifications and reporting as discussed in FHWA Recovery Act implementing guidance, including, but not limited to, Section 1201(c) “Periodic Reports” and Section 1512 “Reporting on the Use of Funds.” The State agency will be required to provide the necessary reports to FHWA unless the funding is transferred to another Federal Agency, such as the Federal Transit Administration, for project implementation. Review the implementing guidance, at www.fhwa.dot.gov/economicrecovery, for details.

FHWA HEADQUARTERS PROGRAM OFFICE CONTACT:

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