

## Bell, Tammi [DOT]

---

**From:** Anderson, Stuart [DOT]  
**Sent:** Friday, January 15, 2010 1:22 PM  
**To:** (aknoelting@dmampo.org); (Brad-Neumann@iowa-city.org); (jdawson@charitonvalleyplanning.com); (John-Yapp@iowa-city.org); (NTurpin@ecia.org); (vbloxham@uerpc.org); (zbitting@dmampo.org); A.Lindenlaub@cedar-rapids.org; Andrea White; Becky Nardy (nardy@sicog.com); Bill Christian (E-mail); Brian Tapp (btapp@seirpc.com); Bulat Denise (E-mail); Chandra Ravada (E-mail); Chelsey Waterman; Chris Bowers (cbowers@indianhills.edu); Chris Diggins (E-mail); Chris Kukla (ckukla@indianhills.edu); Chris Whitaker (E-mail); Christine Butterfield; Cliff Weldon; Donna Sampson; Doug Delille (ddelille@bistateonline.org); Doug Elliott (E-mail); Dwight@simpco.org; Dylan Mullenix; Ellen Foudree (efoudree@indianhills.edu); Greg Youell; Hunsaker Rick (E-mail); Jake Ironside; Jeremy Middents (jeremy.middents@swipco.org); Jgilbert@simpco.org; Joe Myhre (E-mail); City Ames; Kellee Van Bruggen (Kellee@simpco.org); Kelley Deutmeyer (E-mail); Kent Ralston; Kevin Blanshan (E-mail); Kris Ackerson; Lacey Gilworth (lgilworth@charitonvalleyplanning.com); Laura Jobst (ljobst@inrcog.org); Luke Parris; Marty Wymore (E-mail); Mary Rump (E-mail); McCullough Gena (E-mail); Michelle Bostinelos (E-mail); Mike Norris (E-mail); MJ Broomfield (mj.broomfield@swipco.org); Paul Mullen (E-mail); Reilly Wagenbach (reilly.wagenbach@nwipdc.org); Sharon Juon (sjuon@inrcog.org); Sheri Atwood (satwood@cyride.com); Shirley Helgevold (E-mail); tdaugherty@charitonvalleyplanning.com ; Ted Kourousis (E-mail); Timothy Ostroski (E-mail); Tom Kane (E-mail); Wendy Mihm-Herold; Zach James (E-mail)  
**Cc:** DOT-CountyEngineers; DOT-CityRepresentitives; 'Rebecca.Hiatt@dot.gov'; tracy.troutner@dot.gov; Lubin.Quinones@dot.gov; Max.Grogg@dot.gov; 'lisa.rold@dot.gov'; Mahoney, Kevin [DOT]; Dillavou, Mitchell [DOT]; Adam, John [DOT]; Wilkinson, Lee [DOT]; Franklin, Dan [DOT]; Gray-Fisher, Dena [DOT]; Purcell, Charlie [DOT]; Majors, Shawn [DOT]; Ranney, Ejon [DOT]; Markley, Craig [DOT]; Mc Enany, Michelle [DOT]; Nicholson, Tamara [DOT]; Bierbaum, Roger [DOT]; DeVries, Steve [Outside]; 'marktomb@iowaleague.org'; 'alankemp@iowaleague.org'; 'bpeterson@iowacounties.org'; Clayton, Mike [DOT]; Cutler, Catherine [DOT]; Loonan, Andy [DOT]; Rostad, Krista [DOT]; Schultz, Dakin [DOT]; Shea, Sam [DOT]; Suhr, Scott [DOT]; Wazny, Lorne [DOT]; Armstrong, James [DOT]; Butin, Robert [DOT]; Catus, Brian [DOT]; Ehlert, Vincent [DOT]; Ellis, Kent [DOT]; Dockstader, Scott [DOT]; Dumdei, Victoria [DOT]; Lazarowicz, Tony [DOT]; Morrissey, Brian [DOT]; Schnoebelen, Jim [DOT]; Selmer, John [DOT]; Gustafson, Tony [DOT]; Little, David [DOT]; Stevens, Donald [DOT]; Tollenaere, Peter [DOT]; Tymkowicz, Shane [DOT]; Yanna, Kenneth [DOT]  
**Subject:** FW: Federal Economic Stimulus Funding for Highways  
**Attachments:** Side-by-side ARRA and HR 2847.doc; RPA MPO Federal Highway Stimulus Targets 011409.xls  
**Importance:** High

To: Iowa Metropolitan Planning Organizations  
and Regional Planning Affiliations

Date: January 15, 2010

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

Subject: Federal Economic Stimulus Funding for Highways

It was almost exactly one year ago when we first provided guidance on dealing with a potential stimulus bill. As we all know, that bill came to fruition with the American Recovery and Reinvestment Act of 2009 (Recovery Act) and through your actions and our strong partnership, Iowa was a leader in the country in successfully implementing the provisions of the Recovery Act in a timely manner. It is now apparent that a second stimulus bill may be adopted (hereinafter referred

### Comparison of Highway Provisions in Jobs Legislation

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
<b>Supplemental Discretionary Grants for a National Surface Transportation System (TIGER Grants)</b>			
	\$1.5 B discretionary grant program administered by Secretary	No comparable program	
<b>Highway Infrastructure Investment</b>			
<b>Funds Apportioned to States</b>			
Amount Appropriated	\$27.5 B for Highway Infrastructure Investment  Funds available through FY 2010 unless otherwise specified. §1603	\$27.5 B for Highway Infrastructure Investment available through FY 2011 unless otherwise specified	
Eligible Activities	Restoration, repair, construction and other activities eligible under the Surface Transportation Program (23 USC 133(b)). In addition, they may be used for passenger and freight rail transportation and port infrastructure projects that would be eligible under 23 USC 601(a)(8), the TIFIA program.	Same as ARRA	
Ineligible Activities	Restriction on use of funds for advance construction under 23 USC 115(b).  Funds may not be used by any State or local government or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool. §1604	Same as ARRA §1702	
Project Selection	In selecting projects for funding, priority is to be given to projects that are projected for completion with a 3-year time frame and are located in economically distressed areas as defined by section 301 of the	Same as ARRA <b>plus</b> new proviso that in selecting projects, States must ensure equitable geographic distribution and appropriate balance in addressing the needs of urban and	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
	Public Works and Economic Development Act of 1965, as amended (42 USC 3161).	rural communities	
Apportionment of Funds	<p>Takedowns before apportionment:</p> <ul style="list-style-type: none"> <li>• Up to \$40,000,000 for Federal Highway Administration for administration and oversight of projects funded under the act, available until September 30, 2012 <ul style="list-style-type: none"> <li>○ Indian Reservations and Federal Lands - \$550,000,000</li> </ul> </li> <li>• Highway Surface Transportation and Technology Training under 23 USC 140(b), commonly referred to as On-the-Job Training/Supportive Services - \$20,000,000</li> <li>• DBE Bonding Assistance under 49 USC 332(e) - \$20,000,000</li> <li>• Puerto Rico Highway Program under 23 USC 165- \$105,000,000</li> <li>• Territorial Highway Program under 23 USC 215 - \$45,000,000</li> <li>• Ferry Boat and Ferry Terminal Facilities under 23 USC 147 - \$60,000,000</li> </ul>	<p>Takedowns before apportionments: Same as ARRA except that up to \$45,000,000 is available for FHWA administration and oversight of which \$5,000,000 is for a new Office of Expedited Program Delivery, available until September 30, 2013</p>	
	<p>Apportionment to States: Remainder Apportioned to States (50 States and District of Columbia) <i>(within 21 days of enactment)</i></p> <p>Formula - based on 2 factors, weighted equally:</p>	<p>Apportionment to States: Same as ARRA</p>	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
	<ul style="list-style-type: none"> <li>• Surface Transportation Program formula in 23 USC 104(b)</li> <li>• Same ratio as the obligation limitation distribution for FY 2008 under section 120(a)(6) of division K of Public Law 110-161 (the distribution of formula limitation)</li> </ul> <p>Set-asides and suballocation of funds from the amount apportioned to each State:</p> <ul style="list-style-type: none"> <li>• Transportation Enhancements – 3 percent</li> <li>• Suballocation to Areas – 30 percent suballocation is required for all States. The exception for Alaska and Hawaii under 23 USC 133(d)(3)(C) does not apply.</li> </ul>		
Redistribution of Unused Funds	First redistribution of funds within <i>120 days</i> of apportionment—50 percent of the funds awarded to a State (excluding suballocated funds) less the amount of funding <i>obligated</i> . States from which funds have been withdrawn may not receive funds under the redistribution	First redistribution within <i>90 days</i> of apportionment—50 percent of the funds awarded to a State ( <i>including suballocated funds</i> ) less the amount of funding <i>under contract</i> . States from which funds have been withdrawn ( <i>including cases where suballocated funds are withdrawn</i> ) may not receive funds under the redistribution	
	Second redistribution at 1 year after apportionment— <i>any unobligated funds</i> . States from which funds have been withdrawn may not receive funds under	Second redistribution at 1 year after apportionment— <i>any funds that are not under contract</i> . States from which funds have been withdrawn	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
	<p>the redistribution. The fact that funds have been withdrawn from the amounts suballocated to areas will not disqualify a State from receiving redistributed funds.</p> <p>The Secretary of Transportation may provide an extension of the 1-year period, but only to the extent that he is satisfied that the State has encountered extreme conditions that create an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary must send a letter to the House and Senate Committees on Appropriations providing a thorough justification of the extension.</p>	<p><i>(including cases where suballocated funds are withdrawn)</i> may not receive funds under the redistribution. Authority for Secretary to provide an extension continues as under ARRA</p>	
Federal Share	Federal share is up to 100% at the option of the recipient	Same as ARRA	
Impact on other Funds	Funding is in addition to any and all funds provided for FYs 2009 and 2010 in any other Act for "Federal-aid Highways"	Funding is in addition to any and all funds provided for FYs 2010 and 2011 in any other Act for "Federal-aid Highways"	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
<b>Federal Lands Funds</b>			
Funding	Funds are set aside for four components of the Federal Lands Highway Program: <ul style="list-style-type: none"> <li>• Indian Reservation Roads - \$310,000,000 of which up to 4% may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses.</li> <li>• Park Roads and Parkways - \$170,000,000</li> <li>• Forest Highway Program - \$60,000,000</li> <li>• Refuge Road Program - \$10,000,000</li> </ul> Takedown for planning for Lake Tahoe MPO in 23 USC 134(f)(3)(C)(ii)(II) does not apply.	Same as ARRA	
Federal Share	Federal share is up to 100% at the option of the recipient	Same as ARRA	
Eligible Uses	Funds for each program may be used for the same types of projects and activities eligible for under that program..	Same as ARRA	
Project Selection	Priority to be given to capital investments and to projects and activities that can be completed within 2 years of enactment.	Same as ARRA	
Administration of Funds	Administer in accordance with chapter 2 of 23 USC	Same as ARRA	
Redistribution of Funds	One year after enactment, the Secretary may redistribute unobligated funds within the respective program for which the funds were appropriated.	Same as ARRA	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
<b>Other Funds</b>			
Ferry Boat and Ferry Terminal Facilities	<p>\$60,000,000 set aside for the program under 23 USC 147 to be used for capital expenditures eligible under that section</p> <p>Funds to be distributed as competitive grants. Priority to be given to projects that demonstrate their ability to be completed within 2 years of enactment.</p> <p>Federal share is up to 100% at the recipient's option.</p> <p>Funds administered in accordance with chapter 1 of title 23.</p>	Same as ARRA	
Puerto Rico Highway Program	<p>\$105,000,000 set aside for the program under 23 USC 165 to be used for purposes eligible under that section.</p> <p>Federal share is up to 100% at the recipient's option.</p> <p>Funds administered in accordance with chapter 1 of title 23.</p>	Same as ARRA	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
Territorial Highway Program	<p>\$45,000,000 set aside for the program under 23 USC 215 to be used for purposes eligible under that section.</p> <p>Federal share is up to 100% at the recipient's option.</p> <p>Administered in accordance with chapter 2 of title 23.</p>	Same as ARRA	
On-the-Job Training/Supportive Services	<p>\$20,000,000 set aside for the program under 23 USC 140(b) for purposes eligible under that subsection.</p> <p>Federal share is up to 100% at the recipient's option.</p> <p>Administered in accordance with chapter 1 of 23 USC.</p>	Same as ARRA	
DBE Bonding Assistance	<p>\$20,000,000 set aside for the program under 40 USC 332(e) for purposes eligible under that program.</p> <p>Administered in accordance with chapter 3 of 49 USC.</p> <p>This program is administered by OST</p>	Same as ARRA	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
<b>Administration and Requirements</b>			
Generally applicability of U.S. Code	Funds under the Highway Infrastructure Investment heading to be administrated in accordance with chapter 1 of 23 USC, except for Federal Lands and Territorial funds administered under chapter 2 of 23 USC and DBE Bonding Assistance funds administered under chapter 3 of 49 USC.	Same as ARRA	
Preference for Quick Start Activities	Recipients to give preference to activities that can be started and completed expeditiously and use the funds in a manner that maximizes job creation and economic benefit. §1602	Provision not repeated but intent is captured in other provisions, including the project selection priorities and the requirements for redistribution of unused funds.	
DBE Goals	DBE goals under section 1101(b) of Public Law 109-59 (SAFETEA-LU) apply to the apportioned funds.	Same as ARRA	
Wage Rate Requirements	Requires the application of Davis Bacon to any projects funded directly by or assisted in whole or in part by Recovery Act funds. This requirement is broader than that in 23 USC 113, which applies to projects in the ROW of Federal-aid highways. §1606	No specific provision. Prevailing wage requirements in 23 USC 113 would apply because of requirement to administer in accordance with chapter 1 of 23 USC.	
Use of American Iron, Steel, and Manufactured Goods (Buy America)	Section 1605 of the ARRA states: “None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the	Section 4002 continues the application of section 1605 of ARRA to the new funds. Also, section 2013 amends 23 USC 313 as follows: <ul style="list-style-type: none"> <li>• Modifies waiver requirements: <ul style="list-style-type: none"> <li>○ Requests for waivers must be published on the</li> </ul> </li> </ul>	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
	<p>United States.” Thus, FHWA’s existing Buy America requirements, including the established waiver process, apply to all ARRA funded projects. §1605</p>	<p>Internet within 5 days of receipt</p> <ul style="list-style-type: none"> <li>○ Issuance of public interest waivers requires consideration of the impact of a waiver on domestic manufacturing employment.</li> <li>○ Insufficient domestic source waivers may be issued only if publication of notice is made on the Internet at least 5 business days prior to issuance and if a sufficient domestic source of the material or product does not identify itself during the 5-day period.</li> <li>○ If a waiver is issued, a detailed written justification as to necessity of the waiver and the amount of Federal funds associated with the waiver must be posted on the Internet within 30 days of issuance. If a public interest waiver, the justification must include statement detailing the</li> </ul>	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
		<p>sort and long-term impact on domestic manufacturing employment.</p> <ul style="list-style-type: none"> <li>• Bridge projects-Buy America requirements apply to all construction contracts carried out within the scope of the applicable decisions under NEPA and carried out on the bridge from abutment to abutment (including the abutments) regardless of the funding source of the contracts, if at least one contract for construction with respect to the bridge is funded with amounts made available under 23 USC.</li> <li>• Revised guidance to be issued within 120 days of enactment with new requirements taking effect when guidance is issued.</li> <li>• Semi-annual reports to Congress by GAO on the use of waivers required.</li> </ul>	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
National Environmental Policy Act (NEPA)	<p>Stating findings on the value of the orderly processes under NEPA, the Act requires that adequate resources be devoted to ensuring that applicable environmental reviews under the NEPA are completed on an expeditious basis and that the shortest existing applicable process under the NEPA be used.</p> <p>The President is to report to the Senate Environment and Public Works and House Natural Resources Committee every 90 days following enactment until September 30, 2011 on the status and progress of projects and activities funded by the Act with respect to NEPA compliance.</p> §1609	No similar provision	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
Federal Contracts	<p>For projects initiated with funds provided by the Act and initiated after enactment, contracts must be in accordance with the Federal property and Administrative Services Act or chapter 135 of 10 USC, and the Federal Acquisition Regulation unless the contract is otherwise authorized by statute to be entered into without regard to the referenced statutes.</p> <p>All projects to be conducted under the authority of the Indian Self-Determination and Education Assistance Act, the Tribally-Controlled Schools Act, the Sanitation and Facilities Act, the native American Housing and Self-Determination Assistance Act and the buy-Indian Act shall be identified by the appropriate Secretary and that Secretary is to incorporate provisions to ensure that the agreement conforms with the provisions of this Act regarding the timing for the use of funds and transparency, oversight, reporting, and accountability, including review by the Inspectors General, the Accountability and Transparency Board, and Government Accountability Office consistent with the objectives of this Act.</p> <p>§1610</p>	No similar provision	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
Additional Funding Distribution and Assurance of Appropriate Use of Funds	Certification by Governor.—Not later than 45 days after enactment of the Act, for any funds provide to a State, the Governor must certify that the State will request and use funds provided by the Act and that the funds will be used to create jobs and promote economic growth. An alternative is provided for a State of which the Governor will not certify. §1607	No similar provision	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
<b>Maintenance of Effort with Regard to State Funding (MOE)</b>			
Certification Required	Requires State MOE certification by Governor 30 days after ARRA date of enactment—applies to date of enactment through September 30, 2010. §1201(a)	<p>MOE certification under §1201(a) of ARRA continues in effect through September 20, 2010.            §1601(a)(1)(A)</p> <p>New certification from date of enactment through September 30, 2011 due within 30 days of enactment. State may calculate planned expenditures from State funds in the same manner as under ARRA §1201(a) or may calculate the amount by pro rating the amount certified under ARRA §1201(a) to establish the amount of planned expenditures for such period.            §1601(a)(1)(B)</p> <p>For purposes of MOE certifications, includes definition of “state funds”—funds used for transportation purposes expended by the State agency primarily responsible for carrying out the covered program. Does not include State transportation funds that are expended by or at the direction of non-State governmental entities.            §1601(a)(2)</p>	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
MOE Reporting	MOE Reporting - Periodic reporting requirements include information tracking the actual aggregate expenditures by each grant recipient from State sources for projects eligible for funding under the program during the period beginning on ARRA enactment of this Act through September 30, 2010, as compared to the level of such expenditures that were planned to occur during such period as of the date of enactment of this Act. §1201(c)(2)(G)	MOE Reporting - Provision deleted from periodic reports section and moved under MOE section: States must submit to DOT reports of actual aggregate expenditures from State funds during the period of February 17, 2009, through September 30, 2011, as compared to the level of such expenditures certified. States submit MOE reports in the same manner and in the same timeframe as the reports required for the periodic reports on the use of funds under §1601(c) [see below], except that States are not required to submit MOE report on February 17, 2013. §1601(b)(1)	
MOE Compliance		New provision that a State is deemed to have met its level of effort if the aggregate amount of actual expenditures of State funds reported in the February 17, 2012 report meets or exceeds the aggregate amount of planned expenditures of State funds identified in the certification. §1601(b)(2)	
	Failure to maintain effort: If a State fails to maintain effort certified, it will be barred from receiving additional obligation limitation in the August Redistribution for FY 2011. §1201(b)	Failure to maintain effort: If a State fails to maintain effort certified, it will be barred from receiving additional obligation limitation in the August Redistribution for FY 2012.	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
		§1601(b)(3).	
<b>Reporting Requirements Specific to Transportation Funds</b>			
Requirement for Periodic Reporting	Each grant recipient (State or other recipient, excluding Federal departments or agencies) is required to submit to the granting agency (FHWA) reports on the use of the funds. The reports are to be collected and compiled by the granting agency and transmitted to Congress. The agency may develop such reports on behalf of grant recipients to ensure the accuracy and consistency of such reports. §1201(c)(1)  The Paperwork Reduction Act (44 USC 3501-3521) does not apply to this reporting.	Same as ARRA	
Timing of Periodic Reports	Not later than <i>90 days</i> after date of enactment of ARRA and updated reports not later than <i>180 days, 1 year, 2 years, and 3 years</i> after date of enactment of ARRA. §1201(c)(3)	Not later than <i>1 year</i> after the date of enactment of ARRA and updated reports not later than <i>15 months, 18 months, 2 years, 3 years, and 4 years</i> after date of enactment of ARRA, except that no report on aggregate expenditures compared to the amount certified under the MOE certification is required on February 17, 2013. §1601(b) &(c)(3)	
Content of Periodic Reports	The grant recipient shall include in the periodic reports information tracking: <ul style="list-style-type: none"> <li>• The amount of federal funds appropriated, allocated, obligated and outlayed</li> <li>• The number of projects and associated</li> </ul>	Content same as ARRA, except the coverage of the report on aggregate expenditures from State sources covers the period from February 17, 2009 through September 30, 2011 compared to the amount certified for	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
	<p>Federal funds under the Act that have been</p> <ul style="list-style-type: none"> <li>○ Put out to bid</li> <li>○ For which contracts have been awarded</li> <li>○ For which work has begun under the awarded contracts</li> <li>○ For which work has been completed</li> </ul> <ul style="list-style-type: none"> <li>● The number of direct, on-project jobs created or sustained by the Federal funds under the Act provided for the projects</li> <li>● To the extent possible, the estimated indirect jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since the date of enactment</li> <li>● MOE Report - For the program, information tracking the actual aggregate expenditures by the grant recipient from State sources for projects eligible for funding under the program during the period beginning from the date of enactment through September 30, 2010 as compared t the level of such expenditures that were planned to occur during such period as of the date of enactment.</li> </ul> <p>§1201(c)</p>	<p>that period under in the MOE certification. § 1601(b) &amp; (c)</p>	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
<b>Accountability and Transparency Requirements</b>			
Certifications Required	As a condition of receiving funds under the Act, with respect to funds made available to State of local governments for infrastructure investments, the Governor, mayor, or other chief executive must certify that the infrastructure investment has received full review and vetting required by law and the that the chief executive accepts responsibility that the investment is an appropriate use of the taxpayer dollars. Sets forth requirements of certification content and requires posting of certification on a website linked to Recovery.gov. §1511	Funds under this Act are subject to the reporting, transparency, and oversight requirements established by title XV of ARRA. §1703	
Reports on Use of Funds	In addition to reports required by section 1201, recipients must file quarterly reports to funding agency, including the amount of funds received from the agency, amounts obligated or expended and a detailed list of projects with status and employment estimates. Reporting is a condition of funding. Guidance to be issued by OMB. §1512	Funds under this Act are subject to the reporting, transparency, and oversight requirements established by title XV of ARRA. §1703	
Reports of Council of Economic Advisors (CEA)	Quarterly reporting requirements for CEA in consultation with OMB and Secretary of the Treasury. §1513	Funds under this Act are subject to the reporting, transparency, and oversight requirements established by title XV of ARRA. §1703	
Inspector General Reviews	Authorizes review by appropriate inspector general of records of contractor or grantee and interview of any officer or employee of the contractor, grantee, subgrantee or agency. §§ 1514-1515	Funds under this Act are subject to the reporting, transparency, and oversight requirements established by title XV of ARRA. Funds appropriated to any OIG by ARRA	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
		continue to be available for the same purposes with respect to programs under this Act. No additional funds appropriated. §1703	
Recovery Accountability and Transparency (RAT) Board	Requires establishment of Board, defines its composition, functions, powers. Board is to establish website, Recovery.gov. §§1521-1530	Funds under this Act are subject to the reporting, transparency, and oversight requirements established by title XV of ARRA. Funds appropriated to the RAT Board by ARRA continue to be available for the same purposes with respect to programs under this Act. No additional funds provided. §1703	
Authority to establish separate funding accounts	Secretary of Treasury to ensure that separate accounts established for funds under the Act unless waiver is approved by Director of OMB. §1551	Funds under this Act are subject to the reporting, transparency, and oversight requirements established by title XV of ARRA. §1703	
Set-aside for State and Local Government Reporting and Recordkeeping	Federal agencies receiving funds under the Act may, after following notice and comment rulemaking requirements, reasonably adjust applicable limits on administrative expenditures for Federal awards to help award recipients defray the costs of data collection requirements under the Act. §1552	Funds under this Act are subject to the reporting, transparency, and oversight requirements established by title XV of ARRA. §1703	
Protecting State and local government contractor whistleblowers	Provides for prohibition against reprisals and investigation of complaints by the appropriate inspector general. §1553	Funds under this Act are subject to the reporting, transparency, and oversight requirements established by title XV of ARRA. §1703	
Special Contracting Provisions	To maximum extent possible, contracts funded under the Act to be awarded as fixed-price contract through the use of competitive procedures. Reporting	Funds under this Act are subject to the reporting, transparency, and oversight requirements established by title XV of ARRA. §1703	

	<b>American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)</b>	<b>H.R. 2847, the Jobs for Main Street Act, 2010 (as Passed House)</b>	<b>Senate Bill (none introduced to date)</b>
	required for exceptions and must be posted on Recovery.gov. §1554		

to as Stimulus II). The House passed a Jobs for Main Street bill December 16 and the Senate is expected to debate a bill towards the end of January. The purpose of this note is to provide some guidance so that you can begin taking actions now to prepare for Stimulus II should it be adopted.

Attached is a side-by-side comparison of the Recovery Act provisions and the provisions of the House passed Jobs for Main Street bill. As it relates to highways, you will notice that the provisions are nearly identical to the provisions of the Recovery Act. We expect Iowa's share of Stimulus II to be nearly identical to the Recovery Act (\$358 million) so we are proceeding with the exact same targets as used for the Recovery Act (attached). This means that \$120 million will be allocated to Iowa's Regional Planning Affiliations (RPAs) and Metropolitan Planning Organizations (MPOs) and the remaining \$238 million to the Iowa Department of Transportation (DOT). While there are many similarities to the Recovery Act, there are some significant differences that you need to be aware of as described below:

- 1) **Time Constraints:** The Recovery Act included a requirement that 50 percent of the state share of funding be obligated within 120 days of fund apportionment. While transportation was a success story in getting Recovery Act funding expended quickly, Congress expects it to move faster this time around and they expect it to happen faster at all levels; state, city and county. Therefore, Stimulus II, as passed by the House, requires 50 percent of the total allocation to the state (approximately \$179 million) must be "under contract" within 90 days of fund apportionment. The remaining 50 percent must be "under contract" within one year of fund apportionment. For purposes of this discussion we are assuming fund apportionment will occur on March 1 meaning the deadline to have 50 percent of Iowa's share of funding under contract is May 30. Any funds not under contract will be redistributed to states that can meet the requirement. The House bill does not define "under contract" however it is logical to assume it will mean that there is a signed contract between the contractor and governmental body. The Iowa DOT will work very hard to identify projects from our share of Stimulus II funding to meet the 50 percent under contract requirement; however, we will need, and expect, you to also work hard to identify projects which can meet this 90-day deadline. We recognize this is extremely challenging but ask that you give this your best effort. As a final point of emphasis, you may recall that the initial Recovery Act proposals included this tight 90-day timeframe but it was then extended when the bill was finally adopted. We have been told that we should not expect this to occur with Stimulus II due to Congress' desire to get the money moving quickly. As was said many times with the Recovery Act and now with Stimulus II, this is not a transportation bill but rather it is a jobs bill.
- 2) **Project Prioritization:** When we provided you guidance one year ago to deal with the Recovery Act, we were not aware of the prioritization requirements that would ultimately be adopted. Based on the House adopted bill we can assume Stimulus II will require priority be given to projects that a) can be completed within a three-year time frame; and, b) are located in Economically Distressed Areas (more information on EDAs including a map of EDAs can be found at: [www.fhwa.dot.gov/economicrecovery/guidancedistressed.htm](http://www.fhwa.dot.gov/economicrecovery/guidancedistressed.htm)). In addition, states must ensure equitable geographic distribution and appropriate balance in addressing the needs of urban and rural communities.
- 3) **Maintenance of Effort (MOE):** While not technically a change from the Recovery Act, it is apparent through implementation of the Recovery Act that the MOE requirements for local governments are not the same as they are for the Iowa DOT. In short, this means that as opposed to the guidance we gave you last year for the Recovery Act, you can now select projects that are currently in your approved TIP for FFY 2010. This will also assist you in identifying projects that may be able to assist the state of Iowa in meeting the 90-day under contract deadline. Keep in mind that if you select a project in the FFY 2010 TIP to use Stimulus II funding that we will expect you to work to advance another project in the TIP to utilize the newly available regular federal-aid in order to meet the intent of the bill.

Many of the provisions of the Recovery Act are the same with the House version of Stimulus II including the following:

- 1) Federal-aid project development requirements still apply.
- 2) The funding does not require a match.
- 3) Project eligibility remains the same meaning this funding can also be used for highway, public transit, Transportation Enhancement (TE), freight rail, passenger rail and port projects subject to Title 23 requirements.

For highways, this means roadway projects cannot be selected if they have a federal functional classification of "local" or "rural minor collector." Bridge projects are not subject to the federal functional classification restrictions.

- 4) We will likely be required to spend at least three percent of Iowa's share of Stimulus II funding (approximately \$10.7 million) on TE projects so we again will look at how many TE projects are programmed at the RPA/MPO level and then identify TE projects from the Iowa DOT share of Stimulus II funding necessary to meet the three percent requirement. You will shortly receive a notification from the Iowa DOT requesting TE applications for Stimulus II funding.
- 5) With the anticipated eligibility to utilize Stimulus II funding on freight rail projects, the Transportation Commission has again directed Iowa DOT to solicit freight rail projects for their consideration to program using Iowa DOT's share of Stimulus II highway funding. You can also expect to receive a notice requesting applications soon.

Given this background information on the potential Stimulus II legislation we now request that you immediately begin to take action to implement Stimulus II assuming it will be adopted and signed into law. The first step in this process will be the identification of projects. We will provide you a list of state projects that may be funded with the state's share of federal highway stimulus funds in the next week or two. Iowa DOT projects in RPA areas will be amended into the Statewide Transportation Improvement Program (STIP) using our STIP amendment process. RPA Transportation Improvement Program (TIP) amendments are not required for Iowa DOT projects. However, Iowa DOT projects in MPO areas will need to be amended into the MPO TIP. We ask that you begin this amendment process immediately.

In addition, each RPA and MPO will need to identify projects in their area that are ready to go and within the funding constraints of the targets provided. Each RPA and MPO will coordinate the development of this list with their member governments. We ask that each RPA and MPO submit a draft list of local projects to the Iowa DOT Office of Program Management by January 29th. This list should include a description of the project, estimated cost, anticipated letting date, and an indicator if the project is currently in your approved TIP. The purpose of this list is to permit a review of potential projects for eligibility and to identify the ability of local governments to utilize all of the local highway stimulus funding. Once we have concurred with the list and you have finalized it, you need to immediately proceed with the public review process necessary for amending projects in your TIP. As opposed to the guidance we provided you last year, for this effort, you can proceed with policy board approval of your TIP amendments even if a Stimulus II bill has not been signed into law.

Based on lessons learned from the Recovery Act and in order to meet the tight time constraints we are providing the following guidance to follow in your project selection process:

- 1) To the maximum extent possible, please identify projects that are already in your TIP and will only require a TIP revision.
- 2) We will not approve projects that involve Right-of-Way (ROW) unless you can provide documentation that the ROW can be secured by final plan turn-in deadline for an Iowa DOT letting.
- 3) We encourage you to put all of your Stimulus II funding into a few projects that are fully funded (100 percent) and then utilize your flexibility in programming STP funding to benefit other jurisdictions that may not receive Stimulus II funding. This is particularly important due to the limited ability of the Farm-to-Market Fund to match a lot of new Stimulus II projects.
- 4) Related to number 3, we request that you NOT suballocate Stimulus II funding. In addition to adding additional reporting requirements to multiple projects, this results in increased administrative expenses at all levels.
- 5) As with the Recovery Act, the best candidate projects are those that have either already completed or soon will complete all of the applicable federal-aid project development steps. This includes, but is not limited to: substantial completion of project design, right-of-way acquisition, completion of the National Environmental Policy Act (NEPA) process, and any other federal or state permits that may be required. Projects that have not yet completed all of these steps may be able to use stimulus funds, but such projects would need to have little or no environmental impacts, no right-of-way required, and the ability to prepare or finish plans quickly. Resurfacing, restoration, and rehabilitation (3R) projects appear to be the most likely candidates to meet the criteria.

- 6) Due to the funding deadlines being tied to “under contract” you can expect that we will provide strict deadlines for local government response to letting results and the execution of contracts. We encourage local jurisdictions to begin preparing to respond very quickly to letting results.

Assuming the legislation passes in mid-February and funds are apportioned March 1, the 90 day requirement for having 50 percent of Iowa’s share of Stimulus II funding under contract would be May 30. For the May 18 letting, check plans are due January 26 and final plans February 16. Therefore, if you have projects potentially ready to meet the 90 day deadline we encourage the local government to contact their respective District Local Systems Engineer to begin discussing the project development schedule.

If you have any questions about the programming requirements of this effort, please contact Shawn Majors at [shawn.majors@dot.iowa.gov](mailto:shawn.majors@dot.iowa.gov) or 515-239-1288. For questions about project development please contact Charlie Purcell at [charlie.purcell@dot.iowa.gov](mailto:charlie.purcell@dot.iowa.gov) or 515-239-1532.

#### Attachments

cc: Jon Ranney, Director, Office of Program Management  
Shawn Majors, Office of Program Management  
Becky Hiatt, Iowa Division, Federal Highway Administration  
Tracy Troutner, Iowa Division, Federal Highway Administration  
Max Grogg, Iowa Division, Federal Highway Administration  
Lisa Rold, Iowa Division, Federal Highway Administration  
Lubin Quinones, Iowa Division, Federal Highway Administration  
Charlie Purcell, Director, Office of Local Systems  
Kevin Mahoney, Division Director, Highway Division  
John Adam, Director, Statewide Operations Bureau  
Mitch Dillavou, Director, Engineering Bureau  
Dan Franklin, Office of Policy and Legislative Services  
Iowa DOT District Transportation Planners  
Counties  
Cities  
Iowa DOT District Engineers  
Iowa DOT Assistant District Engineers  
Iowa DOT District Local Systems Engineers

Stuart Anderson  
Planning, Programming and Modal Division  
Iowa Department of Transportation  
Phone: 515-239-1661  
Fax: 515-239-1120  
E-mail: [stuart.anderson@dot.iowa.gov](mailto:stuart.anderson@dot.iowa.gov)

## METROPOLITAN AND REGIONAL STIMULUS TARGETS

Transportation Improvement Program (TIP) Year:				FY 2009	
		2000 Census Population	Metro/UAB pop adjust. "+ or -"	2000 Population Adjusted	Stimulus Target
STP plus Equity Bonus Apportionment Obligation Limited Amount					#####
Obligation Percent					##### 100.00%
<b>TRANSPORTATION MANAGEMENT AREAS (TMA's)</b>					
Council Bluffs *		63,922	8,711	72,633	\$2,978.467
Davenport *		131,672	12,574	144,246	\$5,915.107
Des Moines *		<u>370,505</u>	<u>27,615</u>	<u>398,120</u>	<u>\$16,325.738</u>
Total TMA's		566,099	48,900	614,999	\$25,219.313
Per capita (rounded)					\$41.01
<b>METROPOLITAN PLANNING ORGANIZATIONS (MPO's)</b>					
Ames *		50,726	474	51,200	\$2,099.562
Cedar Rapids *		155,334	3,567	158,901	\$6,516.066
Dubuque *		62,330	8,622	70,952	\$2,909.534
Iowa City *		85,247	2,709	87,956	\$3,606.819
Sioux City *		86,756	5,083	91,839	\$3,766.049
Waterloo *		<u>108,298</u>	<u>9,546</u>	<u>117,844</u>	<u>\$4,832.438</u>
Total MPO's		548,691	30,001	578,692	\$23,730.469
Per capita					\$41.01
Total TMA & MPO's		1,114,790	78,901	1,193,691	\$48,949.781
Per capita					\$41.01
<b>REGIONAL PLANNING AFFILIATIONS (RPA's) **</b>					
Upper Explorerland RPC Region 1		86,603		86,603	\$3,530.508
North Iowa Area COG Region 2		133,820		133,820	\$5,525.315
Northwest Iowa P & DC Region 3		140,838		140,838	\$5,849.738
SIMPCO Region 4 *		72,862	-5083	67,779	\$2,945.510
MIDAS COG Region 5		101,165		101,165	\$4,177.499
Region 6 Planning C. Region 6		95,041		95,041	\$3,812.407
Iowa Northland RTA Region 7 *		104,901	-9546	95,355	\$3,871.473
E. Central Inter. Assoc. Region 8 *		115,662	-8622	107,040	\$4,282.196
Bi-State RC Region 9 *		68,718	-12574	56,144	\$2,200.631
East Central Iowa COG Region 10 *		162,183	-6276	155,907	\$6,193.950
Central Iowa RTPA Region 11 *		224,280	-28089	196,191	\$7,963.730
Region XII COG Region 12		78,441		78,441	\$3,285.123
Southwest Iowa PC Region 13		51,441		51,441	\$2,205.610
ATURA TPA Region 14		37,461		37,461	\$1,696.710
Area XV ISTEPA Org. Region 15		93,776		93,776	\$3,837.415
Southeast Iowa RPC Region 16		112,922		112,922	\$4,432.648
Chariton Valley TPC Region 17		64,252		64,252	\$2,720.074
MAPA Rural TPA Region 18 *		<u>67,168</u>	<u>-8711</u>	<u>58,457</u>	<u>\$2,519.683</u>
Total RPAs		1,811,534	(78,901)	1,732,633	\$71,050.219
Per capita:					\$41.01
<b>2000 Census Statewide:</b>		<b>2,926,324</b>	<b>0</b>	<b>2,926,324</b>	
<b>Total Targets Statewide:</b>					#####
Per capita:					\$41.01