

APTA RAIL CONFERENCE

WORKSHOP

The American Recovery and Reinvestment Act of 2009

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Federal Transit Administration

June 18, 2009



TOTAL DOT ARRA FUNDS : \$48.1B

- Highways: \$27.5b
- Transit: \$8.4b
- High Speed Rail: \$8b
- Multimodal Discretionary: \$1.5b
- Amtrak: \$1.3b
- Airports & Facilities: \$1.3b
- Shipyards: \$100m



Transit Funding in ARRA

Transit Program	Amount	Purpose
Urban Formula (Inc sec 5340)	\$5.97 B	Formula - Capital only
Non-Urban Formula (Inc sec 5340)	\$760 M	Formula - Capital only
Fixed Guideway Modernization Formula	\$742 M	Formula - Capital only
STP FUNDS MAY BE FLEXED TO FTA	TBD – Flexed to ARRA Formula Programs	For Ready to Go ARRA Eligible Transit Projects
New Starts / Small Starts	\$742 M	Discretionary - Capital only
Discretionary Energy Program – TIGGER [new]	\$100 M	Discretionary - Capital only
Tribal Transit	\$17 M	Discretionary - Capital only
TOTAL TRANSIT	\$8.4 B	

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Note: ^{DOT.GOV} Amounts are after takedown for Administration and Oversight

FTA Discretionary Programs

- New Starts/Small Starts – announced May 11, 2009.
 - Projects with existing FFGAs
 - Funds to be expended by May 11, 2010
- TIGGER – Greenhouse Gas and Energy Reduction
 - Proposal deadline May 22
- Tribal Transit
 - Proposal deadline May 22



DOT Discretionary Program

- **Multi Modal Discretionary Grants – Highways, Transit, Rail, Ports - \$1.5b**
- **NOFA Published:** May 18, 2009 available at www.fta.dot.gov/economicrecovery
- **Supplemental Notice:** June 17, 2009
- **Proposal Due Date:** September 15, 2009
- **Public Bodies Apply to:** TIGERGrants@Dot.Gov
- **Selections Announced:** by February 17, 2010





U.S. Department of
Transportation
U.S. DOT

American Recovery and
Reinvestment Act of 2009

TIGER Discretionary Grant Program



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Outline of Presentation

1. Program Overview
2. Federal Register Notice
3. Eligibility
4. Selection Criteria
5. Application Contents
6. Evaluation Process
7. Reporting Requirements
8. Minimum Grant Size & TIFIA
9. Timeline

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Ground Rules for Communications with Federally Registered Lobbyists

- Communications about Recovery Act projects, applications, or applicants: Only in writing.
 - No oral communications about Recovery Act projects, applications, or applicants directly with or in the presence of a federally registered lobbyist.
 - These written communications must be posted on the DOT Recovery Act web site within 3 business days.



Ground Rules for Communications with Federally Registered Lobbyists

- Communications about Recovery Act policy questions: Oral communications allowed, but must be documented.
 - The documentation must be posted on the DOT Recovery Act web site within 3 business days.
 - Documentation must include:
 - The date and time of the communication;
 - The names of the registered lobbyists and their clients;
 - The names and titles of the DOT officials; and
 - A short description of the substance of the communication.



Program Overview



- \$1.5 billion of grant funds for state or local governments to be awarded by the Secretary through a competitive process to projects that have a significant impact on the Nation, a metropolitan area, or a region.
- Grants must generally be \geq \$20 million and \leq \$300 million
- Secretary may waive the \$20 million minimum grant size for significant projects in smaller cities, regions or states

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Program Overview



- Eligibility for capital investments in surface transportation
- Secretary must take measures to ensure (i) equitable geographic distribution, (ii) balance in addressing rural and urban needs, and (iii) that no more than 20% of funds go to any single state
- Priority for projects that can be completed by February 17, 2012, and grants that complete a project's overall financing package

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Federal Register Notice

- On Monday, May 18, 2009, the Department published a notice of funding availability soliciting applications for TIGER Discretionary Grants

The solicitation announces the project selection criteria, application requirements and the deadline for submitting applications – September 15, 2009

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[Docket No. OST-2009-0115]

Interim Notice of Funding Availability for Supplemental Discretionary Grants for Capital Investments in Surface Transportation Infrastructure Under the American Recovery and Reinvestment Act and Request for Comments on Grant Criteria

AGENCY: Office of the Secretary of Transportation (“OST”), DOT.

ACTION: Interim Notice of Funding Availability, Request for Comments on Grant Criteria.

SUMMARY: On February 17, 2009, the President of the United States signed the American Recovery and Reinvestment Act of 2009 (the “Recovery Act”) to, among other purposes, (1) preserve and create jobs and promote economic recovery, (2) invest in transportation infrastructure that will provide long-term economic benefits, and (3) assist those most affected by the current economic downturn. The Recovery Act appropriated \$1.5 billion of discretionary grant funds to be awarded by the Department of Transportation (the “Department”) for capital investments in surface transportation infrastructure. The Department is referring to these grants as “Grants for Transportation Investment Generating Economic Recovery” or “TIGER

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• Because this is a new program, the solicitation also



Federal Register Notice

- Because this is a new program, the solicitation also provides two weeks for public comments – **comments were due by June 1, 2009**
- The Department published a supplemental notice June 17, 2009 incorporating comments

DEPARTMENT OF TRANSPORTATION

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Eligibility Requirements



- **Eligible Applicants:** Funds will be awarded to State and local governments, including U.S. territories, tribal governments, transit agencies, port authorities, other political subdivisions of State or local governments, and multi-State or multi-jurisdictional applicants.

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Eligibility Requirements



Eligible Projects: Capital investments in surface transportation infrastructure that are eligible for TIGER Discretionary Grants include, but are not limited to: (1) highway or bridge projects; (2) public transportation projects; (3) passenger and freight rail transportation projects; and (4) port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement.

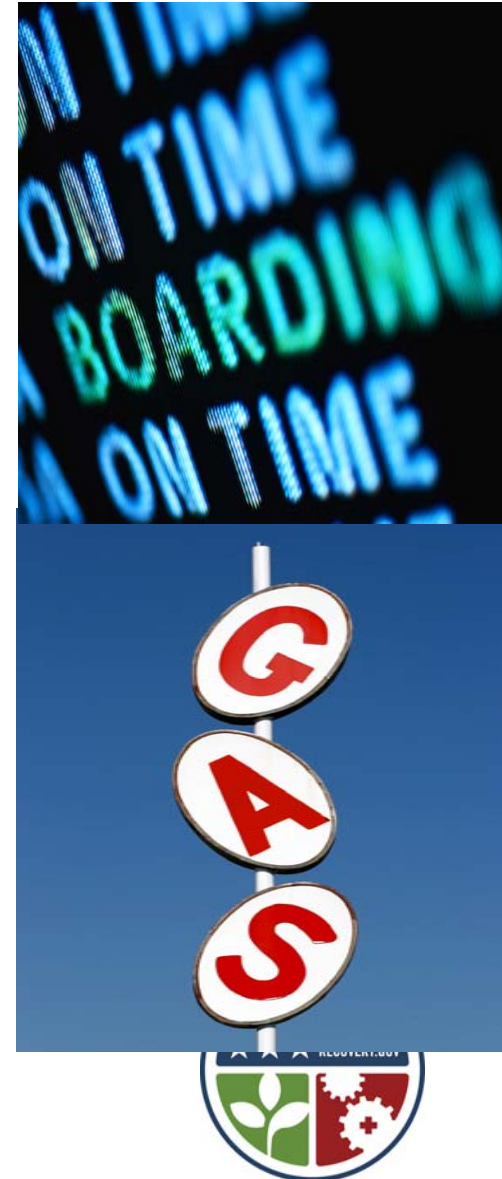
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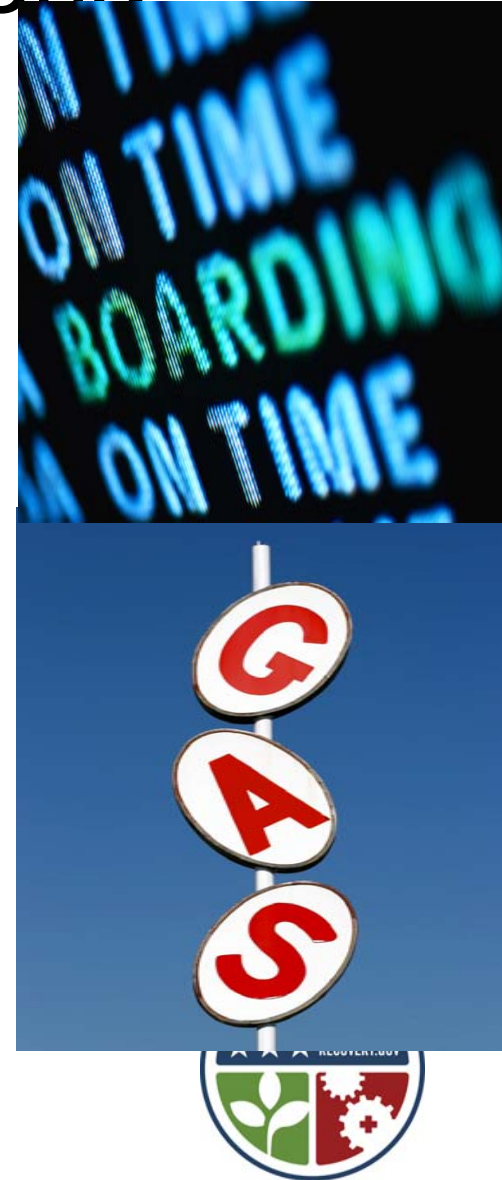
Primary Selection Criteria

- Long-Term Outcomes: The Department will give priority to projects that have a significant impact on five desirable long-term outcomes:
 1. State of Good Repair: Improving the condition of existing transportation facilities and systems
 2. Economic Competitiveness: Contributing to the medium- to long-term economic competitiveness of the United States



Primary Selection Criteria

3. Livability: Improving the quality of living and working environments and the experience for people in communities
4. Sustainability: Improving energy efficiency, reducing dependence on oil, reducing greenhouse gas emissions
5. Safety: Improving the safety of U.S. transportation facilities



Primary Selection Criteria

- Job Creation & Economic Stimulus: Consistent with the purposes of the Recovery Act, the Department will give priority to projects that are expected to quickly create and preserve jobs and stimulate rapid increases in economic activity, particularly jobs and activity that benefit economically distressed areas.



Secondary Selection Criteria



- Innovation: The Department will give priority to projects that use innovative strategies to pursue the long-term outcomes highlighted in the solicitation

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Secondary Selection Criteria



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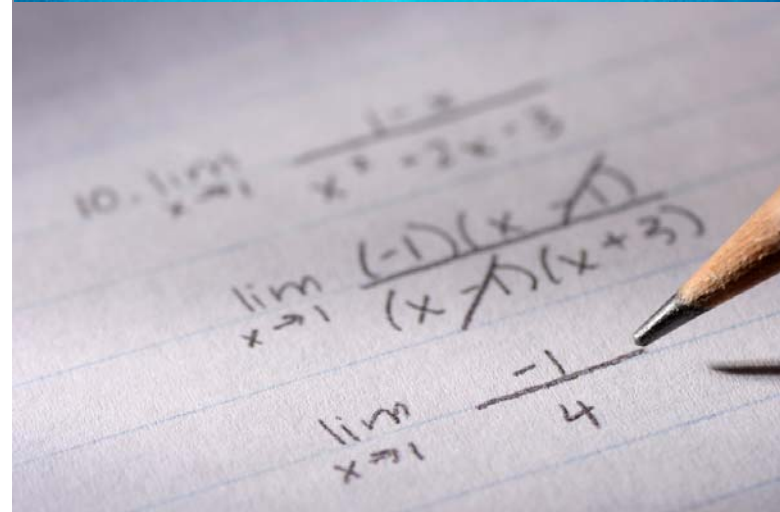
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Partnership: The Department will give priority to projects that demonstrate strong collaboration among a broad range of participants and/or integration of transportation with other public service efforts



Benefit – Cost Analysis

- Conversion of benefits and costs to NPV
- **<20 M** grant size – BCA requirement is waived
- **≥20M <100M** grant size – applicants must provide estimate of a project's benefits for the five identified long-term outcomes
- **≥100M** – applicants must provide a well-developed analysis including methodological standards used and values assigned to qualitative measures
- The Department is specifically sought comments on this requirement.



Application Content



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- Narrative portion no more than 25 pages
- Project description including transportation challenges to be addressed by project
- Evidence of alignment with selection criteria, including project readiness to proceed rapidly upon award of TIGER Discretionary Grant
 - Project Schedule
 - Environmental Approvals
 - Legislative Approvals
 - State and Local Planning
 - Technical Feasibility
 - Financial Feasibility



Application Content



- Alignment with selection criteria should be demonstrated with the most relevant information – requested or not
- Use of publicly available, verifiable data/protection of Confidential Business Information

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Evaluation Process

- The Federal Register notice provides additional guidance on how the Department will apply the selection criteria, including illustrative metrics and examples
- Program-specific evaluation will be used to differentiate certain similar projects
- The Department will give more weight to the Long-Term Outcomes and Jobs Creation & Economic Stimulus criteria than to the Innovation and Partnership criteria



Evaluation Process

- Projects that are unable to demonstrate a likelihood of significant long-term benefits in any of the five long-term outcomes will not proceed in the evaluation process
- For the Jobs Creation & Economic Stimulus criterion, a project that is not ready to proceed quickly is less likely to be successful



Minimum Grant Size and TIFIA

- **Waiver of Minimum Grant Size Requirement:** The Department has discretion under the Recovery Act to waive the \$20 million minimum grant size requirement for significant projects in smaller cities, regions or States.
- **TIFIA:** Up to \$200 million may be used for the subsidy and administrative costs of the TIFIA program if it would further the purposes of the TIGER Discretionary Grants program. In addition to the TIGER Grant application, those seeking TIFIA funding will need to submit a separate TIFIA loan application.

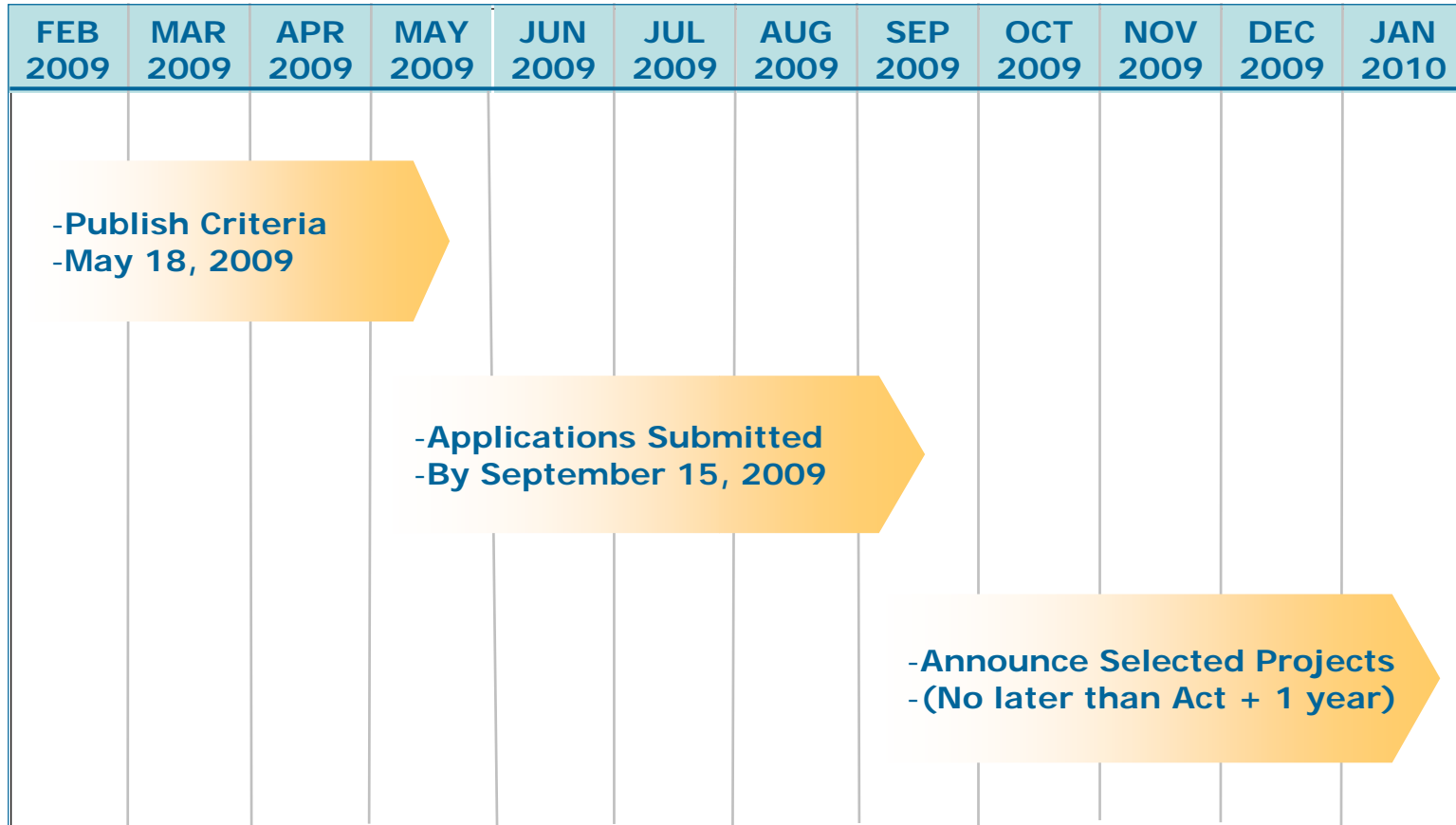


Minimum Grant Size and TIFIA

- Applicants seeking waivers of the minimum grant size requirement or TIGER TIFIA Payments should apply in accordance with all of the criteria and guidance specified for TIGER Discretionary Grant applicants and will be evaluated concurrently with all other applications



Timeline for Award of Funds



How FTA Money Flows

Grants to State and Local Governmental entities for transit projects – recipients and sub-recipients conduct any procurements

- States are Recipient for all rural projects
- Urbanized area funds flow to transit agencies, or to States for smaller urbanized areas
- New Starts Projects with Full Funding Grant Agreements (FFGA) – contracts mostly in place

Hot Topics in ARRA Transit

- What is eligible under ARRA?
- Key deadlines
- Procurement
- Program transparency and accountability



What is eligible under ARRA?

Capital expenses as defined in 5302(a)(1)

- Facilities and rolling stock, including remanufacturing
- Leasing facilities/equipment, if cost beneficial
- Preventive Maintenance
- ADA paratransit, up to 10 percent of apportionment
- Engineering and Design
- Some Crime prevention and security
- Mobility Management

Note: In case of 5311, intercity bus is also eligible - 5311(f) applies

**Operating Expenses (up to 10% of apportionment) –
If enacted – stay tuned**

Prudent Investments that will generate jobs



ARRA Key Formula Dates/Deadlines

- October 1, 2008: Pre-award authority for Formula ARRA funds
- March 5, 2009: FTA Federal Register formula apportionments and program requirements
- **ASAP: Prudent date to get applications in for first half of apportionment**
- **July 1, 2009: Drop dead date for applications in TEAM/submission to DOL (Not applicable to 5311)**
- **September 1: Deadline to obligate one half of apportionment (180 Days from apportionment notice)**



ARRA Key Formula Deadlines/Dates

- Sept 20, 2009: FTA announces reallocation
- **December 27, 2009:** Second deadline to submit applications in TEAM/submission to DOL [EARLIER BETTER!!!!]
- **March 5, 2010:** Second deadline to obligate funds (365 days from apportionment notice)
- March 25, 2010: FTA announces second reallocation
- **September 30, 2010:** Unobligated funds revert to Treasury
- **September 30, 2015:** Deadline for drawing down funds from the Treasury



FTA Grant Processing

- DOL Certification (not applicable to 5311)
- TIP/STIP Amendments
- ARRA 1511 Certification Posted Prior to award
- Grants for Projects ready to go – so no subsequent scope amendments
- Routine budget revisions OK



Formula Programs Deadline

- September 1 – first half of apportionment
- March 5 – Balance of initial apportionment
- Funds not obligated will be withdrawn and redistributed to areas that met deadlines
- Calculation applies to 297 apportionments:
 - S. 5307 - 38 UZA's over 1 million population; 114 UZA's (200 – 999K); 52 States for small UZA's)
 - S. 5309 – FGM – 39 UZA's
 - S. 5311 – 54 States



FTA ARRA STATUS

- Awarded to date
- Applications in process
- Awaiting Obligation
- Interest in pending projects



Cost Savings?

- What can grantees do if ARRA projects come in under estimated cost?
- Cost savings must be put back into eligible ARRA projects by 9/30/2010
- Secretary LaHood letter of 4/20/2009
- FHWA projects coming in under budget – savings may be flexed to FTA projects that are ready to go



Key Issues in Procurement

- All Federal Procurement requirements apply – Including DBE and FTA's Buy America provisions
- Contractors must track and account for ARRA funds and provide information needed for grantee reports
- Attention to cost and schedule
- Suspension and Debarment
- Watch for signs of waste, fraud and abuse



CONTRACTOR CENTRAL REGISTRATION (CCR)

Who is required to register in the Central Contractor Registration (CCR)?

- Any organization wishing to do business with the federal government must be registered in CCR before being awarded a contract.
- Under ARRA all recipients, sub-recipients, and first tier contractors must be CCR registered for purposes of Section 1512 reports if receiving more than \$25,000 (proposed).



CONTRACTOR CENTRAL REGISTRATION (CCR)

WHAT IS THE CCR?

- The primary registrant database for the U.S. Federal Government.
- CCR collects, validates, stores, and disseminates data in support of agency acquisition missions, including Federal agency contract and assistance awards.
- The term “assistance awards” includes grants, cooperative agreements, and other forms of federal assistance.
- Whether applying for assistance awards, contracts, or other business opportunities, all entities are considered “registrants”. (Hint: If not a direct Federal Contractor, registrant can skip the ORCA entries)



CONTRACTOR CENTRAL REGISTRATION (CCR)

What does it cost to register in CCR?

- Because CCR is a federally mandated and funded program, there is no cost to registrants for registering in CCR.

Where can I find step-by-step instructions on how to create a user account?

- This information is found on the CCRs website under User's Guide. www.ccr.gov



DUNS NUMBER

- All ARRA Recipients and Sub-awardees must have DUNS number (Data Universal Numbering System)
- Existing requirement for all FTA grantees
- New for first tier sub-recipients and contractors under ARRA
- Needed for Section 1512 reports
- Apply for DUNS number on line - No cost to apply
- Easy link to D&B website from FTA Recovery FAQ's



Reporting and Certifications Under Recovery Act

- High interest in progress and status of Recovery Act from all fronts
- Transparency: Certifications, plans and reports linked to Recovery.Gov, available to general public
- Congressional interest in early and frequent reporting (T & I Committee requests)



ARRA CERTIFICATIONS

- Secretary LaHood Letter to Governors – February 27, 2009
- Certifications Received are posted on www.dot.gov recovery site
- Certs required by 1201, 1511, and 1607



Cert: S. 1201- MOE

- Maintenance of effort of State funding for all modes of transportation eligible under ARRA
- Applies to State funding Planned from 2/17/09 through 9/30/2010
- ONE-DOT Certification required by March 19
- FY 2011 FHWA funding will be affected by failure to meet MOE for State funding
- FHWA/DOT reviewed all certifications
- States revised and re-submitted by May 22, 2009



Cert: S. 1511 – Project Vetting

- Appropriate official certifies projects have been properly vetted and are good investments of ARRA \$
- Gov't wide Requirement - specific projects must be certified prior to award – posted with link to Recovery.Gov
- One State cert based on TIP/STIP Process sufficient for FTA/FHWA **if** it provided link to site that includes/will include transit projects
- Alternatively Cert for list of transit projects may come from DOT, Mayor, MPO, Transit Board
- FHWA/FTA projects must be listed in STIP with ARRA as funding source before grant award, but not before certification

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Cert: S. 1607 – ACCEPTING ARRA FUNDS

- S. 1607 –Governor accepts ARRA funds and will use them to create jobs and promote economic health
- Legislature may accept if Gov. declines ARRA funds
- Applies Government wide – all agencies and programs
- All States accepted Transportation funds by April 3, 2009 due date



Reporting: S. 1201 (C)(2)

- DOT Requirement in ARRA
- Grantee Reports due 90 days, 180 days, 1 year, 2 years, and 3 years after enactment (May 18 and August 16, 2009 and February 17, 2010, 2011, 2012)
- DOT compiles report to Congress
- Requires aggregate information by grantee for each ARRA program – financial and project status, direct jobs, and State funding (MOE)
- First 4 FTA grantees reported to DOT TIGER Collector by May 18 (FTA not using RADS)
- FTA exploring access through TEAM for next report



Reporting: S. 1512

- Government Wide ARRA requirement
- Quarterly Reports due 10 days after each quarter for grantee/30 days for DOT/OMB
- First report due October 10, 2009
- Detailed project/activity level information – including jobs data – contractors need to collect
- Sub-awardee information (includes DUNS & CCR)
- OMB guidance and reporting system under development, expected to be available by late August



Reporting: S. 1609 Report

- Report to Congress on status of NEPA compliance for ARRA projects
- Every 90 days starting May 18, 2009
- FTA will use TEAM environmental findings to extent possible
- May require additional reporting from applicants/grantees or mods to TEAM

FTA ARRA Support

FTA Recovery Web-page

www.fta.dot.gov/economicrecovery

- Frequently updated FAQ's
- Links to Federal Register Notices from FTA, OST, and OMB
- High resolution TIGER and Recovery.Gov Logos to download and use (FTA strongly encourages use!)
- Sign up to receive notifications of new items



Transit Putting America to Work

ARRA Transit projects:

- Create and maintain jobs
- Maintain transit assets in State of Good Repair
- Improve and increase transit infrastructure
- Support Economic Recovery
- Provide Transparent and Accountable benefits to taxpayers



QUESTIONS?

Mary Martha Churchman
Office of Program Management
Richard Steinmann
Office of the Administrator
Federal Transit Administration

