American Recovery and Reinvestment Act of 2009 (Recovery Act)
Federal Highway Administration — Federal Lands Highway
Program Summary

The American Recovery and Reinvestment Act of 2009 (Public Law 111-5) was enacted on February 17, 2009 and appropriates $27,500,000,000 from the General Fund of the Treasury. These funds are in addition to contract authority provided in FY 2009 and FY 2010.

Funding: $550,000,000 is set aside for investments in transportation on Indian Reservations and Federal lands. The funds must be obligated by September 30, 2010.

- Indian Reservation Roads Program consisting of $310,000,000 will be distributed according to statutory formula.
- Park Roads and Parkway Program consisting of $170,000,000 will be distributed according to regional allocation formula for Category I funding.
- Forest Highway Program consisting of $60,000,000 will be distributed according to a legislative/administrative formula.
- Refuge Roads Program consisting of $10,000,000 will be distributed based upon projects submitted.

After February 17, 2010 the Secretary shall have the authority to redistribute unobligated funds within the respective program.

Project Selection: For investments on Indian Reservations and Federal lands, priority shall be given to capital investments, and to projects and activities that can be completed before February 17, 2011. Indian Reservations and Federal lands shall be administered in accordance with Chapter 2 of Title 23 U.S.C.

Requirements: Title 23 requirements must be met for all projects.

- The project must be on an approved Statewide Transportation Improvement Program and Transportation Improvement Program (only applicable if within an urbanized area with a population of more than 50,000 individuals) prior to obligation/authorization of funds. Note that our partners should include other non-Title 23 transportation projects funded under ARRA if they are "regionally significant" as defined in 23 CFR 450.104.
- Letting of contracts provisions contained in 23 U.S.C. 112 (competitive procedures) and related implementing regulations are to be followed. For any projects not awarded through a competitive process, a summary of the contract must be posted on a special web site that is maintained by the Recovery Accountability and Transparency Board.
- FHWA's existing Buy America requirements apply. As with all Buy America waivers, they must be published in the Federal Register.
- Davis-Bacon Wage Rates requirements apply to all ARRA funded construction projects regardless of location.
- National Environmental Policy Act (NEPA) must be complied with on all projects.

Note the point of obligation of the ARRA funds is at the plans, specification & estimate stage for the Title 23 projects.

Periodic Reports: Fund recipients are required to submit periodic reports on the use of the funds for the covered programs. Such reports are collected, compiled and transmitted to Congress and to the public via the web site http://www.recovery.gov. Job creation is a critical element of the data being collected. Project and financial data is also being collected. The purpose of this reporting is to provide accountability and transparency of all the funds used.

National Transportation System Discretionary Grants: This new $1.5 billion discretionary grant program will be administered by the USDOT Office of the Secretary. Applications submitted within 180 days of enactment with projects selected within one year. All projects must be obligated by the end of FY 2011.

Non-Title 23 Projects: Reimbursable authority has been approved for use by FHWA in order to quickly move these projects if asked to deliver them by our Federal partners. Another option is the 1151 treasury transfer process. Note the point of obligation on ARRA funds transferred to us from our partners is at contract award since it must comply with our partner agency requirements.

Questions and Answers (Q&A's): Additional information may be found at the ARRA questions and answers web site (http://www.fhwa.dot.gov/economicrecovery/qandas.htm).