COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
GUIDANCE FOR GOVERNMENTAL RESPONSES TO FEBRUARY 27, 2009 LETTER
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (P.L. 111-5)
March 20, 2009

The Committee on Transportation and Infrastructure has developed the following guidance to assist Governors and Chief Executive Officers of Metropolitan Planning Organizations and public transit agencies in responding to Chairman Oberstar's February 27, 2009 letter. This memorandum describes how and in what format the Committee expects letter recipients to comply with the transparency and accountability and certification requests. Please email this information to the Committee by **April 4, 2009**.

I. TRANSPARENCY AND ACCOUNTABILITY INFORMATION

Recipients should complete the "T&I Recovery Act April 4, 2009 Reporting Form" posted on the Committee's website. In some cases, recipients will submit multiple forms. The Committee requires a completed form for each formula program. Recipients should email the finished tables in Microsoft Word format to T&I.recovery@mail.house.gov.

The reporting form is split into three tables: 1) Aggregate Data, by Formula Program; 2) Project Specific; and 3) Contact Person.

Table 1: Aggregate Data, by Formula Program: This table corresponds with the first and third through eighth bullet point listed under the "Transparency and Accountability Information" section of the February 27, 2009 letter and the requirements of Section 1201 of the American Recovery and Reinvestment Act of 2009 ("Recovery Act").[1]
Table 2: Project Specific: This table corresponds with the second bullet point listed under the "Transparency and Accountability Information" section of the February 27, 2009 letter and the reporting requirements of Section 1512 of the Recovery Act.[2]
Table 3: Contact Person: This table provides contact information of an employee who can clarify and explain the reported data.

In completing the T&I Recovery Act Reporting Form, please follow these specific guidelines:

1. Download the reporting form at: http://transportation.house.gov/singlepages/singlepages.aspx?NewsID=852 (the form can also be found on the Committee's website http://transportation.house.gov/ by clicking on the blue box entitled "Transparency and Accountability Guidance").

2. Save the form(s) as: "'Name of Recipient' - 'Name of Formula Program' T&I Recovery Act April 4, 2009 Reporting Form" (e.g., Minnesota Department of Transportation - Highway Infrastructure Investment T&I Recovery Act April 4, 2009 Reporting Form").

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[1] American Recovery and Investment Act of 2009, Pub. L. No. 111-5, § 1201(b)(2) (2009).
[2] *Id.* § 1512(c).

3. Use Microsoft Word and electronically complete the form(s).

4. Email the completed form(s) in Microsoft Word format to T&I.recovery@mail.house.gov. The email subject line should read: "Name of Recipient T&I Recovery Act April 4, 2009 Reporting Form".

5. Report data as of **March 31, 2009**.

6. Submit ***separate*** reporting forms for each Federal transportation and infrastructure formula program, where applicable.

   a. **Governors** should submit separate forms for the Highway Infrastructure Investment, Transit Capital Assistance, and Clean Water State Revolving Funds program.

   b. With regard to Highway Infrastructure Investment, Governors, in coordination with Metropolitan Planning Organizations ("MPOs"), should submit the following forms:

      i. Table 1 representing aggregate data for the entire State;

      ii. A separate copy of Table 1 representing aggregate data for funds suballocated to each MPO serving a Transportation Management Area pursuant to Section 133 of Title 23, United States Code;[3]

      iii. Table 2 representing project-specific information for each project in the State.

   c. **Transit agencies** should submit separate reports for the Transit Capital Assistance program and, if applicable, the Fixed Guideway Infrastructure Investment program. Transit agencies that do not receive Fixed Guideway funds do not need to submit a separate Fixed Guideway reporting form.

7. Recipients should submit all the requested information and in many cases must collect data from contractors and/or agencies receiving suballocated funds.

   a. **Governors:** Governors should report on all activity, regardless of whether the state/territory directly spends or suballocates the funds.

      i. With regard to Highway Infrastructure Investment, Governors should report activity for the entire State and separately for each MPO serving a Transportation Management Area as described in section 6(b) of this guidance.

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[3] *Id.* Title XII. *See also* 23 U.S.C. 134. For example, with regard to Highway Infrastructure Investment, the Governor of Oregon should submit the following forms: Table 1 for the entire State of Oregon; Table 1 for Recovery Act funds suballocated to Eugene, Oregon; Table 1 for Recovery Act funds suballocated to Portland, Oregon; Table 1 for Recovery Act funds suballocated to Salem, Oregon; and Table 2 for each project in the State.

ii. With respect to the reporting of Transit Capital Assistance, Governors should report activity for all funds for which Governors are designated recipients (e.g., areas with populations of less than 200,000 people).

b. **Transit agencies:** Transit agencies which received the February 27, 2009 letter should report in their capacity as direct recipients and end users of funds. Transit agencies acting as "designated recipients" should only report on funds that such agencies utilize for grants or projects. Other transit agencies within the urbanized area should report on funds that such other agencies utilize for grants or projects as direct recipients and end users of funds. Please note that only the 256 major public transit agencies in Transportation Management Areas received the Chairman's letter.

8. Report regardless of whether any activity has occurred. For example, if no projects have been completed, please report "0" in that box.

9. When reporting dollar amounts:

a. Do not use $ figures, commas, or any other markings (except decimal points: e.g., 1000.28).

b. Report all figures in dollars (and cents, if applicable).

II. CERTIFICATIONS

If a recipient affirmatively declares that the recipient has submitted certifications required by the Recovery Act to the Department of Transportation, and as appropriate, to the Environmental Protection Agency, the recipient does not have to submit such certifications to the Committee on Transportation and Infrastructure.[4]

Governors are required to make certifications pursuant to Sections 1201 and 1607 of the Recovery Act.[5] Governors, mayors, or other chief executive officers may make the certifications required under Section 1511 of the Recovery Act.[6] If a recipient is not required by the Recovery Act to make a certification, the recipient may note who has certified on its behalf.

This declaration, which does not require a signature, can be sent as text in an email, along with attached reporting form(s) to T&I.recovery@mail.house.gov. The email should include a link to the certification if the applicable agency has posted the certification on its website.

[4] *Id.* § 1201, 1511, 1607.
[5] *Id.* § 1201, 1607.
[6] *Id.* § 1511.

III. ADDITIONAL QUESTIONS

If you have any questions regarding this guidance, please have your staff contact Joseph Wender, Counsel to the Committee on Transportation and Infrastructure, at (202) 225-4472 or Joseph.Wender@mail.house.gov.