COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
UPDATED GUIDANCE FOR GOVERNMENTAL RESPONSES TO TRANSPARENCY AND ACCOUNTABILITY REQUEST
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (P.L. 111-5)
*April **, 2009*

The Committee on Transportation and Infrastructure has developed the following guidance to assist Governors and Chief Executive Officers of public transit agencies and Metropolitan Planning Organizations (MPOs) in responding to the Committee's April **, 2009 letter. This memorandum describes how and in what format the Committee expects letter recipients to comply with the transparency and accountability request. Please email this information to the Committee by **May 15, 2009.**

This updated guidance replaces the guidance issued by the Committee on March 20, 2009 and the Frequently Asked Questions issued by the Committee on March 31, 2009.

I. COMPLETING THE TRANSPARENCY AND ACCOUNTABILITY REPORTING FORM

Recipients should complete the "T&I Recovery Act May 09 Reporting Form" posted on the Committee's website. Recipients should email one completed form in **Microsoft Excel** format to T&I.recovery@mail.house.gov.[1]

The reporting form is split into four tables: 1) Aggregate Data, by Formula Program; 2) Obligated Project Specific Data; 3) Contact Person; and 4) MPO Data.

Table 1: Aggregate Data, by Formula Program: This table corresponds with the reporting requirements of Section 1201 of the American Recovery and Reinvestment Act of 2009 ("Recovery Act").[2] Respondents will use the same table to list information about multiple formula programs (where applicable). Respondents will be provided a pull down menu to note which formula program corresponds with each aggregate data set.

Table 2: Obligated Project Specific Data: This table corresponds with the reporting requirements of Section 1512 of the Recovery Act.[3] Respondents will be provided a pull down menu to note which formula program corresponds with each obligated project. Only list projects for which funds have been obligated. Do not report planned projects for which no funds have been obligated.

Table 3: Contact Person: This table provides contact information of an employee who can clarify and explain the reported data. Respondents will be provided a pull down menu to note which formula program corresponds with each contact person. In some instances, the contact person will be the same for mutiple programs.

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[1] Governors may choose to submit more than one form (i.e., the Minnesota Department of Transportation may choose to submit one form for the Highway Infrastructure Investment and Transit Capital Assistance program and the Minnesota Public Facilities Authority may submit one form for the Clean Water State Revolving Fund.)

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

[3] *Id.* § 1512(c).

Table 4: MPO Data (where applicable). Governors will report activity for each MPO serving a Transportation Management Area (TMA) as described in section 8(b) of this guidance.

Checklist for completing T&I Recovery Act Reporting Form:

1. Download the reporting form at: *** (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 as: "'Insert Name of Recipient' T&I May 09" (i.e., Minnesota Department of Transportation - T&I May 09").

3. Use Microsoft Excel and electronically complete the form.

4. Email the completed form in Microsoft Excel format to T&I.recovery@mail.house.gov. The email subject line should read: "'Name of Recipient' T&I May 09"

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

5. The "cut-off date" for reportable items is **April 30, 2009**. Respondents should only report what has occurred as of April 30, 2009. Respondents should not report on future projected or anticipated results. This information request is best understood as a status report detailing the results of Recovery Act implementation through April 30, 2009.

6. Recipients should report information in each applicable category. In many cases, a project will be reported in multiple categories.

    - For example, if the Minnesota Department of Transportation had begun work on a highway bridge repair, it would likely report the project in each of the following categories: number of projects put out to bid; estimated amount of Recovery Act funds associated with projects put out to bid; number of projects under contract; amount of Recovery Act funds associated with projects under contract; number of projects in which work has begun; and amount of Recovery Act funds associated with projects in which work has begun.

7. Report cumulative information. Thus, reports should reflect data included in recipients' April reports.

    - For example, if the Minnesota Department of Transportation reported in their April report that work had begun on one highway project, and between April 1, 2009, and April 30, 2009, work had begun on one additional project, the Department would report on two projects in their May report (the cumulative number associated with Recovery Act funds through April 30, 2009).

8. Recipients should report on the following Federal transportation and infrastructure formula programs:

   a. **Governors** should report on the:

      i. Highway Infrastructure Investment program;

      ii. Transit Capital Assistance program; and

      iii. Clean Water State Revolving Fund program.

   b. With regard to Highway Infrastructure Investment, Governors, in coordination with MPOs, should submit the following information:

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

      ii. Table 2 representing project-specific information for each <u>obligated</u> project in the state;

      iii. Table 4 representing aggregate data for funds suballocated to <u>each</u> MPO serving a TMA pursuant to Section 133 of Title 23, United States Code.[4]

   c. **Transit agencies** should report on the:

      i. Transit Capital Assistance program; and

      ii. Fixed Guideway Infrastructure Investment program (where applicable).[5]

9. 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 directly spends or suballocates the funds.

      i. With regard to Highway Infrastructure Investment, Governors should report activity for the entire State in Table 1 and separately for each MPO serving a TMA as described in section 8(b) of this guidance in Table 4.

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

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[4] *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: aggregate date in Table 1 for the entire State of Oregon; project specific data in Table 2 for each obligated project in the state; and data in Table 4 for Recovery Act funds suballocated to each of the following MPOs serving Eugene, Oregon, Portland, Oregon, and Salem, Oregon.

[5] Transit agencies that do not receive Fixed Guideway funds do not need to report anything for the Fixed Guideway program.

b. **Transit agencies:** Transit agencies which received the April 30, 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 TMAs received the Chairman's letter.

Further detailed information for completing forms:

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

2. When reporting dollar amounts:

    d. Do not use $ figures, commas, or any other markings (except decimal points when reporting cents only: i.e., 1000000.28).

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

3. Please do not reformat the reporting form or insert tabs.

II. Frequently Asked Questions:

All Recipients:

Should respondents include projected, anticipated, or estimated job statistics in responses to the Committee?
No. Respondents should only report actual job statistics. The number of direct jobs, job hours, and payroll should reflect what has occurred as of April 30, 2009. In some cases, the correct number to report will be "0", even though you anticipate projects will create jobs in the future. Respondents should not report on the total amount of direct jobs, job hours, and payroll you project, anticipate, or estimate to result from the Recovery Act.

See generally FHWA guidelines for information on reporting job statistics (page 6-7): http://www.fhwa.dot.gov/economicrecovery/forms/arra_reporting_req_1_0.pdf

Should respondents complete Table 2 (detailed list of projects) if no funds have been obligated?
No. In Table 2, only list projects associated with funds that have been obligated.

What if a respondent does not have a DUNS number?
If a respondent does not have a DUNS number, report "0" in that box.

Transit Agencies:

How should transit agencies define "obligated"?
For the Transit Capital Assistance and Fixed Guideway Infrastructure Investment programs, obligated means a grant agreement has been executed between the Federal Transit Administration (FTA) and the recipient agency. This definition is the same definition that FTA uses under its existing programs.

How should transit agencies answer the maintenance-of-effort questions (the final three questions in Table 1) when the questions ask about "state" funds?
Transit agencies can choose to complete this question in one of two ways: 1) Report on expenditures from state sources, or 2) Report on expenditures from local sources.

If transit agencies receive funds under at least two of the following sections: 49 U.S.C. § 5307, 49 U.S.C. § 5311, and 49 U.S.C. § 5340, should agencies report each section separately?
No. Submit one report for all Transit Capital Assistance formula funds.

Should transit agencies report to the Committee even if they did not receive a formal letter requesting information from the Committee?
No. Only transit agencies that received letters from the Committee should report.

Governors:

Should Governors provide information about the Drinking Water State Revolving Fund?
No. In the context of water, Governors should only report on the Clean Water State Revolving Fund.

Governors and MPOs:

How should Governors answer the maintenance-of-effort questions (the final three questions in Table 1) when completing a Table 4 for each MPO serving a TMA in the state?
If the data is available, Governors should report the data to the Committee. If the data is unavailable, Governors may report "NA" when completing the maintenance-of effort questions for each MPO in Table 4.

Should MPOs report directly to the Committee?

No. The Governor will respond on behalf of the state, including MPOs. MPOs should coordinate with the Governor to ensure that the Governor has the information needed to complete Table 4 for each MPO serving a TMA in the state.

For which MPOs should Governors report?
Governors should only report for MPOs that serve TMAs (areas with populations greater than 200,000).

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.