

Bobbie Walthall

From: Christy H. Lane [lane@ksdot.org]
Sent: Tuesday, January 27, 2009 11:45 AM
To: Allison Smith; Todd Girdler
Subject: FW: HR 1 -- American Recovery and Reinvestment Act of 2009
Importance: High
Attachments: HR 1 Transportation.docx

From: Lisa Koch
Sent: Tuesday, January 27, 2009 11:41 AM
To: Christy H. Lane
Cc: Schlegel, John; Longwell, Jeff; Vinson, Michael; Davonna C. Moore; SusanR@cprf.org
Subject: FW: HR 1 -- American Recovery and Reinvestment Act of 2009
Importance: High

New information from Suellen Markley regarding the American Recovery and Reinvestment Act.

Lisa Koch, AICF
Public Transit Manager
Kansas Department of Transportation

From: Suellen Markley
Sent: Tuesday, January 27, 2009 11:39 AM
To: Deb Miller; Jerry Younger; Joe Erskine; Marcia Ferrill; Reed Davis; Julie Lorenz; Kyle Schneweis; Chris Herrick; Dennis Slimmer; Ed Young; Ethan Erickson; Thomas Dow; Lisa Koch; Joel Skelley; John Maddox
Cc: Michael Bowen
Subject: HR 1 -- American Recovery and Reinvestment Act of 2009
Importance: High

The House Appropriations Committee's bill has been numbered - HR 1 - and has been introduced in the House. The bill is available at <http://thomas.loc.gov/cgi-bin/query/z?cl11:H.R.1>: I have attached pages of the transportation section of the bill. This document reflects the amendments of the Committee.

I have been quickly checking the provisions of interest to us and really cannot find too many amendments other than the ones we knew of last Friday. In summary:

- The amount of funding for the aviation, highway, transit and rail programs was not amended.
- The timeframe for redistribution of 50 percent of the highway funding that can be used statewide (55 percent of the total) was changed from 120 days to 180 days.
- The timeframe for redistribution of 50 percent of the highway funding that is to be suballocated (45 percent) was changed from 90 days to 120 days.
- The language requiring states to "give priority" when selecting projects to those in economically distressed areas was not amended.
- The language requiring maintenance of effort was not amended, that is the source document was not identified.
- The timeframe for redistribution of 50 percent of the transit capital funding was amended from 120 days to 180 days.
- There are no changes in the aviation or rail sections.

I don't believe the bill has been placed on the House calendar as of yet but I will keep you posted as action takes place.

Suellen
Suellen W. Markley
Governmental Affairs Analyst
KDOT Division of Public Affairs
785.296.2272 (voice)
785.296.1543 (fax)

1/29/2009

H.R.1

American Recovery and Reinvestment Act of 2009 (Introduced in House)

TITLE XII--TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

grants-in-aid for airports

For an additional amount for `Grants-in-Aid for Airports', to enable the Secretary of Transportation to make grants for discretionary projects as authorized by subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, \$3,000,000,000: Provided, That such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471: Provided further, That the conditions, certifications, and assurances required for grants under subchapter I of chapter 471 of such title apply: Provided further, That for purposes of applying section 1104 of this Act to this appropriation, the deadline for grantees to enter into contracts or other binding commitments to make use of not less than 50 percent of the funds awarded shall be 120 days after award of the grant.

Federal Highway Administration

highway infrastructure investment

For projects and activities eligible under section 133 of title 23, United States Code, section 144 of such title (without regard to subsection (g)), and sections 103, 119, 134, 148, and 149 of such title, \$30,000,000,000, of which \$300,000,000 shall be for Indian reservation roads under section 204 of such title; \$250,000,000 shall be for park roads and parkways under section 204 of such title; \$20,000,000 shall be for highway surface transportation and technology training under section 140(b) of such title; and \$20,000,000 shall be for disadvantaged business enterprises bonding assistance under section 332(e) of title 49, United States Code: Provided, That the amount set aside from this appropriation pursuant to section 1106 of this Act shall not be more than 0.2 percent of the funds made available under this heading instead of the percentage specified in such section: Provided further, That, after making the set-asides authorized by the previous provisos, the funds made available under this heading shall be distributed among the States, and Puerto Rico, American Samoa,

Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, in the same ratio as the obligation limitation for fiscal year 2008 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division K of Public Law 110-161, but, in the case of the Puerto Rico Highway Program and the Territorial Highway Program, under section 120(a)(5) of such division: Provided further, That 45 percent of the funds distributed to a State under this heading shall be suballocated within the State in the manner and for the purposes described in section 133(d) of title 23, United States Code, (without regard to the comparison to fiscal year 2005 in paragraph (2)): Provided further, That in selecting projects to be funded, recipients shall give priority to projects that can award contracts within 120 days of enactment of this Act, are included in an approved Statewide Transportation Improvement Program (STIP) and/or Metropolitan Transportation Improvement Program (TIP), are projected for completion within a three-year time frame, and are located in economically distressed areas as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161): Provided further, That funds made available under this heading shall be administered as if apportioned under chapter 1 of title 23, United States Code, except for funds made available for Indian reservation roads and park roads and parkways which shall be administered in accordance with chapter 2 of title 23, United States Code: Provided further, That the Federal share payable on account of any project or activity carried out with funds made available under this heading shall, at the option of the recipient, be up to 100 percent of the total cost thereof: Provided further, That funds made available by this Act shall not be obligated for the purposes authorized under section 115(b) of title 23, United States Code: Provided further, That the provisions of section 1101(b) of Public Law 109-59 shall apply to funds made available under this heading: Provided further, That, in lieu of the redistribution required by section 1104(b) of this Act, if less than 50 percent of the funds made available to each State and territory under this heading are obligated within 180 days after the date of distribution of those funds to the States and territories, then the portion of the 50 percent of the total funding distributed to the State or territory that has not been obligated shall be redistributed, in the manner described in section 120(c) of division K of Public Law 110-161, to those States and territories that have obligated at least 50 percent of the funds made available under this heading and are able to obligate amounts in addition to those previously distributed, except that, for those funds suballocated within the State, if less than 50 percent of the funds so suballocated within the State are obligated within 150 days of suballocation, then the portion of the 50 percent of funding so suballocated that has not been obligated will be returned to the State for use anywhere in the State prior to being redistributed in accordance with the first part of this proviso: Provided further, That, in lieu of the redistribution required by section 1104(b) of this Act, any funds made available under this heading that are not obligated by August 1, 2010, shall be redistributed, in the manner

described in section 120(c) of division K of Public Law 110-161, to those States able to obligate amounts in addition to those previously distributed, except that funds suballocated within the State that are not obligated by June 1, 2010, will be returned to the State for use anywhere in the State prior to being redistributed in accordance with the first part of this proviso: Provided further, That notwithstanding section 1103 of this Act, funds made available under this heading shall be apportioned not later than 7 days after the date of enactment of this Act.

Federal Railroad Administration

capital assistance for intercity passenger rail service

For an additional amount for `Capital Assistance for Intercity Passenger Rail Service' to enable the Secretary of Transportation to make grants for capital costs as authorized by chapter 244 of title 49 United States Code, \$300,000,000: Provided, That notwithstanding section 1103 of this Act, the Secretary shall give preference to projects for the repair, rehabilitation, upgrade, or purchase of railroad assets or infrastructure that can be awarded within 180 days of enactment of this Act: Provided further, That in awarding grants for the acquisition of a piece of rolling stock or locomotive, the Secretary shall give preference to FRA-compliant rolling stock and locomotives: Provided further, That the Secretary shall give preference to projects that support the development of intercity high speed rail service: Provided further, That the Federal share shall be, at the option of the recipient, up to 100 percent.

capital and debt service grants to the national railroad passenger corporation

For an additional amount for `Capital and Debt Service Grants to the National Railroad Passenger Corporation' (Amtrak) to enable the Secretary of Transportation to make capital grants to Amtrak as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432), \$800,000,000: Provided, That priority shall be given to projects for the repair, rehabilitation, or upgrade of railroad assets or infrastructure: Provided further, That none of the funds under this heading shall be used to subsidize the operating losses of Amtrak: Provided further, Notwithstanding section 1103 of this Act, funds made available under this heading shall be awarded not later than 7 days after the date of enactment of this Act.

Federal Transit Administration

transit capital assistance

For transit capital assistance grants, \$6,000,000,000, of which \$5,400,000,000 shall be for grants under section 5307 of title 49, United States Code and shall be apportioned in accordance with section 5336 of such title (other than subsections (i)(1) and (j)) but may not be combined or commingled with any other funds apportioned under such section 5336, and of which \$600,000,000 shall be for grants under section 5311 of such title and shall be apportioned in accordance with such section 5311 but may not be combined or commingled with any other funds apportioned under that section: Provided, That of the funds provided for section 5311 under this heading, 3 percent shall be made available for section 5311(c)(1): Provided further, That applicable chapter 53 requirements shall apply except that the Federal share of the costs for which a grant is made under this heading shall be, at the option of the recipient, up to 100 percent: Provided further, In lieu of the requirements of section 1103 of this Act, funds made available under this heading shall be apportioned not later than 7 days after the date of enactment of this Act: Provided further, That for purposes of applying section 1104 of this Act to this appropriation, the deadline for grantees to enter into obligations to make use of not less than 50 percent of the funds awarded shall be 180 days after apportionment: Provided further, That the provisions of section 1101(b) of Public Law 109-59 shall apply to funds made available under this heading: Provided further, That notwithstanding any other provision of law, of the funds apportioned in accordance with section 5336, up to three-quarters of 1 percent shall be available for administrative expenses and program management oversight and of the funds apportioned in accordance with section 5311, up to one-half of 1 percent shall be available for administrative expenses and program management oversight and both amounts shall remain available for obligation until September 30, 2012: Provided further, That the preceding proviso shall apply in lieu of the provisions in section 1106 of this Act.

fixed guideway infrastructure investment

For an amount for capital expenditures authorized under section 5309(b)(2) of title 49, United States Code, \$2,000,000,000: Provided, That the Secretary of Transportation shall apportion funds under this heading pursuant to the formula set forth in section 5337 of title 49, United States Code: Provided further, That the funds appropriated under this heading shall not be commingled with funds available under the Formula and Bus Grants account: Provided further, In lieu of the requirements of section 1103 of this Act, funds made available under this heading shall be apportioned not later than 7 days after the date of enactment of this Act: Provided further, That for purposes of applying

section 1104 of this Act to this appropriation, the deadline for grantees to enter into obligations to make use of not less than 50 percent of the funds awarded shall be 180 days after apportionment: Provided further, That applicable chapter 53 requirements shall apply except that the Federal share of the costs for which a grant is made under this heading shall be, at the option of the recipient, up to 100 percent: Provided further, That the provisions of section 1101(b) of Public Law 109-59 shall apply to funds made available under this heading: Provided further, That notwithstanding any other provision of law, up to 1 percent of the funds under this heading shall be available for administrative expenses and program management oversight and shall remain available for obligation until September 30, 2012: Provided further, That the preceding proviso shall apply in lieu of the provisions in section 1106 of this Act.

capital investment grants

For an additional amount for 'Capital Investment Grants', as authorized under section 5338(c)(4) of title 49, United States Code, and allocated under section 5309(m)(2)(A) of such title, to enable the Secretary of Transportation to make discretionary grants as authorized by section 5309(d) and (e) of such title, \$1,000,000,000: Provided, That such amount shall be allocated without regard to the limitation under section 5309(m)(2)(A)(i): Provided further, That in selecting projects to be funded, priority shall be given to projects that are currently in construction or are able to award contracts based on bids within 120 days of enactment of this Act: Provided further, That for purposes of applying section 1104 of this Act to this appropriation, the deadline for grantees to enter into contracts or other binding commitments to make use of not less than 50 percent of the funds awarded shall be 120 days after award: Provided further, That the provisions of section 1101(b) of Public Law 109-59 shall apply to funds made available under this heading: Provided further, That applicable chapter 53 requirements shall apply, except that notwithstanding any other provision of law, up to 1 percent of the funds under this heading shall be available for administrative expenses and program management oversight and shall remain available for obligation until September 30, 2012: Provided further, That the preceding proviso shall apply in lieu of the provisions in section 1106 of this Act.