

**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)**

May 1, 2009

The Committee on Transportation and Infrastructure has developed the following guidance to assist Governors and Chief Executive Officers of Metropolitan Planning Organizations (MPOs) and public transit agencies in responding to the Committee's May 1, 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 May 2009 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 Recipients will use the same table to list information about multiple formula programs (where applicable). Recipients 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 Recipients 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. Recipients 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 multiple programs.

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 6(b) of this guidance. Governors should report this data directly to the Committee. MPOs should coordinate with the Governor to ensure that the Governor has the information needed to complete Table 4.

Checklist for completing T&I Recovery Act Reporting Form:

1. Download the reporting form by visiting the Committee’s website: <http://transportation.house.gov/>, and clicking the blue box entitled “Transparency and Accountability Information”.
2. Save the form as: “Insert Name of Recipient’ T&I May 2009” (i.e., “Minnesota Department of Transportation T&I May 2009”).
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 2009”. Please do not mail or fax the form.

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**. Recipients should only report what has occurred as of April 30, 2009. Recipients should not report on anticipated or projected 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 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 obligated project in the state;

- iii. Table 4 representing aggregate data for funds suballocated to each 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
- 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 directly spends or suballocates the funds.
 - i. With regard to Highway Infrastructure Investment, Governors should report in Table 1 activity for the entire State, and separately in Table 4 for each MPO serving a TMA as described in section 8(b) of this guidance.
 - 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).
 - b. **Transit agencies:** Transit agencies which received the May 1, 2009 letter should report in their capacity as a designated recipient. Therefore, transit agencies should report on funds that such agencies utilize for grants or projects as well as any funds the designated recipient suballocates to other transit agencies (but not other designated recipients) in their large urbanized area. Please note that only the 256 designated recipients in large urbanized areas (information as supplied by the Federal Transit Administration (FTA)) received the Committee's letter.
- 8. 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

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 data in Table 1 for the entire State of Oregon; project specific data in Table 2 for each obligated project in the state; contact information in Table 3; and data in Table 4 for Recovery Act Highway Infrastructure Investment funds suballocated to each MPO serving a TMA in Oregon (Eugene, Portland, and Salem).

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

projects in which work has begun; and amount of Recovery Act funds associated with projects in which work has begun.

9. Report cumulative information. Thus, May reports should include data listed in recipients' April reports.
 - For example, if the Minnesota Department of Transportation listed in its 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, it would include two projects in its May report (the cumulative number associated with Recovery Act funds through April 30, 2009).
10. The new May reporting form requests the same set of data as did the April reporting form, with the addition of questions regarding recipient type and state/territory.
 - For example, if the Minnesota Department of Transportation is reporting on behalf of the Governor on the Transit Capital Assistance program, the Department would choose "Governor" as the recipient type for this program.

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, decimal points, or any other markings.
 - e. Report all figures in dollars.
3. Please do not reformat the reporting form or insert tabs.

II. FREQUENTLY ASKED QUESTIONS

All Recipients:

Should recipients include projected, anticipated, or estimated job statistics in responses to the Committee?

No. Recipients 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. Recipients 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.

Should recipients 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.

How should recipients define “completed” projects if the project is being performed by a contractor?

A project is considered “completed” when the work required by the contract has concluded.

How should recipients define jobs “created or sustained”?

“Jobs created” is defined as “those new positions created or fulfilled, or previously existing unfilled positions that are filled, as a result of Recovery Act funding.” “Jobs retained” is defined as “those previously existing filled positions that are retained as a result of Recovery Act funding.” Recipients need not distinguish between jobs created and jobs sustained for purposes of reporting to the Committee. Please see OMB’s April 3, 2009 guidance for further details (page 23-24): http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-15.pdf.

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 FTA and the recipient agency. This definition is the same definition that FTA uses under its existing programs.

Should transit agencies report equipment purchases (i.e., procurement of a bus) in the job statistics (direct jobs, job hours, and payroll)?

No. The jobs required to manufacture a bus are considered indirect jobs. Only include data about direct, on-project jobs. This definition is the same definition that FTA plans to use for reporting required of transit agencies by section 1201 of the Recovery Act.

In the near future, FTA is planning to post guidance on reporting job statistics (in anticipation of the required section 1201 reporting, which is due May 18, 2009, to the U.S. Department of Transportation).

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 a transit agency exercises an option under an existing contract, would the transit agency report the project as both out to bid and under contract?

Yes, transit agencies should report the project as both out to bid and under contract. For example, if a transit agency exercises an option under an existing contract and work has begun

on that project, transit agencies should 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.

If transit agencies receive funds under 49 U.S.C. § 5307 and 49 U.S.C. § 5311, should transit agencies report each separately?

No. Aggregate data 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. With regard to water infrastructure investment, Governors should only report on the Clean Water State Revolving Fund.

Governors and MPOs:

Should MPOs report directly to the Committee?

No. The Governor will respond on behalf of MPOs. MPOs should coordinate with the Governor to ensure that the Governor has the information needed to complete Table 4.

For which MPOs should Governors report?

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

Should Governors (or state agencies reporting on behalf of Governors) choose “Governor” as the recipient type?

Yes, state agencies or other entities reporting on behalf of the Governor should choose “Governor” as the recipient type for the Highway Infrastructure Investment, Transit Capital Assistance, and Clean Water State Revolving Fund programs.

Is there additional information available regarding how to report job statistics for the Highway Infrastructure Investment program?

Yes, 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.

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.