

Federal-Aid Highway Program Requirements for Stimulus Projects

All highway program funding under the American Recovery and Reinvestment Act (ARRA) coming to Oregon is subject to the requirements of the federal-aid highway program. This document briefly explains the general requirements of the federal-aid highway program and the specific requirements imposed under the ARRA.

Eligible Uses of Funds

Highway program funds can be used for projects eligible under the Surface Transportation Program. This includes:

- Road construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements.
- Bridge projects.
- Bicycle and pedestrian infrastructure.
- Highway safety infrastructure projects, including rail-highway grade crossings.
- Intelligent Transportation Systems.
- Transit capital projects, including vehicles and facilities used to provide intercity bus passenger service.
- Transportation enhancement activities.
- Carpool projects.

Road projects other than bridge and safety projects must generally be located on the federal-aid highway system, which does not include roads functionally classified as local or rural minor collectors. (For a complete list of STP eligible activities, please refer to Section 133(b) of title 23 of the U.S. Code.) Eligibility for use of highway funds under the ARRA is expanded to include passenger and freight rail and port infrastructure.

Timeline Obligation of Funds

All local government highway program funding under the ARRA must be obligated (which happens when plans, specifications, and estimates are sent to the Federal Highway Administration) within one year of apportionment of funds (March 2, 2010). Any funds not obligated within this timeline will be redistributed to states that have obligated their funds.

Matching Funds

Stimulus funds do not require a non-federal match.

Reporting Requirements

All local governments that receive funding will be required to provide ODOT regular updates on project status and use of funds in order to meet the reporting requirements in the legislation. ODOT will provide a detailed explanation of the information needed from each grantee once the US DOT clarifies these reporting requirements.

Funding

Funding under the federal-aid highway program is administered on a reimbursable basis. ODOT will reimburse project costs for any amount up to the cumulative funding received.

Intergovernmental Agreement (IGA)

All federal-aid highway program projects must have an IGA executed and federal obligation prior to incurring reimbursable expenditures. Federal funds identified for the project may be used to pay for the scoping effort and complete all parts of the project prospectus.

Environmental Requirements

All projects using federal-aid transportation funds must conform to the requirements of NEPA, the National Historic Preservation Act - Section 106, the US Department of Transportation Act – Section 4 (f), Section 404 of the Clean Water Act, Section 7 of the Endangered Species Act and the Americans with Disabilities Act. The required environmental documentation must be completed and approved. Details regarding federal environmental requirements can be found at the FHWA website, <http://environment.fhwa.dot.gov/projdev/tdmpdo.htm>. Smaller projects may qualify as Categorical Exclusions (CEs). CEs are defined as actions which do not individually or cumulatively result in significant environmental effects, and are therefore excluded from the requirement to prepare an environmental document such as an Environmental Impact Statement.

Right-of-Way (Property) Acquisitions

All projects that have been awarded federal-aid highway program funds must follow the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act), as amended and all applicable FHWA reimbursement regulations and requirements for the acquisition of right-of-way for the project. This applies to the acquisition of real property, either in fee or by easement, and whether or not federal funds are used for this activity. It is important to follow this process because failure to do so could render all project phases ineligible for federal funds. ODOT will certify all right of way files and procedures.

Transportation Improvement Program/Statewide Transportation Improvement Program

Sponsors of projects located in areas covered by a Metropolitan Planning Organization (MPO) will need to ensure that the project is added to the local Transportation Improvement Program (TIP) prior to advertisement. After a project has been added to the appropriate TIP, ODOT will ensure that the project is added to the Statewide Transportation Improvement Program (STIP). Projects outside metropolitan areas will need to be added to the STIP before funding can be made available. Projects seeking the use of federal transportation funds will not be approved by ODOT or FHWA until they are included in these programming documents, as required under federal law. In addition if the project is in an air quality maintenance area or non-attainment area the project will need to be modeled for air quality conformity.

Advertisement

All projects sponsored by non-certified agencies will be advertised for construction through the ODOT bid and award process. Only projects sponsored by certified agencies will be allowed to be advertised and contracted by those agencies. Information regarding the package of plans, specifications, and estimates, and other materials required, including permits, is available through the ODOT Region local liaison staff.

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