

Attachment 15A(1)

Explanatory Note for Department of Transportation (DOT) Report November 2, 2009

Department of Transportation projects and activities funded under Division A of the American and Recovery and Reinvestment Act of 2009 (ARRA) are divided into activities by the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA), Federal Railroad Administration (FRA), Maritime Administration (MARAD), and Office of the Secretary of Transportation. Information about the projects/activities in each Modal Administration/Office is provided below.

ARRA appropriated funds for disadvantaged business enterprise bonding assistance for transportation projects that are specifically funded through ARRA. DOT's Office of Small and Disadvantaged Business Utilization will develop an outreach campaign to distribute information on this program, working with State DOTs, the surety industry, and other Federal agencies such as the Small Business Administration and the Minority Business Development Agency. At this time, no funds have been obligated for these projects and no bond assistance has been given. The DOT administration providing ARRA funding for the projects will be the lead agency for any environmental review.

Federal Highway Administration

- The ARRA provides funds for restoration, repair, construction and other activities eligible for assistance under 23 U.S.C. Section 133(b) (the Surface Transportation Program), and for passenger and freight rail transportation and port infrastructure projects eligible for assistance under 23 U.S.C. Section 601(a)(8). ARRA lists specific amounts for projects in Puerto Rico and territories. ARRA provides funding for transportation investments at Indian reservations and Federal lands. Three percent of the funds are set aside for Transportation Enhancement activities such as historic preservation, bicycle and pedestrian trails and environmental mitigation.
- The Nation's Governors are required to make certifications and other assurances that the funding made available under the Recovery Act will be spent for worthy infrastructure projects. The FHWA report lists projects, by State, that have been obligated. For some States, the projects listed include all highway projects that have been identified in the governor's certification lists. Obligation means that a commitment has been made to pay a State for the project's eligible Federal share of a project that has been approved and a project agreement has been executed. When funds are obligated, States are notified that Federal funds are available for the State use, meaning that the State can incur costs, begin projects and then, later be reimbursed for eligible costs incurred.
- The total NEPA actions reported in column J of page 1 of the FHWA spreadsheet do not include projects where the appropriate level of NEPA analysis is yet to be determined or a determination is made that NEPA is not applicable. Projects determined to be NEPA not

applicable are listed under column F of page 1. Projects listed on page 2 with no data in the other columns are still in the scoping phase and the NEPA class of action has not been determined at the time of this report.

- The report does not contain estimates or aggregate projects/activities. Each line item on page 2 identifies an individual project/activity receiving ARRA funding.
- Since the States can make funding decision changes, the report included projects that may ultimately be funded by non-ARRA sources based on the way each state reported the information.
- Of the \$27.5 billion appropriated for Highway Infrastructure Investment, ARRA provides that FHWA may retain up to \$40 million for oversight activities which are not included in the report because they are used to administer the ARRA funds and not for ARRA funded projects/activities.
- The FHWA Project, titled “Federal Lands Western Division-1517020440009-Coffman Cove 3030 Road-Cleanup of acid rock sites that were discovered on a previous project”, does not require NEPA approval as this type of action is covered under CERCLA/RCRA. For this project, the report indicates that NEPA is Not Applicable (NA).
- The FHWA Project titled “Federal Lands Western Division-1517020440008- Coffman Cove, USFS 3030 AK.-44, Road-Cleanup of acid rock sites that were discovered on a previous project”, does not require NEPA approval as this type of action is covered under CERCLA/RCRA. For this project, the report indicates that NEPA is Not Applicable (NA).
- Multiple NEPA actions are listed for several FHWA projects because additional NEPA actions from different Federal agencies are required to complete the project.
- Projects with identified NEPA class of action determinations pending for longer than 90 days may be a result of several factors, including CE’s for preliminary engineering that require longer than 90 days to complete, assignment of project management to local entities, and more involved environmental analysis for projects requiring EA’s and EIS’s. Some CE’s may take longer than 90 days to complete as they are projects that require additional documentation, and FHWA approval, to demonstrate that the project meets the definition of a CE as described in 23 CFR 771.117(d) and 40 CFR 1508.4 and that they will not significantly effect the environment.

Federal Transit Administration

- The FTA report addresses projects under the Transit Capital Assistance, Recovery Act program. ARRA includes the following funding categories: Transit Capital Assistance – nonurbanized area formula and urbanized area formula; Fixed Guideway Infrastructure Investment (formula); and Capital Investment Grants (discretionary). The Transit Capital Assistance also includes \$100 million for Transportation Investments for Greenhouse Gas and Energy Reduction (TIGGER) discretionary grants to public transit agencies for capital

investments that will assist in reducing the energy consumption or greenhouse gas emissions of their systems. As of September 30, 2009, the grant applications for the TIGGER program were under review. FTA received 224 applications proposing 561 projects.

- FTA has included in this report only obligated grants. NEPA work has been completed for all projects included in these grants.
- FTA's summary report shows the total funding for projects that have been obligated.
- The date of NEPA document completion is the date that the ROD, FONSI, or CE determination was approved by FTA. Projects reported as “done” did not involve other agency NEPA reviews.
- The information in the FTA report is taken directly from FTA's grants management system, which is called TEAM for "Transportation Electronic Award Management."
- FTA retains administration takedown allowances under the transit programs. FTA reports the appropriated amount less the administrative and oversight funding.
- Since the last report, many of the Project/Activity descriptions on page 2 of the FTA spreadsheet have been expanded by including full names of the grantee and improved project descriptions. The grant numbers in each Project/Activity description are unchanged. This allows for cross-referencing between previous FTA reports.

Federal Aviation Administration

- The FAA was appropriated ARRA funds for two program areas, Grants-in-Aid for Airports, and Facilities and Equipment. Only projects which have completed NEPA determinations are being considered for ARRA support from these appropriations. The four stages in awarding Grants-in-Aid for Airports are Programmed, Released, Reserved, and Obligated, as described on our website www.faa.gov/recovery/. As of September 30, 2009 FAA has identified cumulative airport grants roughly equal to the provided ARRA appropriation through the Congressional notification system. Excess funding from lower than expected bids will be redirected in support of new projects and announced through the Congressional notification system. After the Congressional notification process, FAA will solicit bids and negotiate grant amounts. Before obligation the scope and cost of a grant are subject to change, and because of these uncertainties they are not treated as projects for purposes of ARRA NEPA reporting.
- This FAA report covers 255 airport projects for which grants have been obligated under the Grants-in-Aid for Airports, Recovery Act program. Those grants account for nearly all of the \$1.1 billion Grants-in-Aid for Airports appropriation. For the 255 Grants-in-Aid for Airport projects reported here, the applicable Member of Congress has announced the project, bids have been solicited, and a grant offer has been accepted by the airport sponsor.

- The FAA has awarded contracts to 284 projects from the Facilities and Equipment appropriation for a cumulative total of \$90 million. Facilities and Equipment contracts are major capital investments related to modernizing and improving air traffic control and airway facilities, equipment, and systems.
- This report does not contain estimates. The report does aggregate projects for the Facilities and Equipment contracts, for which there were numerous NEPA actions with the same status. Information on individual Facilities and Equipment projects can be found at: <http://www.faa.gov/recovery/programs/>
- For Grants-in-Aid for Airport projects, NEPA is triggered when funds are Programmed for a proposed project (Stage 1 in the Grants-in-Aid awarding process). NEPA analyses are initiated during this time. NEPA analyses, including EAs and EISs, are completed before the Released stage of the funding process. The date of NEPA document completion is the date that the FAA approved the NEPA action. There are no other agency NEPA reviews.
- Information for the Grants-in-Aid for Airports is taken from FAA's grants management system, which is called SOAR. Information on the Facilities and Equipment contracts is from Delphi, the Department of Transportation's comprehensive financial management system.
- FAA may retain administration and oversight allowances under the Grants-in-Aid for Airports program. Obligated funds reported do not include any funds for oversight because oversight activities because they are used to administer the ARRA funds and not for ARRA funded projects/activities and therefore are not included in the report.

Federal Railroad Administration

- In securing bids for approved projects under the Under the Grant to Amtrak awarded pursuant to the American Recovery and Reinvestment Act of 2009, Amtrak reported receiving several bids for programmed projects coming in under cost projections. Based on the anticipated availability of surplus of funds, Amtrak requested and FRA approved for programming 25 additional projects or projects sites. Twenty-four of these 25 new projects/project sites have secured NEPA clearance through Categorical Exclusion.
- The total authorized amount for Amtrak has been adjusted from \$1.3 billion to \$1,293,525,000 to subtract funds for administrative purposes.
- One of the 45 NEPA actions reported as Pending is a newly programmed project that has not appeared in previous reports; 44 are projects that have appeared on at least one quarterly report.
- The 45 projects reported as pending are awaiting submission of various documents needed to support a finding of Categorical Exclusion under FRA Procedures for Considering Environmental Impact (For example: SHPO impact determinations, proof of federal permitting agency consultation). The specific required documents vary by project.

- The FRA is actively involved in the evaluation of competitive applications for funding under the Capital Assistance for High-Speed Rail Corridors and Intercity Passenger Rail Service. No awards have been made yet for projects, although administrative services have been funded and are reflected in the total ARRA appropriation for the Capital Assistance for High-Speed Rail Corridors and Intercity Passenger Rail Service Program (adjusted from \$8 billion to \$7,998,471,045).

Maritime Administration

- The Maritime Administration was tasked with administering the Small Shipyard Grant program under the American Recovery and Reinvestment Act for 2009 (ARRA). The grant program notice was published on March 4, 2009, and bids were required to be submitted by April 20, 2009. A total of 454 applications were received and reviewed.
- Of the applications received, 75 were selected to be funded, totaling \$98 million.
- A NEPA analysis was conducted for the selected applications. Applicant projects consisted of repair and modernization activities. It was determined that all of the selected projects fit squarely within Agency categorical exclusion guidelines; there were no controversial or extraordinary projects. A single, programmatic categorical exclusion was issued.
- MARAD activities were previously reported on the DOT summary spreadsheet. These activities have been put into a stand-alone spreadsheet for this reporting period.

Office of the Secretary

- ARRA appropriated \$1.5 billion of discretionary grant funds (TIGER) to be awarded by the Department of Transportation for capital investments in surface transportation infrastructure. These grants are included in the attached DOT summary spreadsheet.
- An interim notice of funding availability to solicit applications for the grant funds from State and local governments was published on May 18. The Department considered public comments on this program and published a revised notice on June 17. This notice announces funding availability, project selection criteria, and application requirements.
- TIGER applications were submitted by September 15, 2009. The Department is currently reviewing the applications and assessing whether a project is ready to proceed rapidly upon receipt of grant monies as evidenced by their completion of the environmental review process and associated permits. It is expected that priority will be given to those applicants that have completed decision documents under NEPA. Award recipients will be announced no later than February 17, 2010.

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