



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heysfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

February 27, 2009

James W. Coon II, Republican Chief of Staff

Dear Governor:

On February 17, 2009, President Barack Obama signed into law the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) ("Recovery Act") to create and sustain family-wage jobs, help the United States recover from the worst recession since the Great Depression, and invest in transportation, environmental, and other infrastructure that will provide long-term economic benefits to the nation. The Recovery Act provides \$64.1 billion of infrastructure investment authorized by the Committee on Transportation and Infrastructure to enhance the safety, security, and efficiency of our highway, transit, rail, aviation, environmental, inland waterways, public buildings, and maritime transportation infrastructure.

This investment includes almost \$40 billion of Federal-aid highway, public transit, and Clean Water environmental infrastructure funding under the jurisdiction of this Committee that is distributed directly to States, cities, and public transit agencies by existing statutory formulas. These funds will enable States and other recipients to proceed immediately with "quick-hit", ready-to-go construction projects. In addition, the Recovery Act includes specific "use-it-or-lose-it" deadlines by which States and other recipients must invest transportation and infrastructure funding provided under the Act.

The Committee on Transportation and Infrastructure will closely oversee the implementation of transportation and infrastructure provisions of the Recovery Act to ensure that the funds provided are invested quickly, efficiently, and in harmony with the job-creating purposes of this Act. To this end, we request that you provide specific certifications and transparency and accountability information within 45 days of the date of enactment of the Recovery Act (April 4, 2009).

Please provide certifications and transparency and accountability information on the following transportation and infrastructure formula programs funded under the Recovery Act which are within the jurisdiction of the Committee on Transportation and Infrastructure:

- Federal Highway Administration, Highway Infrastructure Investment;¹
- Federal Transit Administration, Transit Capital Assistance;² and
- Environmental Protection Agency, State and Tribal Assistance Grants, Capitalization Grants for the Clean Water State Revolving Funds under Title VI of the Federal Water Pollution Control Act.³

These requests go beyond the transparency and accountability requirements of the Recovery Act. The Recovery Act certification and transparency and accountability provisions do not specifically require States to provide all of this information on the Environmental Protection Agency Capitalization Grants or within 45 days of the date of enactment.

However, the certifications and information that we are requesting are critical to the Committee's review of implementation of the Recovery Act. Furthermore, Chairman James L. Oberstar has repeatedly described and insisted upon these transparency and accountability provisions in Committee hearings (October 29, 2008, and January 22, 2009), speeches, and conference calls, and posted these requirements on our Committee website. These requirements should come as no surprise to any practitioner of infrastructure investments. We expect you to provide the requested certifications and transparency and accountability information by April 4, 2009.

CERTIFICATIONS

Please provide by April 4, 2009, a copy of each of the certifications required by the Recovery Act. The Recovery Act requires the Governor of each State to certify that:

- the State will request and use funds provided by the Recovery Act and the funds will be used to create jobs and promote economic growth;⁴
- the State will maintain its effort with regard to State funding for transportation projects;⁵ and

¹ American Recovery and Investment Act of 2009, Pub. L. No. 111-5, Title XII (2009).

² *Id.*

³ *Id.* Title VII.

⁴ *Id.* § 1607. No later than 45 days after the date of enactment, the Governor shall make this certification. If the Governor does not make the certification, acceptance by the State legislature shall be sufficient to provide funding to such State. *Id.*

⁵ *Id.* § 1201(a). No later than 30 days after the date of enactment, the Governor shall certify to the Secretary of Transportation that the State will maintain its effort with regard to State funding for the types of projects that are funded by the appropriation. As part of the certification, the Governor shall submit to the Secretary a statement identifying the amount of funds the State planned to expend from State sources as of the date of enactment during the period from the date of enactment through September 30, 2010, for the types of projects that are funded by the appropriation. *Id.*

- the infrastructure investment has received the full review and vetting required by law and the Governor accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.⁶

TRANSPARENCY AND ACCOUNTABILITY INFORMATION

For amounts received under each transportation and infrastructure formula program,⁷ please provide by April 4, 2009, the following information required by the Recovery Act:⁸

- the amount of Federal funds allocated or apportioned to your State by the relevant Federal agency and the amount of Federal funds obligated and outlayed;⁹
- a detailed list of all projects or activities for which Recovery Act funds were obligated and the purpose, total cost, and rationale for funding the infrastructure investment;¹⁰
- the number of projects that have been put out to bid under the appropriation and the amount of Federal funds associated with such projects;¹¹
- the number of projects for which contracts have been awarded and the amount of Federal funds associated with such projects;¹²
- the number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts;¹³
- the number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts;¹⁴
- the number of direct, on-project jobs created or sustained by the Federal funds provided under the appropriation and, to the extent possible, the estimated indirect jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since the date of enactment;¹⁵ and

⁶ *Id.* § 1511. Such certification shall include a description of the investment, the estimated total cost, and the amount of covered funds to be used, and shall be posted on a website and linked to the Recovery.gov website. *Id.*

⁷ The transportation and infrastructure formula programs funded under the Recovery Act which are within the jurisdiction of the Committee on Transportation and Infrastructure are the Federal Highway Administration, Highway Infrastructure Investment; the Federal Transit Administration, Transit Capital Assistance; and the Environmental Protection Agency, State and Tribal Assistance Grants, Capitalization Grants for the Clean Water State Revolving Funds under Title VI of the Federal Water Pollution Control Act.

⁸ Although the Recovery Act does not specifically require that States provide this information with regard to the Environmental Protection Agency Clean Water State Revolving Fund program or within 45 days of the date of enactment, the Committee expects each State to provide the requested information.

⁹ *Id.* § 1201(b)(2)(A).

¹⁰ *Id.* § 1512(c)(3).

¹¹ *Id.* § 1201(b)(2)(B).

¹² *Id.* § 1201(b)(2)(C).

¹³ *Id.* § 1201(b)(2)(D).

¹⁴ *Id.* § 1201(b)(2)(E).

¹⁵ *Id.* § 1201(b)(2)(F).

- information tracking the actual aggregate expenditures by each grant recipient from State sources for projects eligible for funding under the program during the period from the date of enactment through September 30, 2010, compared to the level of expenditures that were planned to occur during such period as of the date of enactment.¹⁶

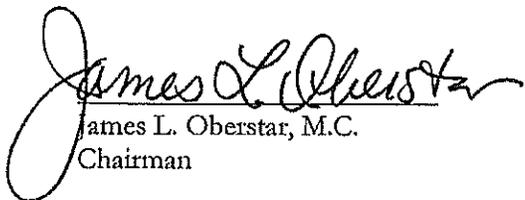
Please provide the certifications and transparency and accountability information electronically and in a format that meets the Obama administration's requirements for Section 1201 and Title XV of the Recovery Act. Please work with the Office of Management and Budget, the U.S. Department of Transportation, and the U.S. Environmental Protection Agency to address any questions regarding the format for the certifications and other information to ensure consistency among reporting States.

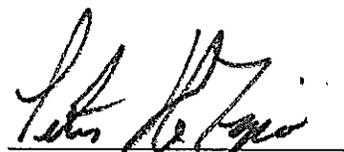
In April 2009, the Committee will hold the first of a series of oversight hearings on implementation of the Recovery Act. We believe that the Recovery Act provides a unique opportunity to showcase the ability of transportation and infrastructure investments to create and sustain family-wage jobs and provide long-term economic benefits to the nation. We also know that every state partner in federally-funded programs under the jurisdiction of this Committee welcomes the opportunity to demonstrate to its user-public that you can deliver these projects and create urgently needed employment in the tight timeframes set forth in this Act.

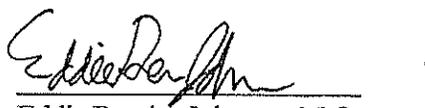
If you have any questions regarding this request, please have your staff contact Joseph Wender, Counsel of the Committee on Transportation and Infrastructure, at (202) 225-4472 or Joseph.Wender@mail.house.gov.

Thank you for your consideration.

Sincerely,


James L. Oberstar, M.C.
Chairman


Peter A. DeFazio, M.C.
Chairman
Subcommittee on Highways
and Transit


Eddie Bernice Johnson, M.C.
Chairwoman
Subcommittee on Water Resources
and Environment

¹⁶ *Id.* § 1201(b)(2)(G).