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

James L. Oberstar
Chairman

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

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

February 27, 2009

Stephen K Ernst
Study Director
Rockford Area Transportation Study
City of Rockford - Public Works Dept.
City Hall, 425 East State Street
Rockford, IL 61104

Dear Mr. Ernst:

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 $27.5 billion of Federal-aid highway funding under the jurisdiction of this Committee that is distributed directly to States and large Metropolitan Planning Organizations (MPOs) by existing statutory formulas. These funds will enable States and MPOs 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 MPOs 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 the specific certification and transparency and accountability information discussed below within 45 days of the date of enactment of the Recovery Act (April 4, 2009).

Please provide the certification and transparency and accountability information on the "Federal Highway Administration, Highway Infrastructure Investment" funding under the Recovery Act which is suballocated to MPOs pursuant to Section 133 of Title 23, United States Code.[1]

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 MPOs to provide this information within 45 days of the date of enactment.

However, the certification 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 certification and transparency and accountability information by April 4, 2009.

CERTIFICATION

Please provide by April 4, 2009, a copy of the certification required by Section 1511 of the Recovery Act. The Recovery Act requires the Governor, mayor, or other chief executive to certify that the infrastructure investment has received the full review and vetting required by law and the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.[2]

TRANSPARENCY AND ACCOUNTABILITY INFORMATION

For amounts suballocated to MPOs under the Highway Infrastructure Investment funding,[3] please provide by April 4, 2009, the following information required by the Recovery Act:[4]

- the amount of Federal funds allocated or apportioned to your Metropolitan Planning Organization by the State and the amount of Federal funds obligated and outlayed;[5]
- 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;[6]

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[1] American Recovery and Investment Act of 2009, Pub. L. No. 111-5, Title XII (2009).
[2] *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.*
[3] *Id.* Title XII.
[4] Although the Recovery Act does not specifically require that MPOs provide this information within 45 days of the date of enactment, the Committee expects each MPO to provide the requested information.
[5] *Id.* § 1201(b)(2)(A).
[6] *Id.* § 1512(c)(3).

- the number of projects that have been put out to bid under the appropriation and the amount of Federal funds associated with such projects; [7]

- the number of projects for which contracts have been awarded and the amount of Federal funds associated with such projects; [8]

- the number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts; [9]

- the number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts; [10]

- 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; [11] and

- 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. [12]

Please provide the certification 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 and the U.S. Department of Transportation to address any questions regarding the format for the certifications and other information to ensure consistency among reporting MPOs.

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 MPO partner welcomes the opportunity to demonstrate to its user-public that you can deliver these projects and create urgently needed employment in the timeframes set forth in this Act.

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[7] *Id.* § 1201(b)(2)(B).
[8] *Id.* § 1201(b)(2)(C).
[9] *Id.* § 1201(b)(2)(D).
[10] *Id.* § 1201(b)(2)(E).
[11] *Id.* § 1201(b)(2)(F).
[12] *Id.* § 1201(b)(2)(G).

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