American Recovery and Reinvestment Act of 2009 (ARRA)

For the REPAIR AND RESTORATION (R/R) of BIA Roads Administered by the Bureau of Indian Affairs Road Maintenance Program

Tim Walker, PE
BIA Regional Road Maintenance Engineer
September 17, 2009
Recovery Act R/R funds are appropriated under "construction" in the Act, and are defined as "repair and restoration" of roads and bridges.

Note the language of “construction”. Funds under construction are not treated the same way as the normal TPA Interior funds. They are treated like IRR construction funds.
FUNDING

Distinction between 4 funds available to Road Maintenance:

1. Regular IRR Funds (25% can go towards Maintenance)
2. ARRA IRR Funds (25% can go towards Maintenance)
3. TPA Interior Funds for Road Maintenance
4. ARRA (R/R) – Road Repair and Restoration Funds
   Note: We don’t use the term “Road Maintenance” when referring to R/R.

$150.0 Million for ARRA R/R
$7.5 Million off the top for Administration
$142.5 Million for R/R Projects
FUNDING

Formula for Distribution of the $142.5 Million to Tribes

1. 50% based on Historical funding of TPA Interior funds
2. 50% based on percent of roads at Level of Service 3 rating from Deferred Maintenance Report, 4th Qtr FY08

North West Region’s share is $12,908,000

Grand Ronde Tribe, as an example, is tabulated at $134,500

<table>
<thead>
<tr>
<th>Project</th>
<th>Road</th>
<th>Bridges</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>P011411T</td>
<td>$75,300</td>
<td>$31,600</td>
<td>$106,900</td>
</tr>
<tr>
<td>P011411W</td>
<td>$11,600</td>
<td>$16,000</td>
<td>$27,600</td>
</tr>
<tr>
<td>Total</td>
<td>$86,900</td>
<td>$47,600</td>
<td>$134,500</td>
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</table>
ARRA R/R PROGRAM OBJECTIVES

Objective #1: Recovery Act funds are to be used to **maintain, repair and restore roads/bridges** which are the responsibility of the Secretary of the Interior, **while creating and saving jobs** on Indian Reservations, tribal communities and in Native villages.

Objective #2: **Increase the percentage of roads/bridges in "acceptable condition"** based on the Program Strategic Plan measure over the next two years. (i.e. LOS 3 to LOS 1-2)
EXPENDITURE STRATEGY

The tabulated funding amount for each Tribe is then broken out for expenditure, as follows;

1. **50% for Roads and Bridges rated as LOS 3**
   The intention is to raise as many roads and bridges to good or better condition (LOS 1 or LOS 2).

2. **50% for Roads and Bridges rated as LOS 1, 2, 4, & 5**
   The intention is to prevent LOS 1 & 2 roads from slipping to a lower level and to maintain LOS 3 & 4 roads as safe and passable for the traveling public.
USE OF FUNDS

1. The Recovery Act funds must be obligated and/or expended by September 30, 2010
2. Used only for BIA-owned Roads and Bridges
3. Not allowed to use for snow and ice removal
4. Not allowed to use for emergency maintenance
5. Not allowed to use for ferry boat and terminal operation
6. Can be used for purchase of heavy equipment upon approval of BIADOT on a case by case basis.

Although equipment purchase is allowable the approval is very restrictive. The ARRA program is not intended to benefit the maintenance program over the long haul, even if it will be more cost effective. It is for creating jobs and raising LOS 3 roads and bridges to a higher level.
ELIGIBLE ACTIVITIES

- Ditches and Culverts
- Adding/ Replacing Culverts
- Signs and Striping.
- Removing Hazards
- Repairing Road Embankments
- Leasing, renting, or Purchase of Maintenance Equipment
- Pavement Maintenance (Pot Holes, Crack Sealing, & 1” Overlays.
- Erosion Control
- Dust Control
- Re-Graveling
- Bridge Repairs (minor)
- Vegetation Control
Level of Service (LOS)

1. Predominate theme for R/R Program
2. Specific to Road Maintenance and not RIFDS derived.
3. Major factor in work plan development (50% to LOS 3 Roads)
4. Regional Office review of site before work begins
5. Rating of each road project quarterly (Required Report)

<table>
<thead>
<tr>
<th>LOS 1 – Excellent</th>
<th>LOS 1 &amp; 2 Referred to as “Acceptable”</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOS 2 – Good</td>
<td>or “Good or Better”</td>
</tr>
<tr>
<td>LOS 3 – Fair</td>
<td></td>
</tr>
<tr>
<td>LOS 4 – Poor</td>
<td>LOS 3, 4, 5 Referred to as</td>
</tr>
<tr>
<td>LOS 5 – Failing</td>
<td>“Unacceptable”</td>
</tr>
</tbody>
</table>

Evaluates all elements of road template to determine the overall condition of the roadway (road surface, shoulder, drainage, vegetation, signs, and sight lines)
PCAS (PROJECT NUMBERS)

- PROJECT – PCAS NO.
- RES / STA / C D
  - RES
  - STA
  - C D

Region / RES-Code / State-Con Dist
- P 0 1 1 4 1 1 T

This example is for Grand Ronde Tribe. They have two counties, “1T” and “1W”.
WHAT STEPS NEED TO BE TAKEN FOR A SUCCESSFUL PROJECT?

1. Letter of Intent.
2. Work Plan
3. PS&E
4. Resolution/Contract
5. Construction/Reporting
Step 1
LETTER OF INTENT

1. BIA receives funds. BIA notifies Tribes (i.e. 4/10/09, 7/27/09, and 9/5/09).
2. Letter of 9/5/09 requests tribal resolution of intent.
3. A second method is through a letter signed by the Tribal Chairman.
4. Option 1 is for Tribe to indicate they will pursue eligibility, approval, and contract process.
5. Option 2 is for Tribe to decline seeking PL 93-638 contract.
6. If Option 2 exercised then the BIA could, if authorized by Tribe, manage the funds on Tribe’s behalf.
7. One management example is for the BIA to combine Tribal funds under one contract, say striping, and go to each Tribe to perform the work. This could work well for Tribes with small amounts of funds.
Step 2
WORK PLAN

1. Project numbers already exist but are unavailable to use until the Work Plan is approved. In a sense, it replaces the CS/TIPS process which requires a resolution and prioritization of projects.

2. A check list from the Implementation Plan indicates all of the elements needed for the plan. (see next slide)

3. A generic work plan is provided for your information.

4. Must be approved by NW Region Transportation with final approval by Central Office Transportation (BIADOT).
Road/Bridge Repair and Restoration Program (ARRA-2009)

Region Implementation Checklist:

1. Project list (Template of BIA Repair and Restoration Projects)
2. Contract (P.L. 93-638)
3. NEPA Requirements (Categorical Exclusion, EA, etc.)
4. Budget Estimate
   a. Project Management for contract work and in-house
   b. Road repair/restoration
      i. LOS 3
      ii. LOS 1,2,4,5 and blank
   c. Bridge repair/restoration
      i. Specific bridge by LOS
5. Equipment Acquisition Request (if applicable)
6. Work Plan (By Region, Agency and Reservation)
   a. Roads/bridges to be R/R in FY2009
   b. Roads/bridges to be R/R in FY2010
7. Assessment Schedule (GPRA based condition assessment of assets)
8. Letter of Intent to Contract from Tribe (or other official document)
9. Funds Availability
10. Finalized Negotiations of Contract/Agreement
11. ARRA Points of Contact Identified
    a. Region Program Coordinator Identified
    b. R/R Project Manager Identified
12. Performance Plan (GPRA and ARRA) (Identified in Program Plan)
    a. Number of Miles of Road moved from Fair (LOS 3) into Good (LOS2) or Excellent (LOS 1) Condition
    b. Percentage of BIA roads in acceptable condition
    c. Percentage of BIA bridges in acceptable condition
13. Reporting Requirements are understood including dates
Step 3
PS&E

1. ARRA R/R funds are appropriated under construction under the act. Therefore, all of the requirements under IRR are also required for R/R with some differences.

2. PS&E package does not require as much detail. The package can be abbreviated. Items needed are cover sheet, quantities, specifications, scope of work, and second level review.

3. Right of way is not required if work remains in existing road profile.

4. NEPA is required but is likely to be a categorical exclusion.
Step 4
RESOLUTION/ CONTRACT

1. A Tribal resolution and an ARRA application is needed to request a PL 93-638 contract.
2. Tribe must meet the ARRA requirements to be eligible to contract.
3. Negotiate and award the PL 93-638 contract.
Step 5
CONSTRUCTION/ REPORTING

1. Preconstruction meeting required before notice to proceed is granted.
2. Reports specific to ARRA (FHWA) IRR do not apply.
3. Reports specific to ARRA R/R apply. Labor and Project Status reports are required monthly.
4. Additional reports required of all ARRA.
5. Quarterly LOS reviews of all project roads required to document improvement.
6. Deadlines for reports will be specified in contract and can not be missed.
DIFFERENCES BETWEEN R/R AND IRR

• **R/R**
  • Project # exists. Work Plan required
  • Project # by county
  • PS&E Abbreviated
  • Right of way not required is remain in road template
  • NEPA required but likely only CA
  • BIA roads only

• **IRR**
  • Project # requires resolution/prioritization/ CSTIP
  • Project # by job
  • PS&E full requirement
  • Right of way required for all projects
  • NEPA required (CA,EA,etc)
  • All roads eligible
INFORMATION PROVIDED TO DATE

I emailed the following information to all Tribal Leaders and Tribal Transportation Planners. Each email included attachments that you need. I can provide any of below on request. Also included on jump drive.

1. 4/10/09 Letter from (RD) Regional Director best available information at that time. Draft tabulation of funds provided.
2. 6/19/09 Email on LOS – DMR reporting requirements.
3. 7/27/09 Email of Final Implementation Guide for ARRA R/R.
4. 9/05/09 Letter from RD requesting Tribal intention for ARRA R/R funds.
5. 9/12/09 Email clarifying 9/05/09 letter.