



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

FEB 27 2009

Dear Governor:

The U.S. Department of Transportation (DOT) is actively implementing the American Recovery and Reinvestment Act of 2009, (ARRA), which provides significant new funding for transportation infrastructure. The DOT is taking steps to ensure effective coordination and support among Federal agencies as well as preparing our partners and stakeholders to implement ARRA as expeditiously as possible. One key step to expedite the delivery of ARRA funds is for all State and local agencies to complete the certifications required under ARRA. These include section 1201, Maintenance of Effort; section 1511, Transparency and Oversight; and section 1607, Additional Funding Distribution and Assistance of Appropriate Use of Funds. This letter, along with the enclosed Guidance and Sample Forms, will assist your State in completing the required ARRA certifications.

Under section 1201 of ARRA, the Governor of each State must 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 ARRA. This certification must be completed no later than **Thursday, March 19, 2009**. Please see enclosed Guidance and Sample Form.

Under section 1511 of ARRA, for funds under ARRA made available to State or local governments for infrastructure investments, the Governor, mayor, or other chief executive, as appropriate, must certify that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Please see the enclosed Guidance and Sample Form to be signed by the appropriate chief executive. For ARRA highway and transit funds, we request that the Governor or Chief Transportation Executive complete this section 1511 certification with reference to the Statewide Transportation Improvement Program for these investments. **This certification must be executed and posted prior to the State or local governments receiving ARRA funds.** The DOT plans to apportion ARRA highway funds as early as next **Tuesday, March 3, 2009**.

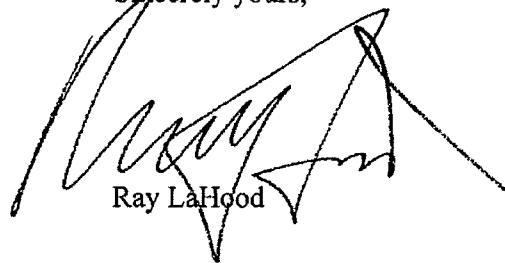
Under section 1607 of ARRA, the Governor of each State must certify by **Friday, April 3, 2009**, that the State will request and use ARRA funds and that the ARRA funds will be used to create jobs and to promote economic growth. Please see enclosed Guidance and Sample Form.

All executed ARRA certifications must be submitted to the Secretary of Transportation c/o of Joel Szabat, Deputy Assistant Secretary for Transportation Policy, at TigerTeam@dot.gov.

Please note that I have directed all DOT operating administrations to ensure that each project approved using ARRA funds complies with all requirements of law. The DOT operating administrations will achieve this through their standard project approval and oversight process for each transportation project. We may seek additional information in the future about specific programs or projects.

Thank you for working with us to ensure that the ARRA certifications are executed and posted in accordance with law. We must all continue to ensure that the ARRA funds are used for transportation infrastructure investments that are an appropriate use of transportation dollars and meet all the requirements of law, and instances of fraud, waste, and abuse are mitigated. Further, we must all work together to ensure that the recipients and uses of all transportation infrastructure funds are transparent to the public, and the public benefits of these funds are reported clearly, accurately, and in a timely manner.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Ray LaHood', is written over a printed name. The signature is stylized and somewhat illegible due to its cursive nature.

Ray LaHood

Enclosure

**U.S. DEPARTMENT OF TRANSPORTATION GUIDANCE ON THE
CERTIFICATION REQUIREMENTS OF
THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

This document provides U.S. Department of Transportation (DOT) guidance on the requirements for Certification under sections 1201, 1511, and 1607 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5 (Feb. 17, 2009)) ("ARRA") and the process for submitting such Certifications. Sample Certification Forms to satisfy the requirements under sections 1201, 1511 and 1607 of ARRA are attached.

I. Certification under Section 1201 of ARRA.

- (a) General Description: Maintenance of Effort (Section 1201(a) and (b)) - The Governor of each State must 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 ARRA. See attached Sample Form.
- (b) Certifying Official(s): Governor.
- (c) Principal Requirements:
- Maintenance of Effort: By no later than March 19, 2009, for each amount distributed to a State or agency thereof from a transportation program appropriation under ARRA, the Governor of the State shall certify to the Secretary that the State will maintain its effort with regard to State funding for the types of projects that are funded by the appropriation.
 - Statement: The Governor must submit a statement to the Secretary identifying the amount of funds the State planned to expend from State sources as of Feb. 17, 2009, for the period beginning on February 17, 2009, through September 30, 2010, for the type of projects funded by the appropriation.
 - Failure to Maintain Effort: If the State is unable to maintain the level of effort certified, the State will be prohibited from receiving redistributed Federal-aid highway and highway safety construction program obligation limitation in the August Redistribution for FY 2011.
 - Periodic Reports Due Not Later than May 18, 2009 (90 days after enactment, with updates not later than 180 days, 1 year, 2 years, and 3 years after enactment). Further

guidance on the process for submitting these reports will be forthcoming in a separate document.

II. Certification Under Section 1511 of ARRA.

- (a) General Description: For funds under ARRA made available to State or local governments for infrastructure investments, Section 1511 requires that the Governor, mayor, or other chief executive, as appropriate, certify that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. See enclosure Sample Form to be signed by the appropriate chief executive.

For infrastructure investments funded with amounts appropriated by ARRA under the headings: "Highway Infrastructure Investments" to the Federal Highway Administration, "Transit Capital Assistance," "Fixed Guideway Infrastructure Investment," and "Capital Investment Grants" to the Federal Transit Administration, the appropriate chief executive may certify that the specific information required by Section 1511 concerning each such investment is provided on the [State name] Statewide Transportation Improvement Program (STIP) and is available to the public at [<http://.....>]. This Certification **Must Be Executed and Posted Prior** to State or local governments receiving ARRA funds. See enclosure Sample Form.

- (b) Certifying Official(s): Governor, mayor, or other chief executive, as appropriate.
- (c) Principal Requirements: Certification shall:
- include the fact that the infrastructure investment has received the full review and vetting required by law;
 - include the fact the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars;
 - include a description of the investment, the estimated total cost, and the amount of covered funds to be used; and,
 - be posted on a website and linked to the Recovery Accountability and Transparency Board website.

III. Certification under Section 1607 of ARRA.

- (a) General Description: The Governor must certify by April 3, 2009, to the appropriate use of funds, including the use of such funds to create jobs and to promote economic growth. See enclosure Sample Form.
- (b) Certifying Official(s): Governor.

(c) General Requirements:

- By April 3, 2009, for any State or agency thereof, the Governor of the State shall certify that:
 - ii) the State will request and use funds provided by this Act; and
 - iii) the funds will be used to create jobs and promote economic growth;
- Acceptance by State Legislature – If funds provided to any State are not accepted for use by the Governor, then the State legislature may make such acceptance by adopting a concurrent resolution.
- Distribution – After the adoption of a State legislature’s concurrent resolution, funding to the State will be for distribution to local governments, councils of government, public entities, and public-private entities within the State either by formula or at the State’s discretion.

IV. Process for Submitting Certifications Required Under Sections 1201, 1511 and 1607.

- (a) Submission of Certifications: All Certifications, once executed, shall be submitted to the Secretary of Transportation, c/o Joel Szabat, Deputy Assistant Secretary for Transportation Policy, at TigerTeam@dot.gov.
- (b) Form of Certifications: Certifications may be submitted via e-mail as electronic, scanned copies, with original signed versions to follow to be submitted via U.S. mail.
- (c) Public Posting of Certifications: As required by ARRA, Certifications under Section 1511 shall be immediately posted on a website and linked to the website Recovery.gov. DOT will work with the State and local governments to link the Certifications to Recovery.gov.

Sample Form

**CERTIFICATION UNDER SECTION 1201 OF
THE AMERICAN RECOVERY AND REINVESTMENT ACT :**

Pursuant to Title XII, section 1201 of the American Recovery and Reinvestment Act (Pub. L. 111-5 (Feb. 17, 2009)) ("ARRA"), I _____, the Governor of the State of _____, hereby certify to the Secretary of Transportation that the State of _____ will maintain its effort with regard to State funding for the types of projects in DOT "covered programs" funded under ARRA. The enclosure list of DOT "covered programs" identifies the amount of funds the State plans to expend from State sources from February 17, 2009 to September 30, 2010, for the types of projects under the DOT "covered programs" funded under ARRA.

I understand that if the State of _____ is unable to maintain the level of funding identified in this list of the types of projects under the DOT "covered programs" funded under ARRA, the State of _____ will thereafter be prohibited by the Secretary of Transportation from receiving additional limitation on obligations for Federal-aid highway and highway safety construction programs that occurs after August 1 for fiscal year 2011.

Governor, State of _____

Signed this _____ day of March, 2009.

Attachment

Attachment

[INSERT OR ATTACH LIST OF DOT "COVERED PROGRAMS" UNDER ARRA AND THE SPECIFIC STATE FUNDING AMOUNTS FOR THE TYPES OF PROJECTS UNDER THE DOT "COVERED PROGRAMS", OR PROVIDE ELECTRONIC LOCATION OF LIST]

"Supplemental Discretionary Grants for a National Surface Transportation System"-
Office of the Secretary of Transportation- (\$)

"Supplemental Funding for Facilities and Equipment"- Federal Aviation Administration-
(\$)

"Grants-in-Aid for Airports"- Federal Aviation Administration- (\$)

"Highway Infrastructure Investment"- Federal Highway Administration- (\$)

"Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service"-
Federal Railroad Administration- (\$)

"Capital Grants to the National Railroad Passenger Corporation"- Federal Railroad
Administration-(\$)

"Transit Capital Assistance"- Federal Transit Administration- (\$)

"Fixed Guideway Infrastructure Investment"- Federal Transit Administration- (\$)

"Capital Investment Grants"- Federal Transit Administration- (\$)

"Supplemental Grants for Assistance to Small Shipyards"- Maritime Administration- (\$)

Sample Form for a State or Local Governments Receiving Federal Highway
Administration and/or
Federal Transit Administration Funding

**CERTIFICATION UNDER SECTION 1511 OF
THE AMERICAN RECOVERY AND REINVESTMENT ACT:**

Pursuant to Title XV, Subtitle A, section 1511 of the American Recovery and Reinvestment Act (Pub. L. 111-5 (Feb. 17, 2009)) ("ARRA"), I _____*, hereby certify that the infrastructure investments funded with amounts appropriated by ARRA under the headings: "Highway Infrastructure Investment" to the Federal Highway Administration, "Transit Capital Assistance," "Fixed Guideway Infrastructure Investment," and "Capital Investment Grants" to the Federal Transit Administration, have received the full review and vetting required by law and that I accept responsibility that such investments are appropriate uses of taxpayer dollars. I further certify that the specific information required by section 1511 concerning each such investment (a description of the investment, the estimated total cost, and the amount of ARRA funds to be used) is provided on the [State name] Statewide Transportation Improvement Program (STIP) and is available to the public at [http://.....] and linked to Recovery.gov.

I understand that my State or local agency may not receive ARRA infrastructure investment funding unless this certification is made and posted.

State or Local Official

Signed this _____ day of March, 2009.

* In accordance with section 1511 of ARRA, the Certifying Official may be either the Governor, mayor, or other chief executive, as appropriate.

Sample General Form

**CERTIFICATION UNDER SECTION 1511 OF
THE AMERICAN RECOVERY AND REINVESTMENT ACT:**

Pursuant to Title XV, Subtitle A, section 1511 of the American Recovery and Reinvestment Act (Pub. L. 111-5 (Feb. 17, 2009) ("ARRA"), I _____*, hereby certify that the infrastructure investment funded by ARRA has received the full review and vetting required by law and that I accept responsibility that such investment is an appropriate use of taxpayer dollars. I further certify that the specific information required by section 1511 concerning each such investment (a description of the investment, the estimated total cost, and the amount of ARRA funds to be used) is enclosure or is provided on the [State name] website, available to the public at [http://.....] and linked to Recovery.gov.

I understand that my State or local agency may not receive ARRA infrastructure investment funding unless this certification is made and posted.

State or Local Official

Signed this _____ day of March, 2009.

* In accordance with section 1511 of ARRA, the Certifying Official may be either the Governor, mayor, or other chief executive, as appropriate.

Sample Form

**CERTIFICATION UNDER SECTION 1607 OF
THE AMERICAN RECOVERY AND REINVESTMENT ACT:**

Pursuant to Title XVI, section 1607 of the American Recovery and Reinvestment Act (Pub. L. 111-5 (Feb. 17, 2009)) ("ARRA"), entitled "Additional Funding Distribution and Assistance of Appropriate Use of Funds", I _____, the Governor of the State of _____, hereby certify that:

- 1) The State of _____ will request and use funds provided by ARRA; and
- 2) Funds will be used to create jobs and promote economic growth.

Governor, State of _____

Signed this _____ day of March, 2009.