

**Additional Information for Economic Stimulus Program (ESP)
2007-12 TIP Amendment Proposal**

**Prepared by the NYSDOT Region 1 Planning & Programming Staff
For the January 21, 2009 CDTC Planning Committee Meeting**

The Region is presenting a comprehensive ESP proposal for State and local system projects within this amendment. The list is a compilation of project proposals previously submitted to the Governor's office and a number of additional proposals resulting from subsequent individual submissions from various municipalities. While not a strict priority ranking, the list is stratified among 90 and 180- day delivery period (within which to receive FHWA obligation for construction funding) proposals and as to whether the project already is included in the current TIP/STIP. The time periods proposed are based on our understanding of where the listed projects are in the procedural pipeline and assume ALL the normal federal aid procedural requirements must be met, including NEPA, regulatory permits, SHPO concurrence and Uniform Act requirements (for ROW). Our assessment of a general time frame is based on a number of recent contacts with consultants and sponsors.

The major objective of this program is to let projects to create jobs on the street as quickly as possible. There is no allocation or required distribution of these funds among the DOT Regions or metropolitan areas as yet. There will be a requirement for geographic or demographic equity, but that will be gauged or perhaps subjugated against ability to deliver projects within tight time frames. The Region intends to position itself to take as early advantage as possible of the funds to be made available. Our understanding is that, in the event there are 'unused' (unobligated) funds, they may be redistributed late this year to other States.

The Department is proposing a major 'element specific' contracting component for this package. Element specific work is core maintenance work approved by FHWA for federal highway funding ON the federal aid highway system or work that improves a public highway bridge (span 20 feet or longer). While we expect the largest share of this component could go to State system work, we are leaving the door open for localities to participate, if they have or can provide eligible projects that are ready within the time frames stated. Part of the intent is to obligate as much money as possible within the 90 day time frame because this may become a key requirement of the ESP legislation. Element specific contracts provide a means to meet that requirement. First come, first served (i.e. obligated) will, no doubt, become the primary rule regardless of placement on the attached list. The use of the regional set-aside concept is proposed for this type purpose.

FHWA has provided as much information as could be assumed with respect to this program. As stated above, no procedural requirements will be waived. That includes consultant selection consistent with the Brooks Act and contracting terms and language compliant with Title 23 USC, in addition to the afore-stated main procedural requirements. The Department is preparing a special reimbursement agreement and

resolution to use for all ESP projects. In general all procedures and requirements outlined in the Department's Local Federal Aid Procedures Manual are applicable; thus municipalities are reminded to be realistic about time frames to deliver new projects or those with complicated procedural requirements or permitting needs.

The federal share for ESP projects is expected to be 100%, at least for the first phase(s) of the program. Local governments will be required to pay expenses up front and be reimbursed. Later phases may revert to the standard 80-20 match. In that vein , it should be noted that a longer term program may be enacted by Congress; thus projects not selected or deliverable in the 180 day period may well have a chance for the extended program funds. Municipalities may be able to advertise projects in advance of formal FHWA authorization, but **MUST** have that formal funding authorization in hand prior to any bid opening. We are still attempting to clarify procedures with FHWA.

The Region's position on the STIP- TIP fiscal constraint issue is that we need to address and prioritize already programmed projects first, all other things equal. This should not, however, supersede the afore-said 90-180 day requirements that may need to be met. Also, the Region will be insistent that an ADA compliance, element specific project be included in the package to address local and State arterial needs on major transit routes.