

Federal Project Management

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Discussion Items

- Proper Authorization
- Period of Performance
- Obligating/ Authorizing – DO NOT
- BIL & Local Discretionary Grants
- Project Closeout
- Project End Dates
- Inactive Projects
- District Contacts
- Final Takeaways

Proper Authorization

- Project is properly identified in the STIP/TIP
- Clearly defined project title, description and scope of work for the applicable phase (PE, ROW, CONS)
- Project End Date (PED) is identified (Period of performance or PoP)
- Federal Share is established
- Authorized before work starts or advertised (project agreement)

Proper Authorization Cont.

- Funding must be supported by a documented accurate and current cost estimate
- Non-participating cost should be identified
- Only authorized “ready to proceed” phases/projects
- Notice to Proceed (NTP) **cannot** be given until the project funds have been approved through INDOT and by FHWA in the financial systems. This means you must have a Purchase Order prior to NTP

Period of Performance - 2 CFR 200

- Agreement Start Date
 - Date when FHWA authorizes project to begin incurring costs
 - Each phase is authorized only when phase is ready to proceed
 - Authorization is not provided until applicable requirements are met (e.g. NEPA, ROW)
- Project End Date
 - More details later
 - Work performed after end date is not allowable

Obligating/ Authorizing – DO NOT

- Request obligation/authorization of federal funds before project is ready to start/proceed
- Request authorization of projects solely to reserve Federal funds for a future project – **THIS IS AN IMPROPER AUTHORIZATION AND FUNDS WILL BE REMOVED**
- Request obligation/authorization for more than estimate of costs.
- **Keep in Mind** – FHWA can unilaterally withdraw or cancel projects that are not authorized properly.

Bipartisan Infrastructure Law (BIL)

High Points of BIL Highway Provisions

- Funds highway programs for five years (FY 22-26)
- \$350.8 B (FY 22-26) for highway programs
- More opportunities for local governments and other non-traditional entities to access new funding
- \$90 B transfer (GF->HTF) to keep the HTF Highway Account solvent for years

Bipartisan Infrastructure Law—What it means to you

- Estimated additional funding over previous FAST ACT Estimates for Local Program
 - FY22 – \$52.0M
 - FY23 – \$58.2M
 - FY24 – \$64.5M
 - FY25 – \$70.9M
 - FY26 – \$77.5M
- **TOTAL – \$323.1M***

*Split between MPO/Rural program

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Funding Available to a Range of Recipients

Program Examples	State	MPO	Local	Tribe	PA*	Territory	FLMA*
Apportioned programs (formula)	✓						
Bridge Program (formula)	✓			✓			
National Electric Vehicle Formula Program	✓		✓				
Safe Streets and Roads for All program		✓	✓	✓			
PROTECT Grants (discretionary)	✓	✓	✓	✓	✓		✓
Charging and Fueling Infrastructure Program	✓	✓	✓	✓	✓	✓	
Congestion Relief Program	✓	✓	✓				
Bridge Investment Program (discretionary)	✓	✓	✓	✓	✓		✓
Reconnecting Communities Pilot Program	✓	✓	✓	✓			
Rural Surface Transportation Grants	✓		✓	✓			
INFRA	✓	✓	✓	✓	✓		✓
Nat'l Infra. Project Assistance	✓	✓	✓	✓	✓		
Local and Regional Project Assistance	✓	✓	✓	✓	✓	✓	

Note: This table does not include all BIL programs or eligible entities, and there are additional nuances not represented in this table. Additional programmatic information is provided in later slides. FHWA will administer most, but not all, programs listed.

* "PA" means a special purpose district or public authority with a transportation function; FLMA means Federal Land Management Agency

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[Division J]

[NEW] National Electric Vehicle Formula Program (formula and discretionary*)

Purpose	Strategically deploy electric vehicle (EV) charging infrastructure and establish an interconnected network to facilitate data collection, access, and reliability
Funding	\$5 B (FY 22-26) in advance appropriations from the GF
Recipients	<ul style="list-style-type: none">• States (including DC and Puerto Rico)
Distribution formula	<ul style="list-style-type: none">• Same shares as Federal-aid highway apportionments
Other key provisions	<ul style="list-style-type: none">• Funded projects must be located along designated alt fuel corridors• Sets aside 10% of funding for discretionary grants to State and local governments that require additional assistance to strategically deploy EV charging infrastructure• State must submit plan to DOT describing planned use of funds• If State doesn't submit plan (or carry it out), DOT may withhold or withdraw funds and redistribute within the State, or to other States• Establishes DOT-DOE Joint Office of Energy and Transportation• Requires DOT to designate national EV charging corridors to support freight and goods movement

* Program sets aside funds for discretionary technical assistance grants; also if DOT withholds or withdraws funding from a State, DOT may award funds to local governments in the same State.

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§ 24112

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[NEW] Safe Streets and Roads for All (discretionary)

Purpose	Support local initiatives to prevent transportation-related death and serious injury on roads and streets (commonly referred to as “Vision Zero” or “Toward Zero Deaths” initiatives).
Funding	\$5.0B (FY 22-26) in advance appropriations from the GF
Eligible entities	<ul style="list-style-type: none">• MPO• Political subdivision of a State (e.g., local governments)• Tribal government
Eligible projects	<ul style="list-style-type: none">• Comprehensive safety action plan (planning grant)• Planning, design, and development activities for infrastructure projects and other strategies identified in a comprehensive safety action plan
Other key provisions	<ul style="list-style-type: none">• Sets aside not less than 40% of total funding each FY for planning grants.• Requires considering, among other factors, the likelihood of a project significantly reducing or eliminating fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, motorists, and commercial operators.

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§ 11405

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[NEW] PROTECT Grants (discretionary)

Purpose	Planning, resilience improvements, community resilience and evacuation routes, and at-risk coastal infrastructure
Funding	\$1.4 B (FY 22-26) in Contract Authority from the HTF
Eligible entities	<ul style="list-style-type: none">• State (or political subdivision of a State)• MPO• Local government• Special purpose district or public authority with a transportation function• Indian Tribe• Federal land management agency (applying jointly with State(s))• <i>Different eligibilities apply for at-risk coastal infrastructure grants</i>
Eligible projects	<ul style="list-style-type: none">• Highway, transit, intercity passenger rail, and port facilities• Resilience planning activities, including resilience improvement plans, evacuation planning and preparation, and capacity-building• Construction activities (oriented toward resilience)• Construction of (or improvement to) evacuation routes
Other key provisions	<ul style="list-style-type: none">• Higher Federal share if the eligible entity develops a resilience improvement plan (or is in a State or area served by MPO that does) and the State or MPO incorporates it into its long-range transportation plan• May only use up to 40% of the grant for construction of new capacity

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§ 11401

[NEW] Charging and Fueling Infrastructure (discretionary)

Purpose	Deploy electric vehicle (EV) charging and hydrogen/propane/natural gas fueling infrastructure along designated alternative fuel corridors and in communities
Funding	\$2.5 B (FY 22-26) in Contract Authority from the HTF
Eligible entities	<ul style="list-style-type: none">• State or political subdivision of a State• MPO• Local government• Special purpose district or public authority with a transportation function• Indian Tribe• Territory
Eligible projects	<ul style="list-style-type: none">• Acquisition and installation of publicly accessible EV charging or alternative fueling infrastructure• Operating assistance (for the first 5 years after installation)• Acquisition and installation of traffic control devices
Other key provisions	<ul style="list-style-type: none">• Requirement to redesignate alternative fuel corridors and establish a process to regularly redesignate these corridors• Set-aside (50%) to install EV charging and alternative fueling infrastructure on public roads or in other publicly accessible locations, such as parking facilities at public buildings, schools, and parks

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§ 11404

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[NEW] Congestion Relief Program (discretionary)

Purpose	Advance innovative, integrated, and multimodal solutions to reduce congestion and the related economic and environmental costs in the most congested metropolitan areas with an urbanized area population of 1M+.
Funding	\$250 M (FY 22-26) in Contract Authority from the HTF
Eligible entities	<ul style="list-style-type: none">• State• MPO• City or municipality
Eligible projects	<ul style="list-style-type: none">• Planning, design, implementation, and construction activities to achieve the program goals, including:<ul style="list-style-type: none">○ deployment and operation of integrated congestion management systems, systems that implement or enforce HOV toll lanes or pricing strategies, or mobility services; and○ incentive programs that encourage carpooling, nonhighway travel during peak periods, or travel during nonpeak periods.• Subject to certain requirements and approval by the Secretary, provides for tolling on the Interstate System as part of a project carried out with a grant under the program

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§ 11118

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[NEW] Bridge Investment Program (discretionary)

Purpose	Improve bridge (and culvert) condition, safety, efficiency, and reliability
Funding	\$12.5 B (FY 22-26), including— <ul style="list-style-type: none">• \$3.3 B (FY 22-26) in Contract Authority from the HTF; and• \$9.2 B (FY 22-26) in advance appropriations from the GF
Eligible entities	<ul style="list-style-type: none">• State• MPO (w/ pop. >200K)• Local government• Special purpose district or public authority with a transportation function• Federal land management agency• Tribal government
Eligible projects	<ul style="list-style-type: none">• Project to replace, rehabilitate, preserve or protect one or more bridges on the National Bridge Inventory• Project to replace or rehabilitate culverts to improve flood control and improve habitat connectivity for aquatic species
Other key provisions	<ul style="list-style-type: none">• At least 50% of funding reserved for certain large projects; option for multi-year funding agreements• Different process for funding projects ≤\$100 M cost• Sets aside average of \$40M per FY for Tribal transportation bridges

Bipartisan Infrastructure Law (BIL)

§ 11509

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[NEW] Reconnecting Communities Pilot Program (discretionary)

Purpose	Restore community connectivity by removing, retrofitting, or mitigating highways or other transportation facilities that create barriers to community connectivity, including to mobility, access, or economic development
Funding	\$1 B (FY 22-26), including— <ul style="list-style-type: none">• \$500 M (FY 22-26) in Contract Authority from the HTF; and• \$500 M (FY 22-26) in advance appropriations from the GF
Eligible entities	<u>Planning grants:</u> <ul style="list-style-type: none">• State• MPO• Local government• Tribal government• Nonprofit organization <u>Capital construction grants:</u> Owner of an eligible facility (may partner with any of the eligible entities for a planning grant)
Eligible activities	<ul style="list-style-type: none">• Planning grants (\leq\$2M)• Grants ($\geq$\$5M) for capital construction projects, including the removal and replacement of eligible facilities

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§ 11132

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[NEW] Rural Surface Transportation Grants (discretionary)

Purpose	Improve and expand the surface transportation infrastructure in rural areas to increase connectivity, improve the safety and reliability of the movement of people and freight, and generate regional economic growth and improve quality of life.
Funding	\$2 B (FY 22-26) in Contract Authority from the HTF
Eligible entities	<ul style="list-style-type: none">• State• Regional transportation planning organization (RTPO)• Local government• Tribal government
Eligible projects	<ul style="list-style-type: none">• Highway, bridge, or tunnel projects eligible under NHPP, STBG or the Tribal Transportation Program• Highway freight project eligible under NHFP• Highway safety improvement project• Project on a publicly-owned highway or bridge improving access to certain facilities that support the economy of a rural area• Integrated mobility management system, transportation demand management system, or on-demand mobility services
Other key provisions	<ul style="list-style-type: none">• Sets aside each FY: ≤10% for grants to small projects (<\$25M); 25% for designated routes of the ADHS; and 15% for projects in States with higher than average rural roadway lane departure fatalities

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§ 11110

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Changes to INFRA Program (discretionary)

Purpose	Multimodal freight and highway projects of national or regional significance
Funding	\$8 B (FY 22-26), including: <ul style="list-style-type: none">• \$4.8 B (FY 22-26) in Contract Authority from the HTF; and• \$3.2 B (FY 22-26) in advance appropriations from the GF
Eligible entities	Adds eligibility for: <ul style="list-style-type: none">• Multistate corridor organizations
Eligible projects	Adds eligibility for: <ul style="list-style-type: none">• A highway, bridge, or freight project on the National Multimodal Freight Network• Marine highway corridor projects functionally connected to NHFN and likely to reduce on-road emissions;• Wildlife crossing projects; and• Surface transportation projects within the boundaries of or functionally connected to an international border crossing area;
Other key provisions	<ul style="list-style-type: none">• Increases flexibility to use INFRA funds (up to 30% per FY) on non-highway freight projects• Sets aside $\geq 15\%$ (instead of 10%) of grant funding for small projects and at least 30% of the set-aside amount for projects in rural areas

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§ 21201

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[NEW] National Infrastructure Project Assistance Program (“Mega-projects”) (discretionary)

Purpose	Provide funding through single-year or multiyear grant agreements for eligible surface transportation projects
Funding	\$5 B (FY 22-26) in advance appropriations from the GF
Eligible entities	<ul style="list-style-type: none">• State• MPO• Local government• Special purpose district or public authority with transportation function• Tribal governments• Partnership between Amtrak and one or more other eligible entities
Eligible projects	<ul style="list-style-type: none">• Highway/bridge projects on National Multimodal Freight Network, NHFN, or NHS• Freight intermodal or freight rail projects that provide a public benefit• Railway-highway grade separation or elimination projects• Intercity passenger rail projects• Certain public transportation projects
Other key provisions	<ul style="list-style-type: none">• Sets aside 50% of grant funding for projects costing more than \$100 M but less than \$500 M, and 50% for projects costing \$500 M or more

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§ 21202

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[NEW] Local and Regional Project Assistance Program* (discretionary)

Purpose	Projects with a significant local or regional impact that improve transportation infrastructure
Funding	\$7.5 B (FY 22-26) in advance appropriations from the GF
Eligible entities	<ul style="list-style-type: none">• State (and DC)• Territory• Local government• Public agency or publicly chartered authorities established by one or more States• Special purpose district or public authority with transportation function• Federally-recognized Indian Tribe• Transit agency
Eligible projects	<ul style="list-style-type: none">• Highway/bridge projects eligible under title 23• Public transportation projects• Passenger or freight rail projects• Port infrastructure investments• Surface transportation components of an airport• Projects for investment in surface transportation facilities on Tribal land• Projects to replace or rehabilitate a culvert or certain projects to prevent stormwater runoff• Any other surface transportation projects considered necessary to advance program goals

* Codifies the existing Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program previously established through appropriations acts (and formerly known as TIGER and BUILD).

Bipartisan Infrastructure Law Sources/Additional Information

- FHWA Bipartisan Infrastructure Law PowerPoint – Overview of Highway Provisions
 - https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/bil_overview_20211122.pdf
- FHWA Bipartisan Infrastructure Law Website
 - <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/>

Bipartisan Infrastructure Law (BIL) Grant Applications

- When looking at Grants flowing through FHWA – Need to contact local district program director.
 - The State Budget Agency requires an approval process for any federal grants that INDOT will be involved with.
 - This sets up the funding mechanism inside of the State’s financial system which allows for federal reimbursements

Project End Dates

- Once an end date lapses, any phase previously authorized can no longer use federal funds.
 - Future phases can set new end dates and will be covered but previous phases will no longer be eligible for federal funds.
 - **No response to Project End Date requests will negatively impact scoring for LPA call**
- If Project End date needs to be adjusted, IMMEDIATELY contact your District office. This must be at least 60 days prior to expiration.
- OPEN POs are not the driving force behind project end dates. **An expiring end date trumps an open purchase order.**

Inactive Projects

- Projects without a Federal reimbursement request within 9 – 12 months of initial authorization or anytime thereafter are deemed Inactive.
- Inactive projects require INDOT to justify continued Federal funding via providing FHWA answers to the following:
 - Specific and justifiable reason(s) for the project going inactive and the delay in payments
 - Estimated date of payment submission
 - Detailed justification and information regarding the need for the funds

Inactive Projects

- **PLEASE RESPOND QUICKLY** when you are questioned by the district office about your projects.
 - No response to Inactive Project requests will negatively impact scoring for LPA call
 - If the PED has been reached and expired, the project will lose the federal funds regardless of inactive or non-inactive status.
- OPEN POs are not the driving force behind project end dates. **An inactive status trumps an open purchase order.**

LPA Contacts

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Final Takeaways

- ***REMEMBER – If Federal funding lapses due to expired Project End Dates state funds **CAN NOT** be used to cover the shortfall. It will be up to the local.
- pcorequest@indot.in.gov – Additional questions about inactivity or Project End Dates that the district is unable to answer.
- Information about Project End Dates and Inactive projects is available on the INDOT LPA website.
 - <https://www.in.gov/indot/2390.htm>
 - Downloads to an Excel spreadsheet with two tabs
 - PED
 - Inactive

Questions?

