

**UNITED STATES OF AMERICA
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, DC 20590**

**GRANT AGREEMENT
UNDER THE
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
TRANSPORTATION INVESTMENTS GENERATING ECONOMIC
RECOVERY (TIGER) DISCRETIONARY GRANT PROGRAM**

Wyoming Department of Transportation

WY HPP 4-1(6) Beartooth Highway Reconstruction Project

FHWA TIGER Grant No. 3

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**GRANT AGREEMENT BETWEEN THE
U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY
ADMINISTRATON AND WYOMING D EPARTMENT OF TRANSPORTATION,
UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009,
SUPPLEMENTAL DISCRETIONARY GRANTS FOR A NATIONAL SURFACE
TRANSPORTATION SYSTEM,
HEREINAFTER REFERRED TO AS THE
"TIGER DISCRETIONARY GRANT PROGRAM"**

WHEREAS, Wyoming Department of Transportation (hereinafter referred to as "Grantee," or "Recipient"), has applied for a grant to make improvements to a portion of the Beartooth Highway, including replacing the Beartooth Lake Outlet Bridge, upgrades to the bridge mitigation interpretation site, a new parking area, and a new approach road and intersection (hereinafter referred to as the "Project") under the TIGER Discretionary Grant Program authorized by the American Recovery and Reinvestment Act of 2009, Public Law 111-5 (hereinafter referred to as the "Recovery Act") WHEREAS, the U.S. Department of Transportation (DOT), (hereinafter referred to as the "Government"), acting for the United States, received and reviewed over 1,400 applications for grants under the TIGER Discretionary Grant Program; WHEREAS, DOT selected 51 projects to receive TIGER Discretionary Grants because of the benefits that these projects are expected to provide; WHEREAS, the Project was selected for funding based on its substantial safety benefits, job creation benefits, and impact on the regional economy; THEREFORE, DOT awards this grant in the amount of Six Million Dollars (\$6,000,000) to be administered by the Federal Highway Administration, to assist in the Grantee's efforts to construct the Project in accordance with the terms and conditions of this grant agreement (hereinafter referred to as the "Grant Agreement").

SECTION 1. LEGISLATIVE AUTHORITY

Title XII of the Recovery Act provides that "...the Secretary of Transportation shall distribute funds provided...as discretionary grants to be awarded to State and local governments or transit agencies on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region." The Act also provides that "...projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code, including interstate rehabilitation, improvements to the rural collector road system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments; public transportation projects eligible under chapter 53 of title 49, United States Code, including investments in projects participating in the New Starts or Small Starts programs that will expedite the completion of those projects and their entry into revenue service; passenger and freight rail transportation projects; and port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement."

Further, the Recovery Act provides that the authority to award a grant under the TIGER Discretionary Grant Program and perform oversight may be transferred from the

Secretary of Transportation to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration.

SECTION 2. GENERAL TERMS AND CONDITIONS

- a) The maximum obligation of the Government payable under this award, hereinafter referred to as the "Grant," shall be Six Million Dollars (\$6,000,000), subject to all the terms and conditions in this Grant Agreement and of all other Federal grant awards funding the Project.
- b) Payment of the Grant will be made pursuant to and in accordance with 49 CFR Parts 18 and 19 (to the extent that a non-governmental grantee receives grant funding), and the provisions of such regulations and procedures as the Government may prescribe. Final determination of Grant expenditures may be based upon a final review of the total amount of agreed project costs and settlement will be made for adjustments to the Grant amount in accordance with applicable government-wide cost principles (2 CFR 225 (State and Local Governments); 2 CFR 215 (Higher Education Institutions); and 2 CFR 230 (Non-Profit Organizations). If there are any differences between the requirements of 49 CFR Parts 18 and 19 and title 23 of the United States Code and Code of Federal Regulations, the title 23 requirements will take precedence.
- c) The Grantee agrees to carry out and complete the Project without undue delays and in accordance with the terms hereof, including the Project Schedule attached as Attachment F, and such regulations and procedures as the Government may prescribe.
- d) The Grantee has submitted a request for Federal assistance, hereinafter referred to as the "Technical Application," attached as Attachment G, and the Government is relying upon the Grantee's assurances, certifications, and other representations made in the Technical Application, or any other related documents submitted to the Government; and, in its submissions, the Grantee has demonstrated justification for the Project, and has demonstrated the financial and technical feasibility of the Project, including the ability to start construction quickly upon receipt of the Grant; to expend Grant funds once construction starts; and to receive all necessary environmental, state and local planning, and legislative approvals necessary for the Project to proceed in accordance with the Project Schedule.
- e) The Government has determined that the Project should receive a Grant based on a review of the Project's potential to rapidly create jobs and economic activity; to provide lasting, long-term economic benefits for the transportation system; and to provide other outcomes, as specified in the June 17, 2009, Federal Register Notice, "Notice of Funding Availability for Supplemental Discretionary Grants for Capital Investments in Surface Transportation Infrastructure Under the American Recovery and Reinvestment Act" (Docket No. OST-2009-0115).

- f) The Grantee will be monitored periodically by the Government, both programmatically and financially, to ensure that the Project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met. Monitoring will be accomplished through a combination of office-based reviews and onsite monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, performance and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed. The Grantee is responsible for monitoring award activities, to include sub-awards, to provide reasonable assurance that the Federal award is administered in compliance with applicable requirements. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining adequate financial records, and refunding disallowed expenditures. (For further information, please see Attachment B).
- g) The Grantee agrees to take all steps, including initiating litigation, if necessary, to recover Federal funds if the Government determines, after consultation with the Grantee, that such funds have been spent fraudulently, wastefully, or in violation of Federal laws, or misused in any manner in undertaking the Project. For the purposes of this Grant Agreement, the term "Federal funds" means funds however used or disbursed by the Grantee that were originally paid pursuant to this Grant Agreement.
- h) The Grantee agrees to retain all documents relevant to the Grant award for a period of three years from completion of the Project and receipt of final reimbursement from the Government. The Grantee agrees to furnish the Government, upon request, all documents and records pertaining to the determination of the Grant amount or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Grantee, in court or otherwise, involving the recovery of such Grant amount shall be approved in advance by the Government.
- i) The Government is subject to the Freedom of Information Act (FOIA). The Grantee should therefore be aware that all applications and related materials submitted by the Grantee related to the Grant Agreement will become agency records and thus are subject to FOIA and to public release through individual FOIA requests. ARRA also mandates broad public dissemination of information related to the expenditure of funds through reporting requirements and website postings that are addressed in other sections of this Grant Agreement. President Obama's March 20, 2009 Memorandum for the Heads of Executive Departments and Agencies on Ensuring Responsible Spending of Recovery Act Funds mandates the strongest possible efforts to ensure public transparency and accountability of Recovery Act expenditures.
- j) The Government shall not be responsible or liable for any damage to property or any injury to persons that may arise from, or be incident to, performance or compliance with this Grant Agreement.
- k) The Grantee agrees to ensure that small disadvantaged businesses have the maximum practicable opportunity to participate in the contract administered by the Federal

Highway Administration, the purpose of which is to assist the Grantee in its efforts to construct the project. To this end, the Grantee agrees that Federal Acquisition Regulation (FAR) Clause 52.219-8 "Utilization of Small Business Concerns"; and FAR Clause 52.219-9 "Small Business Subcontracting Plan" shall be a part of the Federal Highway Administration Contract.

- l) In accordance with OMB Recovery Act Guidance (available at http://www.whitehouse.gov/omb/recovery_default/) and in the answers to Frequently Asked Questions (available at http://www.whitehouse.gov/omb/recovery_faqs), the Grantee may recoup costs in the amount of up to 0.5% of the Grant amount for administering the Grant. Information about which administrative costs are reimbursable under this program is available in 2 CFR Part 225 (OMB Circular A-87), "Cost Principles for State and Local Governments" (located at: <http://www.whitehouse.gov/omb/circulars/a087/a087-all.html>), and in Recovery Act specific guidance in OMB Memorandum M-09-18, Payments to State Grantees for Administrative Costs of Recovery Act Activities (May 11, 2009). The costs for reporting performance measures required pursuant to subsection m) below are permitted as part of the up to 0.5% in administrative costs.
- m) Subject to Paperwork Reduction Act approval, as necessary, and mutual agreement by the parties to a performance measurement plan, Grantee agrees to collect the data necessary to track and report on the performance measures to be identified in a future agreement.
- n) The Government encourages the Grantee to adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies that bar text messaging while driving company-owned or -rented vehicles, or government-owned, leased, or rented vehicles or privately-owned vehicles when on official government business or when performing any work for or on behalf of the Government. See Executive Order 13513 "Federal Leadership on Reducing Text Messaging While Driving", Oct. 1, 2009 (available at <http://edocket.access.gpo.gov/2009/E9-24203.htm>) and DOT Order 3902.1 "Text Messaging While Driving", Dec. 30, 2009 (available at <http://dotnet.gov.gov>), as implemented by Financial Assistance Policy Letter (No. FAP-2010-01, Feb. 2, 2010). This includes, but is not limited to, the Grantee:
- 1) considering new rules and programs or re-evaluating existing programs to prohibit text messaging while driving;
 - 2) conducting education, awareness, and other outreach for employees about the safety risks associated with texting while driving; and
 - 3) encouraging voluntary compliance with the agency's text messaging policy while off duty.

The Grantee is encouraged to insert the substance of this clause in all assistance awards.

SECTION 3. APPLICABLE FEDERAL LAWS AND REGULATIONS

In addition to any other Federal requirements that apply, including specific and/or additional Buy American and Davis Bacon Act Prevailing Wage requirements or other specific requirements that apply under Title 23 or Title 49 of the United States Code, performance under this Grant Agreement shall be governed by and in compliance with the following requirements as applicable to the type of organization of the Recipient and any applicable sub-recipients:

- a) The "Uniform Administrative Requirements for Grants and Grant Agreements to State and Local Governments" (49 CFR 18), located at: <http://www.dot.gov/ost/m60/grant/49cfr18.htm>, DOT's procurement standards for grants, will apply to the extent that the Grantee procures property and services in carrying out the approved grant project. If there are any differences between the DOT procurement standards and the FHWA procurement standards, the FHWA standards will take precedence.
- b) Section 902 of the Recovery Act, requiring that each contract awarded using Recovery Act funds must include a provision that provides the U.S. Comptroller General and his representatives with the authority to: 1) examine any records of the contractor or any of its subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract; and 2) to interview any office or employee of the contractor or any of its subcontractors, or of any State or local government agency administering the contract, regarding such transactions.
- c) Section 1515 of the Recovery Act, authorizing the DOT Office of the Inspector General to: 1) examine any records of the contractor or Grantee, any of its subcontractors or subgrantees, or any State or local agency administering such contract, that pertain to, and involve transactions relating to, the contract, subcontract, grant or subgrant; and 2) interview any officer or employee of the contractor, Grantee, subgrantee, or agency regarding such transactions.
- d) Section 1605 of the Recovery Act (Buy American Requirements (regulations at 2 CFR Part 176.140)) to the extent that the Grantee uses Grant funds for construction, alteration, maintenance, or repair of a public building or public work that utilizes iron, steel, and/or manufactured goods that are not covered under international agreements. See Attachment B, Recovery Act Requirements and Contract Clauses, for requirements and more information on Section 1605 compliance.
- e) Section 1606 of the Recovery Act (Davis-Bacon Act Wage Rate Requirements (regulations at 2 CFR Part 176.190)) to the extent that the Grantee uses Grant funds for construction, alteration, maintenance, or repair work. See Attachment C, Recovery Act Requirements and Contract Clauses, for requirements and more information on Section 1606 compliance.

- f) Section 1604 of the Recovery Act, which prohibits the Grantee from expending funds under this Grant Agreement on any casino, or other gambling establishment, aquarium, zoo, golf course, or swimming pool.
- g) Sections 1201, 1511, and 1607 of the Recovery Act, requiring certifications (existing certifications will remain valid unless an update is needed). Note that the Section 1511 certification requirement pertains to particular infrastructure investments. All Certifications, once executed, should have been submitted to the Secretary of Transportation, c/o Joel Szabat, Deputy Assistant Secretary for Transportation Policy, at TigerTeam.Leads@dot.gov. Certifications may be submitted via e-mail as electronic, scanned copies, with original signed versions to follow to be submitted via U.S. mail. As required by the Recovery Act, certifications under Section 1511 shall be immediately posted on a website and linked to the website [Recovery.gov](http://www.Recovery.gov). No funds may be obligated until such posting is made.
- h) Section 1553 of the Recovery Act, which requires the Grantee to provide Whistleblower protections. As a non-Federal employer, the Grantee is required to post a notice of the rights and remedies provided under this section. The whistleblower program requirements and poster are available at the following web site: <http://www.recovery.gov/?q=content/whistleblower-information>.
- i) Section 1554 of the Recovery Act, which requires the Grantee to award contracts as fixed-price contracts to the maximum extent possible through the use of competitive procedures. In the rare circumstances where the Grantee does not award fixed-price contracts and does not use competitive procedures, the Grantee shall publicly and electronically post a summary of such contracts.
- j) The Single Audit Act Amendments of 1996 and the Office of Management and Budget's (OMB) Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations" (Single Audit Information requirements for Recipients of Recovery Act Funds (regulations at 2 CFR Part 176.210)), which govern the tracking and documentation of all Recovery Act expenditures. This includes compliance with Federal regulations requiring conduct of a federally-approved audit of any expenditure of funds of \$500,000 or more in a year in Federal awards. See Attachment B, Recovery Act Requirements and Contract Clauses, for requirements and more information on Single Audit Information compliance.
- k) The "New Restrictions On Lobbying," (49 CFR Part 20 [located at: <http://www.dot.gov/ost/m60/grant/49cfr20.htm>]).
- l) The "Cost Principles for State and Local Governments" 2 CFR Part 225 (OMB Circular A-87), or other applicable cost principles, depending upon the grantee [located at: <http://www.whitehouse.gov/omb/circulars/a087/a087-all.html>].

- m) OMB Circular A-102, "Grants and Grant Agreements With State and Local Governments" or other applicable requirements, depending upon the grantee [located at: <http://www.whitehouse.gov/omb/circulars/a102/a102.html>].
- n) Any other applicable Federal regulation or statute including each of the laws, regulations, executive orders, policies, guidelines, and requirements identified in Attachment B, Grant Assurances.

SECTION 4. GRANTEE AND PROJECT CONDITIONS

- a) Grantee: Wyoming Department of Transportation, as the Grantee under the TIGER Discretionary Grant Program, agrees to administer the Grant according to the conditions set forth in this Grant Agreement.

Dun and Bradstreet Data Universal Numbering System (DUNS) No. of the Grantee:
106756799

- b) Notices:

Notices required by this Agreement should be addressed as follows:

As to the Government:

Joe Dailey
Administrator, Wyoming Division
Federal Highway Administration
2617 E Lincolnway
Cheyenne, WY 82001-5671
(307) 772-2004 ext. 140
Joseph.Dailey@dot.gov

and

Ed Strocko
TIGER Discretionary Program Modal Coordinator
Federal Highway Administration
1200 New Jersey Ave. SE, E84-440
Washington DC 20590
(202) 366- 2997
Ed.Strocko@dot.gov

and

Robert Mariner
United States Department of Transportation
Office of the Secretary

1200 New Jersey Avenue, SE, W84-244
Washington, DC 20590
(202) 366-8914
Robert.Mariner@dot.gov

As to the Grantee:

Delbert McOmie, P.E.
Chief Engineer
Wyoming Department of Transportation
5300 Bishop Boulevard
Cheyenne, WY 82009-3340
(307) 777-4484
Delbert.McOmie@dot.state.wy.us

c) Project Description and Milestones:

1) Project Description: Replacement of Beartooth Lake Outlet Bridge, MP 26.2, and reconstruction of associated roadway bridge approaches (0.4 mi. to 1.2 mi. based on bids received), to include historic bridges interpretive site, lake overview parking area, and Beartooth Lake Campground approach road and intersection, on the Beartooth Highway (US 212), Park County, WY. See Statement of Work (Attachment A).

2) State and Local Planning:

Planning Program Date: February 2009 Wyoming STIP

3) Environmental Process:

Environmental Approval Type: Record of Decision

Lead Agency: Central Federal Lands Highway Division

DOT Agency (if not Lead Agency): N/A

Date of Environmental Approval: February 4, 2004

Re-evaluations: August 18, 2008 and April 23, 2010

Title of the Environmental Document: FHWA-FPWY-EIS-02-1-F, Wyoming Forest Highway 4, U.S. 212 (KP 39.5 to KP 69.4), Project WY HPP-4-1(0), The Beartooth Highway, Park County, Wyoming, RECORD OF DECISION, February 2004.

4) Project Schedule:

Planned or Actual Construction Start Date: July 15, 2010

Planned Project Completion Date: October 28, 2011

d) Project Funding (See Project Schedule, Attachment E):

1) TIGER Discretionary Grant Program Funding:

The total not-to-exceed amount of Federal funding that is provided under this Grant Agreement is Six Million Dollars (\$6,000,000) for the entire period of performance. The Government's liability to make payments to the Grantee under this Grant Agreement is limited to those funds obligated under this Grant Agreement as indicated above and any subsequent amendments.

2) Local Financial Commitment (if any):

- A. The Grantee hereby commits and certifies that it will provide funds (and ensure the availability of other sources of funding, such as local/private funding or in-kind contributions) in an amount sufficient, together with the Federal contribution (acknowledging the limitations as set forth in this Grant Agreement), to assure timely and full payment of the project costs as necessary to complete the Project.
- B. The Grantee agrees to notify the Government within 14 calendar days of any change in circumstances or commitments that adversely affect the Grantee's plan to fund the project costs necessary to complete the Project as set forth in this Grant Agreement. In its notification, the Grantee shall advise the Government of what actions it has taken or plans to take to ensure adequate funding resources and shall reaffirm its commitment to the Government as set forth in Paragraph (A) of this Section 4(d)(2). The Government is not responsible for any funding shortfalls regarding the non-TIGER Discretionary Grant amount share. The TIGER Discretionary Grant Amount will remain unchanged (See Section 9 of this Grant Agreement regarding termination).

3) Grant Funds and Sources of Project Funds:

| | |
|-----------------------------------|--------------------|
| TIGER Discretionary Grant Amount: | \$6,000,000 |
| Federal Other Share (HPP): | \$ 600,000 |
| Other Share (WY FH Program): | \$ 700,000 |
| Total Project Cost: | \$7,300,000 |

SECTION 5. REIMBURSEMENT OF PROJECT COSTS

- a) The Grantee will be reimbursed in accordance with the terms of a project agreement or E-76 for the Project that incorporates this Grant Agreement by reference.
- b) The Grantee shall have entered into obligations for services and goods associated with the Project prior to seeking reimbursement from the Government. Reimbursement will only be made for expenses incurred after execution of a project agreement.
- c) The Grantee shall ensure that the funds provided by the Government are not misappropriated or misdirected to any other account, need, project, line-item, or the like.
- d) Any Federal funds not expended in conjunction with the Project will remain the property of the Government.
- e) Financial Management System: By signing this Grant Agreement, the Grantee verifies that it has, or will implement, a financial management system adequate for monitoring the accumulation of costs and that it complies with the financial management system requirements of 49 CFR Part 18 or Title 23. The Grantee's failure to comply with these requirements may result in Grant Agreement termination.
- f) Allowability of Costs: Determination of allowable costs will be made in accordance with the applicable Federal cost principles, e.g., OMB Circular A-87. Disallowed costs are those charges determined to not be allowed in accordance with the applicable Federal cost principles or other conditions contained in this Grant Agreement.

SECTION 6. REPORTING

a) Recovery Act Reporting:

Reporting requirements under Section 1201(c)(2) of the Recovery Act, "General Provision – Department of Transportation" apply. Project reports, including information as set forth in subparagraph 2, below, shall therefore be reported to the Government in accordance with the statutory timeframes. Due to the unique timeframe for TIGER Discretionary Grant awards, Grantees should submit the first of such reports on the 20th of the month following the execution date of this Grant Agreement and on each subsequent due date thereafter. Grantees shall submit their data using the Recovery Act Data System (RADS). The RADS guidance, which includes guidance on Section 1201(c) reporting, is located at: <http://www.fhwa.dot.gov/economicrecovery/guidancelist.htm>.

- 1) Project reports for Section 1201(c) should include the amount of Grant Funds appropriated, allocated, obligated, and outlaid under the appropriation; the number of projects put out to bid under the appropriation and the amount of Grant Funds associated with these contracts; the number contracts awarded under the appropriation and the amount of Grant Funds associated with these contracts; the number of projects for which work has begun under these contracts and the associated amount of Grant Funds; the number of projects for which work has been completed and the associated amount of Grant Funds; the number of direct, on-project jobs created or sustained by the Grant Funds for projects under the appropriation and, to the extent possible, and the number of direct on-project job hours (the Department calculates the number of indirect and induced jobs).

- 2) In accordance with the Recovery Act and OMB Guidance, dated June 22, 2009 (http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21.pdf), this Grant award requires the Grantee to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award to <http://www.FederalReporting.gov>. Information from these reports will be made available to the public. Such reporting responsibility may be delegated from the Grantee/ Recipient to the Sub-grantee/ Sub-recipient or vendor, in order to ensure that the necessary information is provided to the Grantee/ Recipient, who is ultimately responsible for reporting the required elements.

The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.

Grantees/ Recipients and their Sub grantees/ first-tier recipients (to the extent that they have been delegated direct reporting responsibility) must maintain current registrations in the Central Contractor Registration (<http://www.ccr.gov>) at all times during which they have active Federal awards funded with Recovery Act funds. A DUNS Number (<http://www.dnb.com>) is one of the requirements for registration in the Central Contractor Registration.

The Grantees/Recipients shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at <http://www.FederalReporting.gov> and ensure that any information that is pre-filled is corrected or updated as needed.

Projects administered by the FHWA shall comply with the reporting instructions and data elements in the Recovery Act Data System (RADS) guidance and any updates to that guidance or other system as designated by

the Government. The RADS guidance is available online at:
<http://www.fhwa.dot.gov/economicrecovery/guidancelist.htm>.

- 3) In accordance with Section 1609 of the Recovery Act, the Grantee shall submit quarterly reports, as necessary, describing the status of the Project with respect to the National Environmental Policy Act (NEPA) review. A report shall be submitted to RADS by July 5, 2010, and every 90 days thereafter following the execution of this Grant Agreement. Due to the unique timeframe for TIGER Discretionary Grant awards, Grantees should submit the first of such reports on the first due date following the execution date of this Grant Agreement and on each subsequent due date thereafter.
- 4) In accordance with the purposes of the Recovery Act, the Grantee may be required to submit additional information in response to requests from DOT, OMB, the Congressional Budget Office, the Government Accountability Office, or the Department of Transportation's Inspector General. The Government will inform Grantees if and when such additional reports are required.

b) Project Reports:

- 1) Consistent with the purposes of the TIGER Discretionary Grant Program, to ensure accountability and transparency in Government spending, the Grantee shall submit monthly progress reports in RADS or other system designated by the Government, as set forth in Attachment D: Monthly Project Progress Reports, Format and Content, to the Government on a monthly basis, beginning on the 20th of the first full month following the execution of the grant agreement, and on the 20th of each month thereafter until completion of the Project. The initial report shall include a detailed description, and, where appropriate, drawings, of the items funded.

Addresses for submittal of reports and documents: The Grantee shall submit all required reports and documents to the Government electronically, referencing the Grant Agreement number, at the following addresses:
Ed.Strocko@dot.gov.

- 2) Annual Budget Review and Program Plan: The Grantee shall submit an Annual Budget Review and Program Plan to the Government via e-mail 60 days prior to the end of each Grant Agreement year. The Annual Budget Review and Program Plan shall provide a detailed schedule of activities, estimate of specific performance objectives, include forecasted expenditures, and schedule of milestones for the upcoming Grant Agreement year. If there are no proposed deviations from the Approved Project Budget, attached hereto as Attachment E, the Annual Budget Review shall contain a statement stating such. The Recipient will meet with DOT to discuss the Annual Budget Review and Program Plan. If there is an actual or projected project cost

increase, the annual submittal should include a written plan for providing additional sources of funding to cover the project budget shortfall or supporting documentation of committed funds to cover the cost increase.

To the extent the annual budget update deviates from the approved project budget by more than 10 percent, then work proposed under the Annual Budget Review and Program Plan shall not commence until written approval from the Government is received.

- c) Milestones/Deliverables Schedule: Attachment H is incorporated herein.

Closeout Process: Closeout occurs when all required project work and all administrative procedures described in 49 CFR part 18 (or part 19 as applicable) or Title 23 are completed, and the Government notifies the Grantee and forwards the final Federal assistance payment, or when the Government acknowledges Grantee's remittance of the proper refund. Within 90 days of the Project completion date or termination by the Government, the Grantee must submit a final Financial Status Report (XF-269), a certification or summary of project expenses, and third party audit reports.

SECTION 7. SPECIAL GRANT REQUIREMENTS

- a) The Grantee agrees to comply with applicable terms and conditions set forth in title 23, United States Code, Highways, the regulations issued pursuant thereto, and the policies and procedures promulgated by the FHWA relative to the project.
- b) The Grantee agrees to comply with all applicable terms and conditions to be set forth in an agreement with FHWA Central Federal Lands Highway Division.

SECTION 8. ASSURANCES

The Grantee shall execute the attached assurances and certifications (See Attachment B) in conjunction with execution of this Grant Agreement and shall comply with those assurances and certifications.

SECTION 9. TERMINATION, MODIFICATION AND EXPIRATION

- a) Subject to terms set forth in this Grant Agreement, the Government reserves the right to terminate this Grant Agreement and all of its obligations under this Grant Agreement, unless otherwise agreed between the Grantee and the Government, if any of the following occurs:
 - 1) The Grantee fails to obtain or provide any non-TIGER Discretionary Grant contribution or alternatives approved by the Government as provided in this Grant Agreement and in accordance with the Project Schedule;

- 2) The Grantee fails to begin construction before September 30, 2010;
 - 3) The Grantee fails to begin expenditure of Grant funds by September 30, 2010;
 - 4) The Grantee does not meet the conditions and obligations specified under this Grant Agreement including a material failure to comply with the Project Schedule which is beyond the reasonable control of the Grantee; or
 - 5) The Government determines that termination is in the public interest.
- b) Funds available under this Grant Agreement must be obligated on or before September 30, 2011, but once obligated, are available for liquidation and adjustment through September 30, 2016, the "Grant Termination Date." Unless otherwise specified, this Grant Agreement shall terminate on the Grant Termination Date.
- c) Either party (Government or the Grantee) may seek to amend or modify this Grant Agreement prior to the Grant Termination Date by written notice (formal letter) to the other party and in accordance with 49 CFR parts 18.43 and 18.44. The Grant Agreement will be amended or modified only on mutual written agreement by both parties.

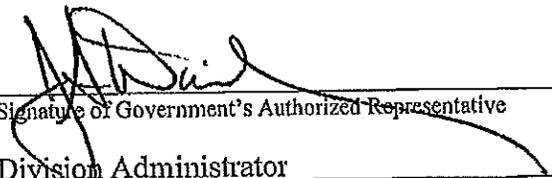
SECTION 10. AWARD AND EXECUTION OF GRANT AGREEMENT

There are four (4) identical counterparts of this Grant Agreement in typewritten hard copy; each counterpart is to be fully signed in writing by the parties and each counterpart is deemed to be an original having identical legal effect. When signed and dated by the authorized official of the Government, this instrument will constitute an Award. Upon full Execution of this Grant Agreement by the Grantee, the effective date will be the date the Government awarded funding under this Grant Agreement as set forth below.

EXECUTION BY Government

The Government executes this Grant Agreement in accordance with Public Law 111-5,
and in accordance with the above conditions and assurances.

Executed this 17th day of May, 2010.



Signature of Government's Authorized Representative

Division Administrator

Title

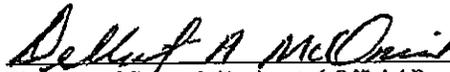
EXECUTION BY Grantee

The Grantee agrees to accomplish each element of the project in compliance with the terms and conditions contained herein.

Executed this 17th day of May, 2010.

Grantee Wyoming Department of Transportation

(SEAL)



Signature of Grantee's Designated Official Representative

Chief Engineer

Title

ATTACHMENT A: STATEMENT OF WORK

Replacement of Beartooth Lake Outlet Bridge, MP 26.2, and reconstruction of associated roadway bridge approaches (0.4 mi. to 1.2 mi. based on bids received), to include historic bridges interpretive site, lake overview parking area, and Beartooth Lake Campground approach road and intersection, on the Beartooth Highway (US 212), Park County, WY.

The bridge reconstruction (Schedule A) replaces a 75-year old structure which is Functionally Obsolete and has a Sufficiency Rating below 45. The bridge width, railings, and approaches are substandard and the superstructure has noticeable spalling and cracking of supporting elements and load bearing masonry joints. The existing CIP deck-combination girders will be replaced with box beam girders set on CIP abutments founded on micropiling, and existing stone masonry facia will be removed and re-installed on the abutments of the new structure to maintain the appearance of the historic existing structure pursuant to commitments in the executed NHPA Section 106 MOA.

Also pursuant to commitments in the executed NHPA Section 106 MOA, an ADA accessible interpretive site will be constructed in the vicinity of the existing bridge near Beartooth Lake to provide information on the construction materials and methods used in construction of the original structure. Access to this interpretive site will be improved via a more efficiently designed parking area at the east end of the new structure with an ADA compliant trail connecting to the interpretive site.

Approximately 0.2 miles east of the replacement structure, the approach intersection to the Beartooth Lake Campground will be reconstructed to provide appropriate turning movements and site distance for more efficient and safe operation. In the event bid prices are low, this approach will be extended approximately 1.0 mile to the east (Option W) to connect to an existing reconstructed section of the selected alternative, in order to provide continuity and more efficient and safe operation of a continuous section of roadway.

The principal work items on the base Schedule A include: lump sum contractor testing, lump sum construction schedule, 3,500 m³ roadway excavation, 7,700 m³ unclassified borrow, 6,000 t aggregate base, 1,350 t superpave pavement, 124 m precast prestressed concrete girders, 46,750 kg reinforcing steel - epoxy coated, 260 m³ structural concrete, 830 m micropiles, 2 trial micropiles, 131 m of Guardrail system G3 - Wyoming box beam steel posts, along with associated traffic control and equipment/flagging, soil erosion control, seeding and mulching, survey and staking, and permanent pavement markings and signs.

Principal work items on Option W include: lump sum contractor testing, lump sum construction schedule, 27,500 m³ roadway excavation, 5,100 m³ unclassified borrow, 14,000 t aggregate base, 3,650 t superpave pavement, 1,450 m asphalt curb, 450 m of guardrail system G4 (w-beam steel posts), 5.4 ha seeding, 4.6 ha mulching, 2,400 m silt fence, along with associated traffic control and equipment/flagging, survey and staking, and permanent pavement markings and signs.

ATTACHMENT B: GRANT ASSURANCES

**OFFICE OF THE SECRETARY
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION**

TITLE VI ASSURANCE

(Implementing Title VI of the Civil Rights Act of 1964, as amended)

**ASSURANCE CONCERNING NONDISCRIMINATION IN FEDERALLY-
ASSISTED PROGRAMS
AND ACTIVITIES RECEIVING OR BENEFITING FROM
FEDERAL FINANCIAL ASSISTANCE**

**(Implementing the Rehabilitation Act of 1973, as amended, and the Americans With
Disabilities Act, as amended)**

49 CFR Parts 21, 25, 27, 37 and 38

Wyoming Department of Transportation (the Grantee) HEREBY AGREES THAT,

- I. As a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply: with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d--42 U.S.C. 2000d-4; all requirements imposed by or pursuant to: Title 49, Code of Federal Regulations, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--Effectuation of Title VI of the Civil Rights Act of 1964; and other pertinent directives so that no person in the United States shall, on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Grantee receives Federal financial assistance from the Department of Transportation. This assurance is required by Title 49, Code of Federal Regulations, section 21.7(a).
- II. As a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with: Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 through 1683, and 1685 through 1687, and U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25, which prohibit discrimination on the basis of sex.
- III. As a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with: the Age

Discrimination Act of 1975, as amended (42 USC 6101 et seq), the Drug Abuse Office and Treatment Act of 1972, as amended (21 USC 1101 et seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended (42 USC 4541 et seq.); and any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance was made; and the requirements of any other nondiscrimination statute(s) which may apply to the Grantee.

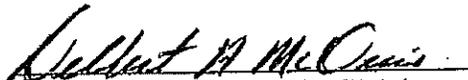
IV. As a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with: section 504 of the Rehabilitation Act of 1973, as amended, (29 USC 794); and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 27, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance; and Part 37, Transportation Services for Individuals With Disabilities; and Part 38, Americans With Disabilities Act – Accessibility Specifications for Transportation Vehicles; and other pertinent directives so that no otherwise qualified person with a disability, be excluded from participation in, be denied the benefits of, be discriminated against by reason of such handicap, or otherwise be subjected to discrimination under any program for which the Grantee receives Federal financial assistance from the Department of Transportation. This assurance is required by Title 49, Code of Federal Regulations, Section 27.9.

- The Grantee will promptly take any measures necessary to effectuate this Grant Agreement. The Grantee further agrees that it shall take reasonable actions to guarantee that it, its contractors and subcontractors subject to the Department of Transportation regulations cited above, transferees, and successors in interest will comply with all requirements imposed or pursuant to the statutes and Department of Transportation regulations cited above, other pertinent directives, and the above assurances.
- These assurances obligate the Grantee for the period during which Federal financial assistance is extended. The Grantee agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the statutes and Department of Transportation regulations cited above, other pertinent directives, and the above assurances.
- These assurances are given for the purpose of obtaining Federal grant assistance under the TIGER Discretionary Grant Program and are binding on the Grantee, contractors, subcontractors, transferees, successors in interest, and all other participants receiving Federal grant assistance in the TIGER Discretionary Grant Program. The person or persons whose signatures appear below are authorized to sign this Grant Agreement on behalf of the Grantee.

- In addition to these assurances, the Grantee agrees to file: a summary of all complaints filed against it within the past year that allege violation(s) by the Recipient of Title VI of the Civil Rights Act of 1964, as amended, section 504 of the Rehabilitation Act of 1973, as amended; or a statement that there have been no complaints filed against it. The summary should include the date the complaint was filed, the nature of the complaint, the status or outcome of the complaint (*i.e.*, whether it is still pending or how it was resolved).

May 17, 2010
Date

Wyoming Department of Transportation
Legal Name of Grantee

By: 
Signature of Authorized Official

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

DISCLOSURE OF LOBBYING ACTIVITIES

Certification for Contracts, Grants, Loans,
and Grant Agreements

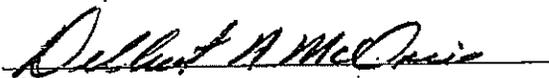
The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any Grant Agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or grant agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or grant agreement, the undersigned shall complete and submit Standard Form-LLL (Rev. 7-97), "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and grant agreements) and that all subgrantees shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.


Signature

May 17, 2010
Date

Chief Engineer
Title

Wyoming Department of Transportation
Grantee

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY**

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE
REQUIREMENTS
IN THE PERFORMANCE OF THE TIGER DISCRETIONARY GRANT
PROGRAM**

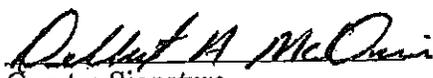
- A. The Grantee certifies that it will, or will continue, to provide a drug-free workplace by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Grantee's workplace, and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an ongoing drug-free awareness program to inform employees about--
 - (1) The dangers of drug abuse in the workplace;
 - (2) The Grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of work supported by the grant award be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment supported by the grant award, the employee will--
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of conviction. Employers of convicted employees must provide notice, including position title, to the Department. Notice shall include the order number of the grant award;
 - (f) Taking one of the following actions, within 30 days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted--
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended, or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The Grantee *may*, but is not required to, insert in the space provided below the site for the performance of work done in connection with the specific grant.

Places of Performance (street address, city, county, state, zip code). For the provision of services pursuant to the grant award, workplaces include outstations, maintenance sites, headquarters office locations, training sites and any other worksites where work is performed that is supported by the grant award.

Check [] if there are workplaces on file that are not identified here.


Grantee Signature

May 17, 2010

Date

TIGER DISCRETIONARY GRANT PROGRAM

GRANT ASSURANCES

Certification. The Grantee hereby assures and certifies, with respect to this grant, that it will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

General Federal Legislation

- a. Davis-Bacon Act - 40 U.S.C. 3141, et seq.
- b. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- c. Hatch Act - 5 U.S.C. 1501, et seq.
- d. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title - 42 U.S.C. 4601, et seq.
- e. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470f
- f. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469a through 469c.
- g. Native American Graves Protection and Repatriation Act - 25 U.S.C. 3001, et seq.
- h. Clean Air Act, P.L. 90-148, as amended
- i. Section 404 of the Clean Water Act, as amended 33 U.S.C. 1251, et seq.
- j. Section 7 of the Endangered Species Act, P.L. 93-205, as amended.
- k. Coastal Zone Management Act, P.L. 92-583, as amended.
- l. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a
- m. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- n. American Indian Religious Freedom Act, P.L. 95-341, as amended
- o. Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101, et seq.
- p. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, P.L. 91-616, as amended - 42 U.S.C. 4541, et seq.
- q. Sections 523 and 527 of the Public Health Service Act of 1912, as amended, 42 U.S.C. 290dd through 290dd-2
- r. Architectural Barriers Act of 1968 - 42 U.S.C. 4151, et seq.
- s. Power Plant and Industrial Fuel Use Act of 1978, P.L. 100-42 - Section 403 - 42 U.S.C. 8373
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 3701, et seq.
- u. Copeland Anti-kickback Act, as amended - 18 U.S.C. 874 and 40 U.S.C. 3145
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended - 16 U.S.C. 1271, et seq.
- x. Federal Water Pollution Control Act, as amended - 33 U.S.C. 1251-1376
- y. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.
- z. Americans with Disabilities Act of 1990 - 42 U.S.C. 12101, et seq.
- aa. Title IX of the Education Amendments of 1972, as amended - 20 U.S.C. 1681 through 1683, and 1685 through 1687
- bb. Section 504 of the Rehabilitation Act of 1973, as amended - 29 U.S.C. 794
- cc. American Recovery and Reinvestment Act of 2009 - P.L. 111-5
- dd. Title VI of the Civil Rights Act of 1964 - 42 U.S.C. 2000d *et seq.*
- ee. Title IX of the Federal Property and Administrative Services Act of 1949 - 40 U.S.C.

- 541, et seq.
- ff. Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions – 31 U.S.C. 1352
 - gg. Freedom of Information Act - 5 U.S.C. 552, as amended
 - hh. Magnuson-Stevens Fishery Conservation and Management Act – 16 U.S.C. 1855
 - ii. Farmlands Protection Policy Act of 1981 – 7 U.S.C. 4201
 - jj. Noise Control Act of 1972 – 42 U.S.C. 4901, et seq.
 - kk. Fish and Wildlife Coordination Act of 1956 – 16 U.S.C. 661
 - ll. Section 9 of the Rivers and Harbors Act and General Bridge Act of 1946 - 33 U.S.C. 401
 - mm. Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 303 and 23 U.S.C. 138
 - nn. Resource Conservation and Recovery Act of 1976 (RCRA), as amended -- 42 U.S.C. 6901, et seq.
 - oo. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended -- 42 U.S.C. 9601-9657
 - pp. Safe Drinking Water Act -- 42 U.S.C. 300F-300J-6
 - qq. Wilderness Act -- 16 U.S.C. 1131-1136
 - rr. Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 -- 42 U.S.C. 6901, et seq.
 - ss. Native American Grave Protection and Repatriation Act -- 25 U.S.C. 3001 et seq.
 - tt. Migratory Bird Treaty Act 16 U.S.C. 760c-760g

Executive Orders

- a. Executive Order 11246 - Equal Employment Opportunity
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11988 – Floodplain Management
- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12549 – Debarment and Suspension
- f. Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- g. Executive Order 13166 – Improving Access to Services for Persons With Limited English Proficiency

General Federal Regulations

- a. Interim Final Guidance on Buy American – 74 FR 18449 (April 23, 2009), 2 CFR Part 176
- b. Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations -- 2 CFR Part 215
- c. Cost Principles for State and Local Governments – 2 CFR Part 225
- d. Non-procurement Suspension and Debarment – 2 CFR Part 1200
- e. Investigative and Enforcement Procedures - 14 CFR Part 13
- f. Procedures for predetermination of wage rates - 29 CFR Part 1
- g. Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States - 29 CFR Part 3
- h. Labor standards provisions applicable to contracts governing federally financed and

assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act) - 29 CFR Part 5

- i. Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements) - 41 CFR Parts 60, et seq.
- j. Contractor Qualifications - 48 CFR Part 9
- k. Uniform administrative requirements for grants and cooperative agreements to state and local governments - 49 CFR Part 18
- l. New Restrictions on Lobbying -- 49 CFR Part 20
- m. Nondiscrimination in Federally Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964 -- 49 CFR Part 21
- n. Uniform relocation assistance and real property acquisition for Federal and Federally assisted programs - 49 CFR Part 24
- o. Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance - 49 CFR Part 25
- p. Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance - 49 CFR Part 27
- q. Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation -- 49 CFR Part 28
- r. Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors - 49 CFR Part 30
- s. Governmentwide Requirements for Drug-Free Workplace (Financial Assistance) -- 49 CFR Part 32
- t. DOT's implementing ADA regulations, including the ADA Accessibility Guidelines in Part 37, Appendix A - 49 CFR Parts 37 and 38
- u. Procedures for Transportation Workplace Drug and Alcohol Testing Programs -- 49 CFR Part 40

Office of Management and Budget Circulars

- a. A-87 -- Cost Principles Applicable to Grants and Contracts with State and Local Governments
- b. A-102 -- Grants and Grant Agreements with State and Local Governments
- c. A-133 - Audits of States, Local Governments, and Non-Profit Organizations
- d. Any other applicable OMB Circular based upon the specific TIGER Grant Recipient

Highway Federal Legislation

- a. Brooks Act (for FHWA projects, this replaces Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541, et seq.)) - 40 U.S.C. 1101-1104
- b. Highway Design and Construction Standards, 23 U.S.C. 109
- c. Planning, 23 U.S.C. 134 and 135 (except for projects that are not regionally significant that do not receive funding under Title 23 or Chapter 53 of Title 49)
- d. Tolls, 23 U.S.C. 301 (to the extent the recipient wishes to toll an existing free facility that has received Title 23 funds in the past)

- e. Size, Weight, and Length Limitations - 23 U.S.C. 127, 49 U.S.C. 31101 et seq.

Highway Federal Regulations

- a. Planning 23 – CFR Part 450 (except for projects that are not regionally significant that do not receive funding under Title 23 or Chapter 53 of Title 49)
- b. National Highway System Design Standards – 23 CFR Part 625
- c. Manual on Uniform Traffic Control Devices – 23 CFR Part 655
- d. Environmental Impact and Related Procedures – 23 CFR Part 771
- e. Procedures for Abatement of Highway Traffic and Construction Noise -- 23 CFR Part 772
- f. Procedures Implementing Section 4(f) of the Department of Transportation Act – 23 CFR Part 774
- g. Permitting Requirements under the National Pollutant Discharge Elimination System – 40 CFR Part 122

Specific assurances required to be included in grant agreements by any of the above laws, regulations, or circulars are hereby incorporated by reference into the Grant Agreement.

Responsibility and Authority of the Grantee.

1. The Grantee has the legal authority to apply for the grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. **Funds Availability.** It has sufficient funds available for that portion of the project costs that are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under the Grant Agreement that it will own or control.

3. Preserving Rights and Powers.

It will not take or permit any action that would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the Grant Agreement without the written approval of the DOT, and will act promptly to acquire, extinguish, or modify any outstanding rights or claims of right of others that would interfere with such performance by the Grantee. The Grantee agrees that this will be done in a manner acceptable to the DOT.

4. Accounting System, Audit, and Record Keeping Requirements.

a. The Grantee agrees to keep all project accounts and records that fully disclose the amount and disposition by the Grantee of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984, as amended (31 USC 7501-7507).

b. The Grantee agrees to make available to the DOT and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the Grantee that are pertinent to the grant. The DOT may require that a Grantee conduct an appropriate audit. In any case in which an independent audit is made of the accounts of a Grantee relating to the disposition of the proceeds of a grant or relating to the project in connection with which the grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

5. Minimum Wage Rates. It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this Grant Agreement that involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 3141, et seq), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

In addition, in order to incorporate the provisions of Section 1606 of the Recovery Act, which applies Davis-Bacon Act prevailing wage requirements to projects funded directly by or assisted in whole or in part by and through the Federal Government using laborers and mechanics, the Grantee agrees to insert the clauses found in 29 CFR 5.5(a) provided in Attachment B of this Grant Agreement in all Grantee contracts and grants using funds obligated to carry out this Grant Agreement.

6. Engineering and Design Services. It will award each contract or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under the Brooks Act (40 U.S.C. 1101-1104) or an equivalent qualifications-based requirement prescribed for or by the Grantee as approved by the Secretary.

7. Foreign Market Restrictions. It will not allow funds provided under this grant to be used to fund any project that uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

8. Relocation and Real Property Acquisition. (1) It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B. (2) It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24. (3) It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

Wyoming Department of Transportation

Grantee

Daniel A. McQuinn

Signature of Authorized Grantee Official

May 17, 2010

Date

OFFICE OF THE SECRETARY OF TRANSPORTATION

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS -- PRIMARY COVERED TRANSACTIONS

2 CFR Part 1200, 49 CFR Part 32

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. See Nonprocurement Suspension and Debarment (2 CFR Part 1200) and Government wide Requirements for Drug-Free Workplace Grants (49 CFR Part 32).6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
6. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters -
- Primary Covered Transactions**

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Delbert McOmie

Name

Delbert A McOmie

Chief Engineer

Title

May 17, 2010

Date

OFFICE OF THE SECRETARY OF TRANSPORTATION
CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION -- LOWER TIER COVERED
TRANSACTIONS

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

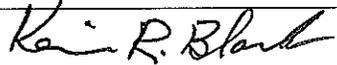
Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion -- Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Kevin R. Black

Name



Contracting Offieer

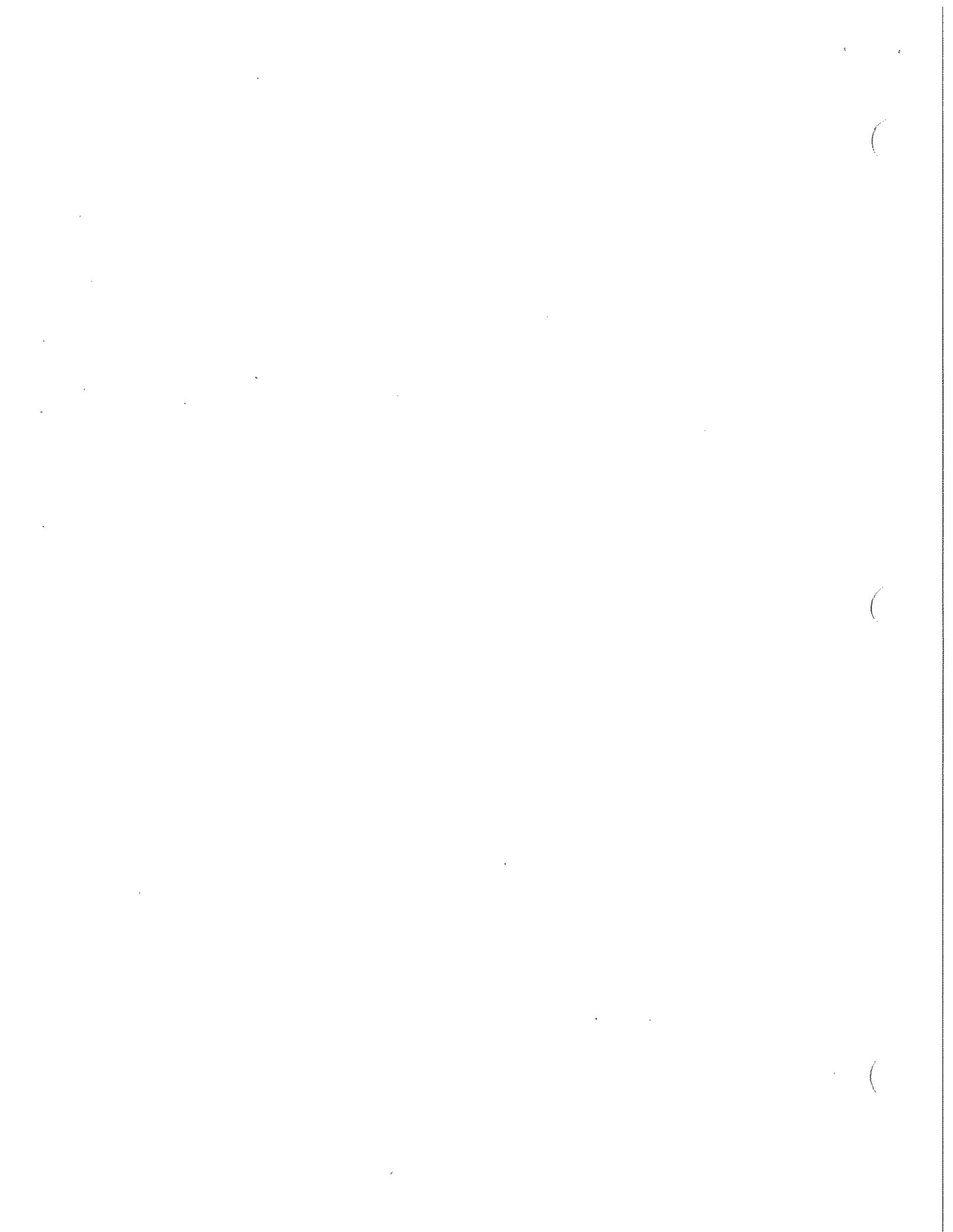
Title

FHWA - Central Federal Lands Highway Division

Affiliation

May 18, 2010

Date



8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name

Title

Affiliation

Date

ATTACHMENT C

RECOVERY ACT REQUIREMENTS AND CONTRACT CLAUSES

DAVIS-BACON WAGE RATE REQUIREMENTS AND CONTRACT CLAUSES

- a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.
- b) Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. Federal agencies providing grants, cooperative agreements, and loans under the Recovery Act shall ensure that the standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated in any resultant covered contracts that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).
- c) Federal agencies providing grants, grant agreements, and loans under the Recovery Act shall ensure that the standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated in any resultant covered contracts that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).
- d) For additional guidance on the wage rate requirements of section 1606, contact your awarding agency. Recipients of grants, grant agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.

BUY AMERICAN REQUIREMENTS AND CONTRACT CLAUSES

a) Definitions. As used in this award term and condition—

(1) Manufactured good means a good brought to the construction site for incorporation into the building or work that has been—

(i) Processed into a specific form and shape; or

(ii) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

(2) Public building and public work means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-

State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

(3) Steel means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

(b) Domestic preference.

(1) This award term and condition implements Section 1605 of the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Pub. L. 111-5), by requiring that all iron, steel, and manufactured goods used in the project are produced in the United States except as provided in paragraph (b)(3) and (b)(4) of this section and condition.

(2) This requirement does not apply to the material listed by the Federal Government as follows:

None

(3) The award official may add other iron, steel, and/or manufactured goods to the list in paragraph (b)(2) of this section and condition if the Federal Government determines that—

(i) The cost of the domestic iron, steel, and/or manufactured goods would be unreasonable. The cost of domestic iron, steel, or manufactured goods used in the project is unreasonable when the cumulative cost of such material will increase the cost of the overall project by more than 25 percent;

(ii) The iron, steel, and/or manufactured good is not produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(iii) The application of the restriction of section 1605 of the Recovery Act would be inconsistent with the public interest.

(c) Request for determination of inapplicability of Section 1605 of the Recovery Act.

(1)(i) Any recipient request to use foreign iron, steel, and/or manufactured goods in accordance with paragraph (b)(3) of this section shall include adequate information for Federal Government evaluation of the request, including—

(A) A description of the foreign and domestic iron, steel, and/or manufactured goods;

(B) Unit of measure;

(C) Quantity;

(D) Cost;

(E) Time of delivery or availability;

(F) Location of the project;

(G) Name and address of the proposed supplier; and

(H) A detailed justification of the reason for use of foreign iron, steel, and/or manufactured

goods cited in accordance with paragraph (b)(3) of this section.

(ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed cost comparison table in the format in paragraph (d) of this section.

(iii) The cost of iron, steel, and/or manufactured goods material shall include all delivery costs to the construction site and any applicable duty.

(iv) Any recipient request for a determination submitted after Recovery Act funds have been obligated for a project for construction, alteration, maintenance, or repair shall explain why the recipient could not reasonably foresee the need for such determination and could not have requested the determination before the funds were obligated. If the recipient does not submit a satisfactory explanation, the award official need not make a determination.

(2) If the Federal Government determines after funds have been obligated for a project for construction, alteration, maintenance, or repair that an exception to section 1605 of the Recovery Act applies, the award official will amend the award to allow use of the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is nonavailability or public interest, the amended award shall reflect adjustment of the award amount, redistribution of budgeted funds, and/or other actions taken to cover costs associated with acquiring or using the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is the unreasonable cost of the domestic iron, steel, or manufactured goods, the award official shall adjust the award amount or redistribute budgeted funds by at least the differential established in 2 CFR 176.110(a).

(3) Unless the Federal Government determines that an exception to section 1605 of the Recovery Act applies, use of foreign iron, steel, and/or manufactured goods is noncompliant with section 1605 of the American Recovery and Reinvestment Act.

(d) Data. To permit evaluation of requests under paragraph (b) of this section based on unreasonable cost, the Recipient shall include the following information and any applicable supporting data based on the survey of suppliers:

Foreign and Domestic Items Cost Comparison

| Description | Unit of measure | Quantity | Cost (dollars)* |
|--|-----------------|----------|-----------------|
| <i>Item 1:</i> | | | |
| Foreign steel, iron, or manufactured good | _____ | | |
| Domestic steel, iron, or manufactured good | _____ | | |
| <i>Item 2:</i> | | | |
| Foreign steel, iron, or manufactured good | _____ | | |
| Domestic steel, iron, or manufactured | _____ | | |

| | | | |
|------|--|--|--|
| good | | | |
|------|--|--|--|

[List name, address, telephone number, email address, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.]

[Include other applicable supporting information.]

[*Include all delivery costs to the construction site.]

SINGLE AUDIT INFORMATION FOR RECIPIENTS OF RECOVERY ACT FUNDS REQUIREMENTS

(a) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) (Recovery Act) as required by Congress and in accordance with 2 CFR 215.21 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations" and OMB Circular A-102 "Grants and Cooperative Agreements with State and Local Governments." Common Rules provisions, recipients agree to maintain records that identify adequately the source and application of Recovery Act funds. OMB Circular A-102 is available at <http://www.whitehouse.gov/omb/circulars/a102/a102.html>.

(b) For recipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," recipients agree to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. OMB Circular A-133 is available at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) Recipients agree to separately identify to each subrecipient and document at the time of subaward and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) Recipients agree to require their subrecipients to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of ARRA funds as well as oversight by the Federal awarding agencies, Offices of Inspector General and the Government Accountability Office.

ATTACHMENT D
MONTHLY PROGRESS REPORTS
FORMAT AND CONTENT

The Paperwork Reduction Act approval is still pending. At this time, Attachment D is included for informational purposes. Grantees are requested to retain data for potential future reporting to ensure that DOT records are complete (assuming clearance is granted).

The purpose of the monthly progress reports is to ensure that the project budget and schedule will be maintained to the maximum extent possible, that the project will be completed with the highest degree of quality, and that compliance with Federal regulations will be met.

The Grantee should develop a project reporting and tracking system to collect, assess and maintain project status information and data that is timely, independent, and accurate. This system should provide current information on project prosecution, progress, changes, and issues. This information should be used to identify trends and forecast project performance and to identify and proactively address challenges to eliminate major project surprises.

The need to continuously and accurately report cost increases; schedule changes; deficient quality items; and the causes, impacts, and proposed measures to mitigate these issues is paramount to effectively managing, administering, and protecting the public investment in the project. Any apparent reporting deficiencies or questionable data should be completely resolved. Ultimately, the Grantee and the Government must be fully aware of the complete status of the project, and therefore be in a position to take appropriate action if necessary.

A monthly cost, schedule, and status report will be produced by the Grantee, and a quarterly status meeting will be held with the Grantee, the Government and other applicable agencies in attendance. The quarterly status meetings should discuss the project costs, schedules, quality issues, compliance with Federal requirements, and other status items in sufficient enough detail to allow all involved parties to be fully aware of the significant status issues and actions planned to mitigate any adverse impacts. In addition, significant issues occurring between status meetings must be communicated immediately without waiting for the next regularly scheduled meeting, with any highly significant or sensitive issues elevated immediately to the executive leadership.

The following is the required format for the monthly status reports. At the discretion of the Government, modifications or additions can be made in order to produce a monthly reporting format that will most effectively serve both the Grantee and the Government. It is recognized that some projects will have a more extensive monthly status than others. In the case of smaller projects, the content of the monthly reports will be streamlined and project status meetings will be held on a less-frequent basis.

Please note that the initial monthly progress report should include a detailed description, and where appropriate, drawings, of the items funded.

1. Executive Summary. The executive summary should be a clear and concise summary of the current status of the project, including any major issues that have an impact on the project's scope, budget, schedule, quality, or safety. It may be done in a bulleted format. The following summary information is an example of items that should be covered in the Executive Summary section:

- Current total project cost (forecast) vs. latest budget vs. baseline budget. Include an explanation of the reasons for any deviations from the approved budget.
- Current overall project completion percentage vs. latest plan percentage.
- Any delays or exposures to milestone and final completion dates. Include an explanation of the reasons for the delays and exposures.
- A summary of the projected and actual dates for notices to proceed for significant contracts, start of construction, start of expenditure of TIGER Discretionary Grant funds, and project completion date. Include an explanation of the reasons for any discrepancies from the corresponding project milestone dates included in the Grant Agreement.
- Any Federal obligations and/or TIFIA disbursements occurring during the month versus planned obligations or disbursements.
- Any significant contracts advertised, awarded, or completed.
- Any significant scope of work changes.
- Any significant items identified as having deficient quality.
- Any significant safety issues.
- Any significant Federal issues such as environmental compliance, Buy American, Davis Bacon Act Prevailing Wage requirements, etc.

2. Project Activities and Deliverables. The purpose of this section is to: (1) highlight the project activities and deliverables occurring during the previous month (reporting period), and (2) define the activities and deliverables planned for the next two reporting periods. Activities and deliverables to be reported on should include meetings, audits and other reviews, design packages submitted, advertisements, awards, construction submittals, construction completion milestones, submittals related to Recovery Act requirements, media or Congressional inquiries, value engineering/constructability reviews, and other items of significance. The two-month "look ahead schedule" will enable the Government to accommodate any activities requiring input or assistance.

3. Action Items/Outstanding Issues. This section should draw attention to, and track the progress of, highly significant or sensitive issues requiring action and direction in order to resolve. In general, issues and administrative requirements that could have a significant or adverse impact to the project's scope, budget, schedule, quality, safety, and/or compliance with Federal requirements should be included. Status, responsible person(s), and due dates should be included for each action item/outstanding issue. Action items requiring action or direction should be included in the quarterly status meeting agenda. The action items/outstanding issues may be dropped from this section upon full implementation of the remedial action, and upon no further monitoring anticipated.

4. Project Schedule. An updated master program schedule reflecting the current status of the program activities should be included in this section. A Gantt (bar) type chart is probably the most appropriate for monthly reporting purposes, with the ultimate format to be agreed upon between the Grantee and the Government. It is imperative that the master program schedule be integrated, i.e., the individual contract milestones tied to each other, such that any delays occurring in one activity will be reflected throughout the entire program schedule, with a realistic completion date being reported.

Narratives, tables, and/or graphs should accompany the updated master program schedule, basically detailing the current schedule status, delays and potential exposures, and recovery efforts. The following information should also be included:

- Current overall project completion percentage vs. latest plan percentage.
- Completion percentages vs. latest plan percentages for major activities such as right-of-way, major or critical design contracts, major or critical construction contracts, and significant force accounts or task orders. A schedule status description should also be included for each of these major or critical elements.
- Any delays or potential exposures to milestone and final completion dates. The delays and exposures should be quantified, and overall schedule impacts assessed. The reasons for the delays and exposures should be explained, and initiatives being analyzed or implemented in order to recover the schedule should be detailed.

5. Project Cost. An updated cost spreadsheet reflecting the current forecasted cost vs. the latest approved budget vs. the baseline budget should be included in this section. One way to track project cost is to show: (1) Baseline Budget, (2) Latest Approved Budget, (3) Current Forecasted Cost Estimate, (4) Expenditures or Commitments To Date, and (5) Variance between Current Forecasted Cost and Latest Approved Budget. Line items should include all significant cost centers, such as prior costs, right-of-way, preliminary engineering, environmental mitigation, general engineering consultant, section design contracts, construction administration, utilities, construction packages, force accounts/task orders, wrap-up insurance, construction contingencies, management

contingencies, and other contingencies. The line items can be broken-up in enough detail such that specific areas of cost change can be sufficiently tracked and future improvements made to the overall cost estimating methodology. A Program Total line should be included at the bottom of the spreadsheet.

Narratives, tables, and/or graphs should accompany the updated cost spreadsheet, basically detailing the current cost status, reasons for cost deviations, impacts of cost overruns, and efforts to mitigate cost overruns. The following information should be provided:

- Reasons for each line item deviation from the approved budget, impacts resulting from the deviations, and initiatives being analyzed or implemented in order to recover any cost overruns.
- Transfer of costs to and from contingency line items, and reasons supporting the transfers.
- Speculative cost changes that potentially may develop in the future, a quantified dollar range for each potential cost change, and the current status of the speculative change. Also, a comparison analysis to the available contingency amounts should be included, showing that reasonable and sufficient amounts of contingency remain to keep the project within the latest approved budget.
- Detailed cost breakdown of the general engineering consultant (GEC) services (if applicable), including such line items as contract amounts, task orders issued (amounts), balance remaining for tasks, and accrued (billable) costs.
- Federal obligations and/or TIFIA disbursements for the project, compared to planned obligations and disbursements.

6. Project Funding Status. The purpose of this section is to provide a status report on the non-TIGER Discretionary Grant funds necessary to complete the project. This report section should include a status update of any legislative approvals or other actions necessary to provide the non-TIGER Discretionary Grant funds to the project. Such approvals might include legislative authority to charge user fees or set toll rates, or the commitment of local funding revenues to the project. In the event that there is an anticipated or actual project cost increase, the project funding status section should include a report on the anticipated or actual source of funds to cover the cost increase and any significant issues identified with obtaining additional funding.

7. Project Quality. The purpose of this section is to: (1) summarize the Quality Assurance/Quality Control activities during the previous month (reporting period), and (2) highlight any significant items identified as being deficient in quality. Deficient items noted should be accompanied by reasons and specifics concerning the deficiencies, and corrective actions taken or planned. In addition, the agency or firm responsible for the

corrective action should be documented. Planned corrective actions should then be included as Action Items/Outstanding Issues.

8. Other Status Reports. The Grantee and the Government may agree that other reports may be beneficial in ensuring that project status issues are fully and openly communicated. Such reports may include the public relations plan, value engineering and constructability review plan, environmental compliance report, and/or compliance with the Buy American requirements.

ATTACHMENT E
PROJECT BUDGET

A. Project Construction Estimate

1. Schedule A Engineer's Estimate (Bridge removal, replacement, and approaches):
\$4,763,237

Major Item Category Estimates:

| | |
|---|-------------|
| Bridge (removal, structural items, rip-rap, foundation, railing) | \$2,505,810 |
| Earthwork (excavation, borrow, obliteration, backfill, clearing) | \$ 357,365 |
| Paving (ACP, prime/tack, base course) | \$ 402,770 |
| Mobilization | \$ 400,000 |
| Interpretive Site | \$ 305,000 |
| Permanent/Temporary Traffic Control (signing, striping, flaggers) | \$ 261,935 |
| Erosion Control (seeding, plantings, watering, topsoil, BMPs) | \$ 169,777 |
| Labor and Equipment | \$ 80,440 |
| Hydraulics (pipe, underdrain) | \$ 36,850 |
| Materials/Smoothness Incentives | \$ 21,000 |
| Miscellaneous (surveying, testing, schedule) | \$ 222,290 |

2. Option W Engineer's Estimate (Additional bridge approach work): \$3,020,845

Major Item Category Estimates:

| | |
|--|------------|
| Earthwork (excavation, borrow, obliteration, backfill, clearing) | \$ 632,370 |
| Paving (ACP, prime/tack, base course) | \$ 957,350 |
| Traffic Control (signing, striping, flaggers, guardrail, boulders) | \$ 149,675 |
| Erosion Control (seeding, plantings, watering, topsoil, BMPs) | \$ 358,720 |
| Hydraulics (pipe, rip-rap, paved ditch, | \$ 554,735 |
| Labor and Equipment | \$ 87,800 |
| Miscellaneous (surveying, testing, schedule) | \$ 99,195 |
| Mobilization | \$ 130,000 |
| Material and Smoothness Incentives | \$ 51,000 |

3. Total Project Construction Estimate: \$7,784,082 (Schedule A + Option W)

4. Construction Engineering and Contract Administration Estimate: \$1,500,000

5. Total Estimated Project Cost: \$9,284,082

B. Project Construction Funding

Tiger Grant: \$6,000,000

WY FH Program Funds: \$700,000

TEA-21 HPP Beartooth Funds: \$600,000

Total Construction Funds Available: \$7,300,000

Notes:

1. The above estimates are based on the best available price information at the time of solicitation and do not represent actual budgeted amounts for each category of item. Prices received are market dependent at the time of bid receipt and will vary between contractors. Only the total Project Construction Funding amount represents a budgeted value of committed funds.

2. In the recent past, project bids received have been in the range of 20% to 30% below the Engineer's Estimate due to economic conditions in the region. Applying this probability, it is possible that the low bid received could range from \$5,450,000 to \$6,230,000 for Schedule A + Option W, resulting in between \$2,334,000 and \$1,554,000 to support Construction Engineering and Contract Administration. In this case, both Schedule A and Option W would be awarded.

3. If the low bid received is near, or at, the Engineer's Estimate for both Schedule A and Option W, sufficient funds would be available to award only Schedule A, and still support Construction Engineering and Contract Administration.

ATTACHMENT F
PROJECT SCHEDULE

Proposed Schedule

Solicitation of bids: April 30, 2010

Open Bids: June 2, 2010

Contract Award: June 18, 2010

Preconstruction Conference & Notice To Proceed: June 29, 2010

Begin construction: July 6, 2010

Bridge micropiling and abutments complete: September 30, 2010

Rip-rap and stone masonry complete: October 29, 2010

Winter Shutdown: November 15, 2010

Recommence construction (remobilization): May 15, 2011

Girders placed and anchored: July 8, 2011

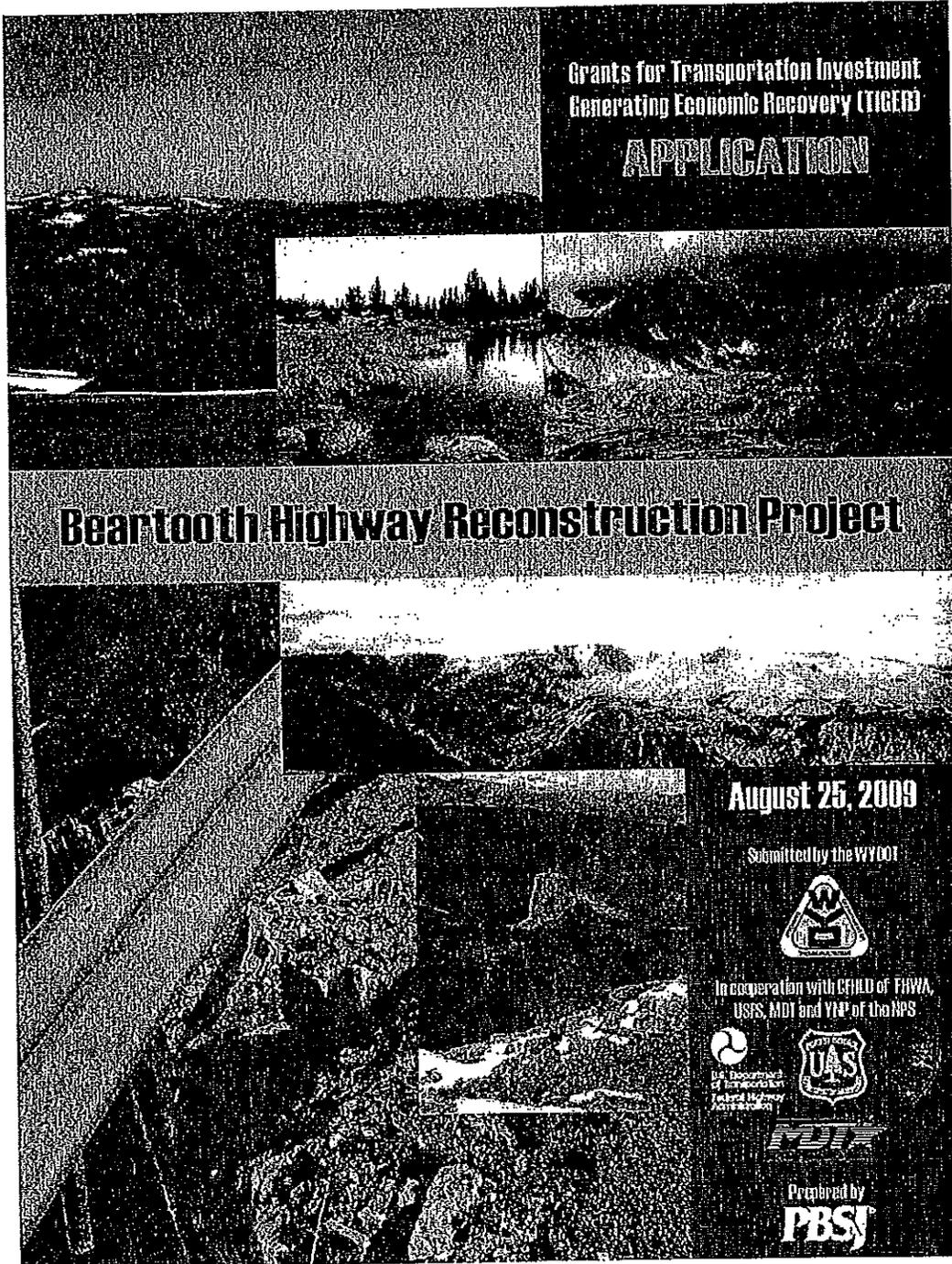
Bridge deck complete: August 29, 2011.

Earthwork and final grade complete (Option W): September 16, 2011

Paving complete: October 14, 2011

Construction complete: October 30, 2011

**ATTACHMENT G
TECHNICAL APPLICATION**



**Grants for Transportation Investment
Generating Economic Recovery (TIGER)
APPLICATION**

Beartooth Highway Reconstruction Project

August 25, 2009

Submitted by the WYDOT



In cooperation with CH2M of FHWA,
USFS, MDOT and YNP of the NPS



MDT

Prepared by
PBSJ

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1.0 Basic Project and Contact Information

Applicant for this Grant:

Wyoming Department of Transportation
 Contact: Delbert McOmie, P.E.
 5300 Bishop Boulevard, Cheyenne, WY 82009-3340
 Phone: (307) 777-4375/(307) 777-4484
 E-mail: Delbert.McOmie@dot.state.wy.us

DUNS Number for Grantee and First-Tier Sub-awardees:
 836000263

General Contractor Registration for Grantee and First-Tier Sub-awardees:
 To be obtained pending receipt of grant award.

Project Type:
 Rural arterial highway (US 212)

Project Location:
 Park County, Wyoming, near the towns of Red Lodge and Cooke City, Montana, and Cody, Wyoming. The project is located in the statewide "at large" congressional district in Wyoming. It is a critical route that connects two Montana towns in the statewide congressional district in Montana. The project is located in northwest Wyoming within Shoshone National Forest, just east of Yellowstone National Park.

Amount of Grant Requested for the Project:
 \$65 million

This grant application references many documents that were prepared during the project development and environmental and engineering processes. These documents are listed below and are available at: <http://www.dfhhd.gov/beartooth>

Table 1. Supporting Documents

| Document | Date |
|--|----------------|
| Beartooth All-American Road Interpretive Plan | January 2009 |
| "An Orphaned Highway", Public Roads Magazine | July 2006 |
| National Register of Historic Places Registration Form | September 2005 |
| Record of Decision (ROD) | February 2004 |
| Final Environmental Impact Statement (FEIS) | September 2003 |
| Beartooth All-American Road Corridor Management Plan | January 2002 |
| Beartooth Highway Road Inventory and Needs Study | October 1994 |

For project area photos, see the following website:
<http://www.panoramio.com/map/#lat=44.9691119&lon=-109.4715514&z=4&k=2&a=1&tab=1>

2.0 Project Description

The segment of the Beartooth Highway proposed for reconstruction has not been rebuilt since its original construction in the 1930s. The road has deteriorated significantly and will no longer accommodate current or future vehicles types/volumes, does not meet the needs of bicyclists, is substandard from a safety perspective, and cannot be maintained in a sustainable manner. Reconstruction would bring the road up to standards accepted by the Federal Highway Administration (FHWA) and Wyoming Department of Transportation (WYDOT) and would be consistent with National Park Service (NPS) Park Roads Standards for this type of highway. The reconstruction would support the management of National Forest lands adjacent to the road, including maintaining the Scenic Byway/All-American Road qualities, maintain an efficient transportation link between Red Lodge, Montana, and Yellowstone National Park (YNP) that safely accommodates projected traffic, and provide a roadway that could be reasonably maintained in a sustainable manner by its maintaining agency.



Twin Lakes on Beartooth Plateau

Forty years after the Beartooth Highway was originally constructed, reporter Charles Kuralt of CBS brought it to national recognition by calling it "America's most beautiful highway." The Beartooth Highway is a 108-kilometer[km]-long (67-mile) route that begins at the northeast entrance to YNP and ends in Red Lodge, Montana. The road has been designated a U.S. Forest Service (USFS) Scenic Byway, a Wyoming State Scenic Byway, and sections of the road, including the project area, are designated an All-American Road under the FHWA's Scenic Byway Program.



View from Long Lake Outlet Bridge



The Bear's Tooth from Switchbacks

The proposed project (see Figure 1 for project area) would add value to the rehabilitation of the Beartooth Highway, which is currently funded and underway on the eastern 11.6 miles of Segment 4. The route has been divided into seven segments, all of which have been reconstructed with the exception of Segment 4, as shown in Figure 2. Current efforts are focused Segment 4, which begins at kilometer post (KP) 39.5 (milepost [MP] 24.5), just west of the Clay Butte Lookout turnoff, traverses Beartooth Pass, and ends at the Montana/Wyoming state line at KP 69.4 (MP 43.1). Funding provided through the TIGER Discretionary Grants program would be used for the Beartooth Highway segment beginning at KP 39.5 (MP 24.5), just west of the Clay Butte Lookout turnoff, east past Top of the World Store, and terminating west of the road closure gate near Long Lake at KP 50.8 (MP 31.5).

Figure 1. Project Area

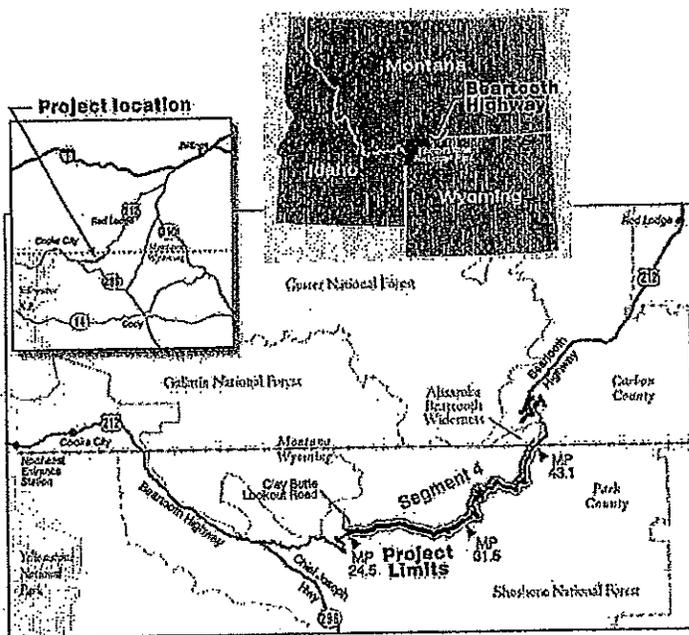
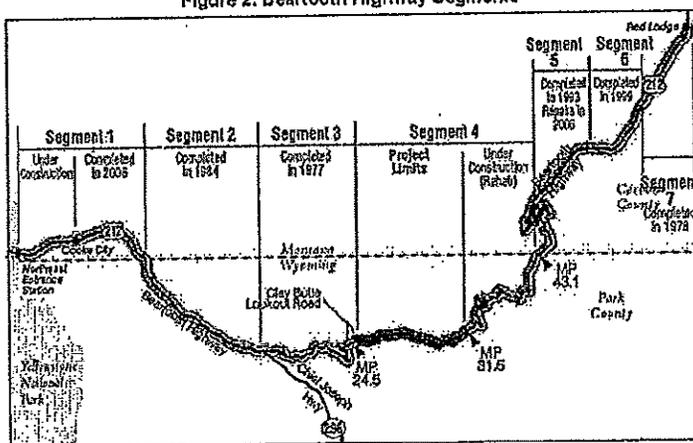
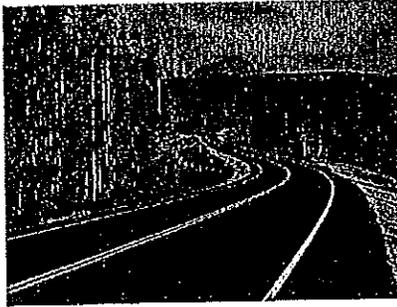
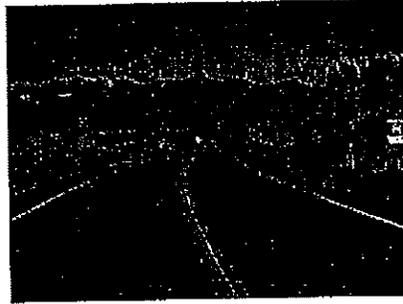


Figure 2. Beartooth Highway Segments





Completed Section of Segment 1
Beartooth Highway



Completed Section Typical of Segments 2 & 3
Beartooth Highway

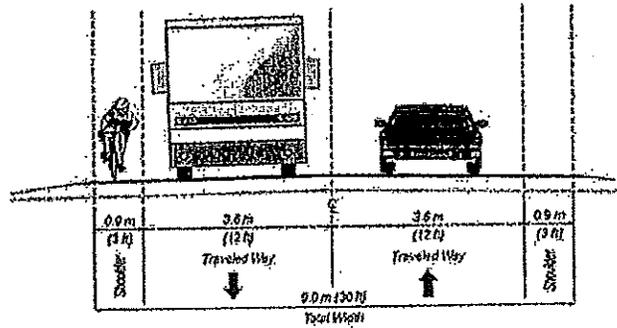
The Beartooth Highway segments in Wyoming are not on the state highway system (see "An Orphaned Road"); therefore, these segments require extensive partnership and coordination for implementing road improvements. In 1992, YNP, the USFS and Custer, Shoshone, and Gallatin National Forests (CNF, SNF, GNF), FHWA, Montana Department of Transportation (MDT), and WYDOT formed a steering committee to address the deteriorating condition of the Wyoming segments. Since that time, the steering committee has expanded to include area communities, counties, chambers of commerce, and private citizens and organizations as members of, the Friends of the Beartooth All-American Road (FBAAR).

The proposed project responds to the overwhelming need for roadway improvements on Segment 4, which FHWA deemed inadequate and substandard as far back as 1994 (see *Beartooth Highway Road Inventory and Needs Study*). Significant problems are insufficient road width, inadequate surface and subsurface drainage, inadequate roadside ditches and culverts, substandard signing and guardrail, lack of defined roadside pullouts, and little to no shoulder to accommodate high levels of bicycle use. The proposed project addresses these needs by replacing deficient bridges and culverts, constructing new bridges, reconstructing the travel way widths (including mainline and shoulders), reconstructing the side slope and clear recovery areas, and improving intersections, retaining walls, pullouts, and paving.

Most reconstruction will be along the existing road corridor of Segment 4, with an overall objective of an improved roadway alignment, grade, and width. The proposed project consists of a reconstructed roadway with a width of 9.6 meters (32 feet) from the start of the project to the Clay Butte Lookout turnoff and 9.0 meters (30 feet) from the turnoff to the end of the project.

In 2025, the seasonal average daily traffic (SADT) is projected to be 1,972 vehicles, with an average of 100 buses/recreational vehicles (5 percent of traffic) predicted to use the route daily. Due to existing and expected traffic that is greater than 6.0 meters (20 feet) in length, e.g., motor homes, buses, and vehicles hauling trailers, a travel lane width of 3.6 meters (12 feet) was selected for Segment 4. The proposed shoulder will transition from 1.2 meters (4 feet) from the project start to the Clay Butte Lookout turnoff to a 0.9-meter- (3-foot)-wide shoulder to the end of the project. These dimensions are shown in Figure 3. An area cleared of trees and larger rocks (called a clear zone) will be maintained in all areas. The clear zone will be approximately 3 meters (10 feet) from the white stripe at the edge of the travel lane.

Figure 3. Proposed Cross Section

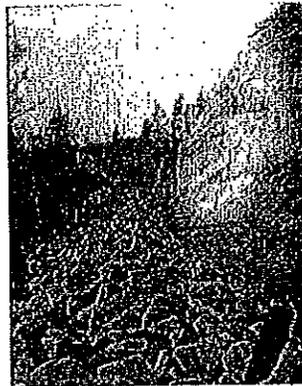


2.1 History

The Beartooth Highway was originally constructed as a Park Approach Road in the 1930s to provide access to YNP from Red Lodge. Executive Order 5949, signed by President Hoover in 1932, withdrew lands lying within 250 feet on each side of the center line of the Beartooth Highway from settlement, location, sale, entry, or other disposal, to be used for road reservation purposes only.

The Beartooth Highway was divided into seven segments for reconstruction and study purposes (see Figure 2). Figure 2 shows construction activities completed for each segment. As shown, all other segments were reconstructed between 1963 and 1984. In 1968, Segment 4 was resurfaced, and many paved ditches were added; however, complete reconstruction did not occur at that time.

In 1998, the Transportation Equity Act for the 21st Century (TEA-21) identified funding for the improvement of Segment 4; these funds were used to complete environmental documentation, perform preliminary engineering, and rehabilitate a portion of Segment 4. In 2000, the FHWA completed a pavement preservation project to temporarily seal the roadway surface until funds were available for reconstruction.



Beartooth Highway Construction, 1931

2.2 Status of Existing Facility

The highway currently consists of two 2.76-meter-wide (9-foot) travel lanes for a total width of about 5.5 meters (18 feet). In most locations, there is little or no shoulder. The Beartooth Highway does not safely accommodate bicyclists and current vehicle types, such as recreational vehicles or pickup trucks with trailers. Further, inadequate surface and subsurface drainage systems accelerate road degradation, causing unnecessarily high maintenance costs. A 1994 FHWA needs assessment concluded that many road components of the highway were inadequate and substandard and should be reconstructed. The FHWA needs assessment states:

"Segment 4 clearly has the worst conditions of any portion of the route. The narrow width of the road is a major deficiency, but the conditions of the surface, inadequate subsurface drainage, lack of adequate roadside ditches and culverts, substandard signing and guardrail, lack of defined roadside pullouts, lack of snow storage area, and increasing bicycle use all indicate that serious consideration should be given to upgrading the road."

Reconstruction will address seven primary deteriorating or deficient elements: roadway surface; road alignment; travel lane width; shoulder width; bridges; drainage facilities; and parking areas, pullouts, and access road intersections. Examples of these deficiencies are shown in Figure 4.

2.3 Connections with Existing Transportation Infrastructure

The Beartooth Highway is recognized as an important transportation route between Red Lodge, Montana, and YNP. The highway connects the northeast entrance of YNP to Billings and Red Lodge, Montana, and Cody, Wyoming (see Figure 1). The highway connects WY 298, Chief Joseph Scenic Byway, which provides a link to Cody, Wyoming. The road also provides access between the communities of Silver Gate, Cooke City, and Red Lodge, Montana. The road provides access to campgrounds, trailheads, vista points, pullouts, and recreation facilities in the SNF, the CNF, and the GNF.

2.4 Proposed Improvements

Road reconstruction will improve the deteriorating condition, minimize future maintenance costs, safely accommodate the current and projected multimodal use, allow the SNF to continue to manage activities along the road, and enhance the quality of user experience in terms of recreation and scenic values.

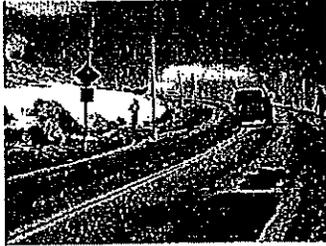
The proposed project will reconstruct the highway, remove and replace three existing bridges, and construct two new bridges with a curb-to-curb width of 11 meters (36 feet) to meet project traffic needs and a structure design life of 75 years. At Beartooth Ravine, a new bridge will be constructed to eliminate several sharp, narrow curves and improve overall safety deficiencies. One replacement bridge will be constructed at the Beartooth Lake outlet; one replacement bridge will be constructed at the eastern Little Bear Creek crossing; a new bridge will be constructed at the Little Bear Creek fan roadway crossing; and one replacement bridge will be constructed at the Long Lake outlet. The bridge replacement of the western road crossing at Little Bear Creek is being completed in the current construction project.

Retaining walls will be used adjacent to bridges to reduce impacts. Replacement bridges will be located in the same general locations as existing structures and will allow for the movement of traffic during reconstruction. All bridges except the Beartooth Ravine bridge and the Little Bear Lake Fan bridge will be single-span, constructed without the use of piers.

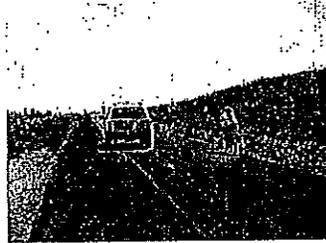
Graded and paved ditches will be reconstructed. Paved ditches will be used where there is evidence of ditch erosion problems, or where they will minimize environmental impacts. Guardrails and retaining walls will be used at selected locations where warranted. In guardrail areas, a steeper pavement edge slope is proposed because a guardrail will prevent errant vehicles from leaving the road. Extensive detail was given to the roadside design during project planning to minimize the roadway footprint.

The project will also reconstruct major intersections to accommodate the new road grade at the following locations: Clay Butte Road, Beartooth Campground Road, two intersections at the Top of the World Store, Island Lake Campground Road, Forest Road 149, the intersection at Station 49+154, Forest System Road 151, and Forest System Road 120.

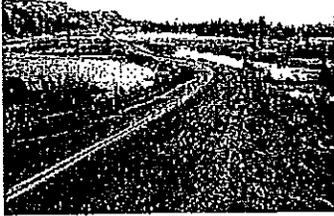
Figure 4. Roadway Deficiencies



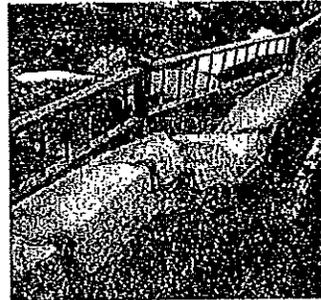
Narrow travel lanes with no shoulders pose a safety hazard to motorists and pedestrians. Poor drainage causes lack of surface support and deterioration.



Existing road width does not safely accommodate bicyclists.



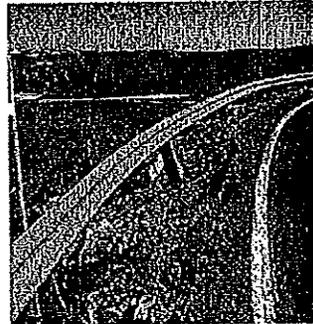
Narrow travel lanes contribute to pavement edge breakup from wider vehicles.



Existing bridges are in disrepair and rated functionally obsolete.



The current pavement condition index of 40 requires major reconstruction.



Existing guardrail does not meet safety standards.

Except in realignment sections, disturbed areas from existing pullouts will be incorporated into the widening for the reconstructed roadway. Existing pullouts will be consolidated to 22 pullouts and include interpretive sites with pull-in parking at some locations to improve safety. Interpretive exhibits will be provided at these locations (such as Beartooth Lake Trail) to alert the public to the presence of wildlife, the effects of human activity on wildlife, and the potential for wildlife/vehicle collisions.

3.0 Project Partnerships

This project is unique because multiple agencies (including both transportation and resource agencies) partnered to plan and develop highway improvements. In 1992, the Beartooth Highway Steering Committee was established. The committee was comprised of executives from five state and federal agencies and local government representatives. The members have a shared interest in the route and convened the committee to find a long-term solution to keep the Beartooth Highway open and maintained. This steering committee has cooperated over the past 17 years and has built collaborative partnerships across state and federal jurisdictions and among agency employees to assure the long-term viability of the Beartooth Highway. The steering committee has been instrumental in recommending appropriate roadway planning and funding requirements to guide expenditure decisions.

As a testament to the collaboration on this project, the FHWA project development team consisting of multi-agency employees and consultants was awarded the FHWA Strive for Excellence Team Award.

Letters of support written by project partners for this grant and the development and continued viability of the Beartooth Highway are available on the website (<http://www.cflhd.gov/beartooth>).

Table 2 shows the project partners and their project responsibilities and roles.

Table 2. Project Partnerships

| Project Party | Responsibility/Role |
|---|---|
| FHWA Central Federal Lands Highway Division (CFLHD) | Administers contractual, environmental, engineering, and construction activities. |
| National Park Service (NPS) (YNP) | Performs road maintenance and snowplowing. |
| USFS (SNF) | Land management agency, corridor planning, and interpretive site maintenance. |
| WYDOT | Grant recipient; possible maintaining agency to consider assuming ownership when the Beartooth Highway is constructed to current standards. |
| MDT | Maintains the Montana portion of the Beartooth Highway. |

4.0 Grant Funds

4.1 Project Funding and Priorities

Planning for the project was initially funded as part of the Crown Butte Mine settlement (1998 Department of the Interior and Related Agencies Appropriation Act); subsequently it was established as a High-Priority Project (HPP) in the TEA-21 highway bill.

In 1994, the FHWA evaluated the condition and repair needs of the Beartooth Highway from Red Lodge, Montana, to YNP. The evaluation was completed at the request of the NPS in response to the road's deteriorating condition and the NPS' lack of authority and funding to reconstruct a road outside the YNP boundaries.

Table 3 shows the funding and expenditure types to date for Segment 4. Included in parentheses is the percentage of total project funding received and corresponding source.

Table 3. Segment 4 Funding and Expenditure Summary

| Funding Source or Expenditure Type | Administration | Funding Received | Expenditures | Description |
|--|--|---------------------------|---|--|
| Funding Source | | | | |
| Crown Butte (DOI appropriations) | USFS transferred to CFLHD | \$10,000,000 (30.1%) | | NEPA, pavement preservation, and engineering |
| Crown Butte (DOI appropriations) | USFS (transfer of funds to NPS) | \$2,000,000 (6.0%) | | NPS snowplowing |
| Discretionary HPP funds | FHWA | \$17,500,000 (52.7%) | | Engineering, environmental, rehabilitation |
| FY 2008 Wyoming and Montana STP redistribution | WYDOT/MDT | \$1,730,000 (5.2%) | | Construction only funds |
| Wyoming Forest Highway (FLHP) Funds (2008) | WYDOT | \$2,000,000 (6.0%) | | Construction only funds |
| Expenditure Type | | | | |
| Maintenance activities | USFS (transfer of funds to NPS annually) | | \$200,000/ annually (total \$2,000,000) | Crown Butte for NPS snowplowing |
| Pavement preservation (Segment 4) | FHWA | | \$2,000,000 | Crown Butte for seal coat |
| Environmental documentation (A/E) | FHWA | | \$3,240,000 | HPP/Crown Butte funds |
| Preliminary engineering (A/E) | FHWA | | \$5,471,000 | HPP/Crown Butte funds |
| Preliminary engineering (CFLHD internal) | FHWA | | \$2,789,000 | HPP funds |
| Fox Creek Work Camp construction | FHWA | | \$1,000,000 | HPP funds |
| Clearing contract construction | FHWA | | \$500,000 | HPP funds |
| HPP 4-1(5) Project (Under construction) | FHWA | | \$13,220,000, \$1,875,000, \$1,000,000 | Rehabilitation, Construction, Engineering, HPP/STPP/Forest Highway Funds |
| Funding Summary | | Total \$33,230,000 | Total \$33,095,000 | Balance (Funds Remaining) \$135,000 |

A/E Architecture/Engineering
 DOI U.S. Department of the Interior
 FY Fiscal Year
 NEPA National Environmental Policy Act

The annual maintenance budget for the Beartooth Highway is between \$400,000 and \$500,000 (YNP). As shown in Table 3, the USFS has provided \$200,000 annually to the NPS for snowplowing operations; however, the YNP has had to cover the remaining \$200,000 to \$300,000 from their road maintenance budget. The USFS funds were from the Crown Butte

settlement, which were exhausted in 2006. YNP has provided the entire funding required for maintenance activities (including snowplowing) since that time. The NPS has been absorbing the costs required for maintenance since 1946. MDT spends approximately \$80,000 annually to maintain the Montana segments of the Beartooth Highway.

The SNF spent \$175,000 from the Wyoming State Department of Travel and Tourism for a *Corridor Plan* (see website <http://www.cflhd.gov/beartooth>) that included planning and road signage. The SNF also contributed \$15,000 in addition to approximately \$15,000 from the National Scenic Byways Program to complete an *Interpretive Plan* (see website <http://www.cflhd.gov/beartooth>) for the Beartooth Highway. These plans were approved by the SNF and CNF and will be used to apply for an additional \$1 million to \$3 million for signage, interpretation, media, website, and potential campground rehabilitation through the National Scenic Byways Program to support corridor tourism. The SNF is also currently rehabilitating the Island Lake Campground, which is within the project limits.

Each year, the Friends of the Beartooth All-American Road (FBAAR) contributes funds and sponsors a road opening ceremony held over Memorial Day weekend in Red Lodge, MT, to promote tourism related to the highway.

Due to a change in TEA-21 legislation, HPP funds were made available for the current 2009 rehabilitation project. This project includes pavement preservation and rehabilitation within Segment 4 and replacement of the falling Little Bear Creek Bridge No. 1 at KP 45.3. A reconstruction project was not pursued, at the recommendation of the steering committee, because advanced roadway deterioration necessitated rehabilitation with available funds.

Table 3 shows major completed projects and funding spent on all segments of the Beartooth Highway since its initial construction completion in 1936.

Table 4. Beartooth Highway Completed Projects and Funding

| Segment | Year(s) | Funding | Project | Description |
|---------|--|-------------------------------|---|---|
| 1 | 2006 2009 | \$10,950,000 \$15,970,000 | MT PFH 59-1(1) MT PFH 59-1(2) | Reconstruction, environmental, engineering; Title 23 FLH Program Funds |
| 2 | 1963, 1965, 1979, 1983, 1984 | \$4,450,000 | WYO FLH 15(1,2,9,10,11), WYO FH 4-1(1) | Bridges/reconstruction; Title 23 FLH Program Funds |
| 3 | 1958, 1970, 1972, 1974, 1977 | \$4,340,000 | WYO FLH 15 (4-8) | Bridges/ reconstruction; Title 23 FLH Program Funds |
| 3 & 4 | 2001 | \$2,070,000 | WY FS 4-1(2) | Micro-surfacing; Crown Butte Funds |
| 4 | 1968 | \$700,000 | WYO FLH 15 (3) | Resurfacing; Title 23 FLH Program Funds |
| 5 | 1963, 1965, 1970, 1993, 2004, (2006) | \$9,890,000 (\$19,180,000) | MT FH 59-2(1-2), MT FH 59 (1-3), NPS Funds, MT FLH 28-2(18), (ER 28- 2(27)) | Reconstruction, slide repair, (emergency slide repair); Title 23 FLH, Park Road, and Emergency Relief Program Funds |
| 6 | 1968 1999 | \$2,440,000 | MT FH 59-2(4), MT FH 59 (4), STPP 28- 2(21)60 | Reconstruction/overlay; Title 23 FLH and STP Program Funds |
| 7 | 1976 | \$2,800,000 | MT FH 59-2(6) | Reconstruction/bridge; Title 23 FLH Program Funds |

1. Rounded to nearest \$10,000.

2. Current construction costs are approximate because final costs are not exact until 100 percent complete.

4.2 Grant Amount Request to Complete Beartooth Highway

The WYDOT requests \$65 million in TIGER Discretionary Grant funds to reconstruct the Beartooth Highway. This amount provides a construction package that completes the lower section of the Beartooth Highway from KP 39.5 (MP 24.5) to KP 50.8 (MP 31.5). This section connects to the current full-depth reclamation project on the east side of Segment 4, completing the last portion of the Beartooth Highway left to be constructed. This project updates the Beartooth Highway to current design and safety standards and provides a final link in a transportation infrastructure that will be viable for the next 75 years.

The \$65 million request includes \$57 million for construction items and approximately 14 percent in construction engineering and oversight costs to complete the project over two construction seasons. The \$65 million brings the total expenditures on Segment 4 to \$98.23 million. The TIGER Discretionary Grant funds requested are approximately 66 percent of the total funding expenditures for Segment 4. Reduced grant award amounts can also be used to complete substantial components of the project if necessary. Seven construction packages ranging from \$6 million to \$57 million are available and can easily be constructed with grant funding. A figure and table showing *Potential Construction Packages* are on the website (<http://www.cfhhd.gov/beartooth>).

5.0 Primary Selection Criteria

5.1 Long-Term Outcomes

The proposed project would significantly benefit the highway, its users, nearby communities, and others living throughout the greater Yellowstone region and the nation. Benefits in terms of long-term outcomes from the proposed project fall within the following categories:

- State of good repair
- Economic competitiveness
- Livability
- Sustainability
- Safety

5.1.1 State of Good Repair

The Beartooth Highway is an All-American road with visitors from all over the world traveling over the route to access YNP. As described, the proposed project will improve road conditions and drainage, minimize life-cycle costs, safely accommodate current and projected vehicular and bicycle use, allow the SNF to continue to manage activities along the road efficiently, and enhance the quality of user experience in terms of recreational, education, and scenic values.

The proposed project will greatly reduce the total life-cycle costs for this stretch of the Beartooth Highway through the following:

- The new roadway would be compatible with current maintenance equipment and practices, affording safe and efficient maintenance operations, as required by law for the use of federal highway funds, thus reducing life-cycle costs.
- The proposed project provides for easier and safer snowplowing practices and snow storage.
- Reconstruction would provide a more durable pavement surface. The road surface has a design life of 20 years and at that time will need only an overlay. A second overlay at 40 years would extend the road design life to 60 years.
- Improved drainage features would minimize or eliminate road degradation from loss of pavement support.

- The bridge replacements have a design life of 75 years.
- The improved facility would have an average reduction of maintenance costs of 50 percent over its life. Current maintenance and snowplowing activities are approximately \$400,000 to \$500,000 per year and are estimated to average approximately \$200,000 per year after reconstruction.
- Including overlay costs of \$1.7 million every 20 years, the average life-cycle cost savings would be about \$193,000 per year over the 60-year period.

The Wyoming Transportation Commission has stated that they will consider assuming ownership of the road and responsibility for the maintenance when the route is constructed to current standards. No one federal or state agency holds ownership of Wyoming segments of the route, and maintenance has been inconsistent and problematic since the route's completion in 1936. The YNP has maintained the road historically, but was only allocated funding for snowplowing from the USFS from 1998 through 2006. Although the USFS had short-term funding for the highway through the Crown Butte funds, the agency is not equipped to assume road maintenance. If WYDOT were to assume maintenance responsibility for Wyoming segments, life-cycle cost efficiencies would result because neither SNF nor YNP have the resources, or funding sources, to properly maintain pavement and structures to ensure highway longevity.

The WYDOT and MDT are committed to maintaining transportation facilities under their jurisdiction in a state of good repair. For example, mudslides in 2005 closed the Beartooth Highway north of the project in Montana. The MDT spent more than \$19 million in late 2005 and 2006 to repair 13 landslide locations and quickly open the road to traffic to avoid substantial economic impacts to local communities. The WYDOT, MDT and YNP use structural asset management approaches to optimize expenditures, and would apply these practices to the completed project, if under their jurisdiction.

Table 5 summarizes proposed improvements by area of deficiency and the reconstruction long-term outcomes and benefits.

5.1.2 Economic Competitiveness

The Beartooth Highway is an important transportation route between Red Lodge, Montana, and YNP. Since the road's opening in the 1930s, tourism associated with the highway has provided significant economic benefits to Red Lodge and Cooke City, Montana, and Cody, Wyoming. By safely accommodating projected traffic types and volumes, the tourism associated with the highway will continue to play a major role in sustaining these local economies. Further, the Beartooth Highway is the only access to the Northeast Entrance of YNP and supports economies accessing this entrance for the entire region east of the park.

The present-day deficiencies of the Beartooth Highway in Segment 4 will prohibit the entire route from adequately and safely accommodating projected traffic volumes and, therefore, puts local economies at risk in the future by reducing the selection of this route by tourists. Because tourism employs about one third of all Carbon County, MT workers, and the Beartooth Highway accounts for most summer tourist travel, it is expected that if the road continues to deteriorate, Red Lodge and Cooke City will face greater risk of a decline in tourist related economic activity. Services associated with food and lodging, which represents about 13 percent of all earnings for Carbon County workers, would be reduced if tourism associated with scenic driving and access to YNP decreased because of a poor, or closed, road. A decline in tourism employment would have a ripple effect in the local economy due to the economic multiplier effect where a dollar of lost tourism earnings generates one and a half dollars of total earnings lost countywide. Thus, a

reduction in earnings for tourism-related workers in the county (one third of workers countywide) could lead to earnings impacts for half or more of workers across the county.

Table 5. Proposed Improvements by Area of Deficiency

| Road Element | Deficiency | Reconstruction Outcome/Benefit |
|--|---|--|
| Roadway surface | Pavement Condition Index of 40 (Range of 0 to 100); needs major reconstruction. | Reconstruct roadbed and entire base and pavement structure; 20-year lifespan until future overlay required. Minimize costs and maintenance needs. |
| Drainage facilities | Subsurface moisture and inadequate drainage have caused the pavement structure to fail (cracking, rutting, etc.) | Provide adequate drainage in roadside ditches to significantly reduce maintenance with spring runoff and storm events; provide for subsurface drainage. |
| Bridges | Structurally deficient ratings; railing and guardrail inadequate; estimated current life (in 1989) is 15 to 20 years without repairs. | Update bridges to current standards for a 75-year lifespan to reduce future maintenance concerns; accommodate wildlife movements to meet needs of agencies and region. |
| Road vertical and horizontal alignment | Numerous sharp curves and abrupt transitions; inadequate superelevation. | Correct superelevation and curvature to improve driver expectancy. Reduce accidents; improve speed changes that improve emissions; minimize maintenance requirements including ice/snow buildup and pavement damage. |
| Travel lane width | Narrow width causes driving on road edges and pavement ravel; not adequate for recreational vehicles. | Accommodate existing and project traffic volumes; widen road for better lateral clearance; reduce pavement maintenance. |
| Shoulder width | Inadequate recovery and breakdown area; restricts pedestrian and bicycle use. | Accommodate bicycles and pedestrians and reduce shoulder maintenance; accommodate snowplows and provide snow storage; complete a future overlay without impacting vegetated slopes. Reduce future impacts to environment; minimize costs for maintenance; meet needs of travelers/users. |
| Pullouts, parking areas, and access road intersections | Limited sight distance and hazard/safety concerns. | Improve safety and opportunities for visitors to experience the road through interpretive sites and trails; improve educational, recreational, and scenic opportunities; improve economy through tourism; reduce safety concerns. |

5.1.3 Livability

Quality of Experience

The proposed project would enhance livability in terms of the quality of experience offered to locals and visitors who travel this Scenic Byway and All-American Road. New wider shoulders would improve the safety and general enjoyment for bicyclists and pedestrians alike. Shoulders and formal pullouts would allow travelers to safely enjoy views and the overall scenic nature of the highway. To enhance the quality of experience offered to users, the proposed project constructs 22 improved pullouts, 3 parking areas, 2 interpretive sites, and 1 new trail.

Enhanced Mobility

The project enhances visitor experiences by improving the travel way and shoulder width and improving pullouts and intersections to create more convenient transportation options. Travelers will be able to stop along the roadway to explore trails, interpretive sites, and lakes, or enjoy the views. A variety of transportation modes (including pedestrian, bicycles, motorcycles, snowmobiles, all-terrain vehicles, and large recreation vehicles) will have improved access and capabilities with the proposed improvements. Being in the SNF and just outside of YNP, this

project is a multimodal facility encompassing a larger recreational area. During the summer, motorcycle, sports car, antique car, and bicycle touring groups and individuals, as well as pedestrians frequent the road; during the winter, snowmobilers and skiers are active.

Enhanced Modal Connectivity

In addition to being a recreation destination, the Beartooth Highway is used by travelers both as a scenic driving experience and as an arterial quality through route to destination communities such as Billings, Laurel, Red Lodge, Cooke City, Gardiner, West Yellowstone, MT and YNP. The highway is used by destination travelers who fly into Billings, Montana, and Cody, Wyoming, to access YNP. Increased roadway widths will reduce congestion and improve safety on the existing roadway by allowing vehicular traffic (including larger recreational vehicles) to travel on the road with bicycles, motorcycles, pedestrians, all-terrain vehicles, and snowmobiles.

Improved Accessibility

The improved access through widening, larger curves, improved structures, and improved intersections and pullouts will allow large vehicles such as buses and recreational vehicles to access the project area. If the highway is left in its current condition, it will remain unsafe and congested during peak travel seasons; therefore, its accessibility would be decreased and fewer recreational travelers would use it in favor of alternate routes. The interpretive sites, parking areas, and trail were designed in accordance with the American Disability Act to accommodate visitors with disabilities so that they can experience the highway and associated amenities. Non-drivers (such as bicyclists and pedestrians or hikers) will benefit from improved shoulders.

Coordinated Transportation and Land Use Planning

The FHWA created a Social, Economic, and Environmental (SEE) study team to identify major issues associated with the project, develop alternatives and assess environmental impacts, and ultimately collaborate on a preferred alternative (see ROD, Feb. 2004). Coordination, public meetings, and field reviews with agencies including the USFS Regions 1 and 2, SNF, GNF, CNF, YNP, U.S. Army Corps of Engineers (Corps), Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), and other state and local agencies and elected officials occurred during the project development stages to gain accurate insight into the perspectives of each project partner, or agency, to ascertain public issues and concerns. The SEE Team reviewed and approved the project Purpose and Need, consequently, the project design balances the plans and requirements of all agencies and users.

Public open houses were conducted during the design NEPA process, and comments were incorporated into the project. To address economic impact concerns of surrounding communities and citizens, an extensive construction public information program was developed to alert travelers to road construction so as not to deter them from visiting the area. The extended construction necessary to complete the project could be economically devastating to area communities if travelers avoided the area for one or more construction seasons.

The project traverses National Forest System lands managed by the SNF. The SNF's Land and Resource Management Plan (also called the Forest Plan) established a forest-wide goal of managing activities along travel routes to maintain and enhance recreation and scenic values. The Beartooth Highway corridor is in a Management Area that emphasizes rural and roaded natural recreation opportunities. Motorized and non-motorized recreation activities such as driving for pleasure, viewing scenery, picnicking, fishing, camping, hiking, snowmobiling, and cross-country skiing are emphasized. The designation of Segment 4 as an All-American Road under FHWA's Scenic Byway Program indicates the road has unique features that do not exist elsewhere. The All-American Road segment has two intrinsic qualities of national significance: natural and scenic. As an All-American Road, it provides an exceptional traveling experience so recognized by travelers that they would make a drive along the highway a primary trip purpose.

A *Corridor Management Plan* (see website <http://www.cflhd.gov/beartooth>) prepared for the All-American Road section describes management and protection strategies and provides recommendations for interpretation. The project's engineering and environmental design compliment the information developed in the SNF Land Management Plan and the *Corridor Management Plan* (see website <http://www.cflhd.gov/beartooth>).

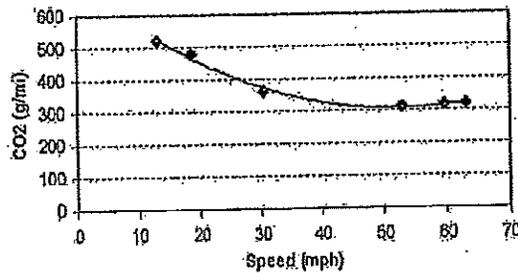
5.1.4 Sustainability

Improved Energy Efficiency

Improved vertical roadway grades and consistent design speeds provide for more efficient motor vehicle operations and reduce greenhouse gas emissions. Improvements to shoulder widths and pullcuts will allow more opportunities for slow-moving vehicles to exit the travel way, allowing vehicles to pass. These improvements will reduce traffic congestion to allow consistent vehicle flow.

Current operating speeds range from 37 to 47 miles per hour (mph), with an average of 42 mph in the project limits. The project is projected to increase average operating speeds by 5 mph to an overall average of 47 mph. As shown on Figure 5, the project would improve vehicle efficiency and reduce carbon dioxide (CO₂) emissions by shifting average vehicle speeds toward the minimum emission speed range of 47 to 55 mph. The reconstruction improvements would allow vehicles to operate at optimum speeds, producing the lowest CO₂ emissions possible as described by the Center for Clean Air Policy, and would save about 2,900 gallons of motor fuel annually.

Figure 5. Fleet Carbon Dioxide Emissions versus Highway Speed



Source: Center for Clean Air Policy

The project will implement wetland mitigation strategies by avoiding wetlands where possible and restoring, creating, and preserving wetlands in other areas. When the original road was constructed, road fill material was placed in wetlands. In small areas of new alignment along the project, wetland mitigation will occur by removing existing roadbed material to reconnect and restore wetlands, thus improving water quality. While the project is impacting 4.8 acres of jurisdictional wetlands, 4.4 acres of wetlands are being created or restored on site, and about 9.0 acres of off-site wetlands are being preserved, for a net gain of approximately 8.6 acres of jurisdictional wetlands in the area.

In the long term, the project will benefit the surface water quality near the road. The bridges are adequately sized to accommodate flows, and pullouts, parking areas, and shoulders will be paved to reduce sediment in roadway runoff.

Because of its location and footprint, a *National Register of Historic Places Registration Form* (see website <http://www.clhd.gov/beartooth>) for the Beartooth Highway was prepared by the FHWA for use by owning agencies in nominating the highway to the National Register. The project closely follows the existing centerline throughout most of the route to match the existing historic alignment. The existing masonry for the culvert headwalls and bridges will be dismantled and used on the new structures to match the historic features.

The USFWS was consulted for incorporation of wildlife crossings into the design. The project includes special landscape designs in wildlife crossing areas, eliminates guardrail and other features that would impede wildlife movements, and includes signage to slow driver speeds. Other mitigation for wildlife includes minimizing limits of construction, revegetating disturbed areas with native species, and limiting construction at night. The project design also incorporates improved habitat connectivity by including aquatic and terrestrial passages connecting riparian areas along stream banks under bridges.

A Grizzly Bear Management and Protection Plan was developed with guidance from the SNF and the USFWS to minimize impacts to Grizzly bears during construction. The plan includes limitations on night work, worker awareness, and proper trash disposal methods.

During construction, the FHWA will have a representative available for landscape architecture and revegetation expertise to implement the landscaping and revegetation plan.

Other mitigation measures include preserving select individual trees, preserving existing rock outcrops, using weathered steel guardrail, applying aesthetic paint to bridge railings, and treating retaining wall and rock cuts with aesthetic patterns and stains.

5.1.5 Safety

The project addresses numerous safety hazards on the existing roadway, such as:

- Inconsistent curve radii that cause sudden driver reactions inconsistent with expectations.
- Sharp curves, sudden dips, and crests that restrict visibility and stopping sight distance.
- Narrow travel lanes that cause encroachment into oncoming lanes or leaving the pavement.
- Narrow shoulders which limit bicycle and pedestrian use and cause bike/pedestrian conflicts.
- Narrow road width and minimum ditches making it unsafe to plow/store snow under traffic.
- Bridges that do not meet current hydraulic or safety standards (width, railing, etc.).
- Pullouts/ parking areas that are poorly located or undersized causing safety problems.
- Inadequate sight distances and turning radii at intersections.

The existing safety hazards would be exacerbated under future traffic volumes. The project would address all existing safety hazards and provide a road that safely accommodates a variety of users and vehicle types. The reconstructed road will be wider, smoother, and have a more consistent horizontal and vertical alignment consistent with driver expectations on the remainder of the route and in YNP. The FHWA's accident prediction study indicates that the completed project will experience an average two-lane accident rate in 2025 of 1.36 accidents per million vehicle miles traveled, which is 43 percent less than the existing road accident rate of 2.41 accidents per million vehicle miles traveled under future traffic without improvements.

5.2 Evaluation of Expected Project Costs and Benefits

Many of the project's benefits, such as the value of access to a scenic area, cannot be valued easily in monetary terms; these values are discussed elsewhere in this document. Generally, rural roads have traditionally been assumed to have a value beyond what can be computed in

purely economic terms. Because this highway is the tourist lifeline for Carbon County, however, the potential project benefit for the county is substantial when the preservation of tourist-dependent jobs is considered. The sections below describe the project benefits and costs that can be quantified as well as some of the more qualitative economic benefits.

5.2.1 Expected Project Benefits

Table 6 summarizes the expected benefits of the project for time, fuel, maintenance cost, accident savings, and preservation of Carbon County jobs. The creation of jobs from the economic stimulus of the project is considered separately in Section 5.4, Job Creation and Economic Stimulus.

Table 6. Expected Project Benefits

| Long-Term Outcomes | Benefits |
|--------------------------|---|
| State of good repair | Life-cycle costs; reduce maintenance by 50% (\$193,000/year savings net of major overlay costs) |
| Economic competitiveness | Protect jobs (33% to 50% of Carbon County jobs with a total income of \$57 to \$85 million per year). Ten percent loss avoidance assumed for 2013 and future years = \$7.1 million/year |
| Livability | Time savings 4,143 hours/year = \$105,500/year |
| Sustainability | Reduced carbon emissions (30-ton reduction of greenhouse gases per year); annual fuel consumption reduction of 2,900 gallons, or about \$7,500 in fuel costs |
| Safety | Accident reduction 43% (\$76,000 per year accident savings without fatalities) |
| Total | \$7.5 million per year total benefits |

Maintenance cost savings would average about \$193,000 per year when adjusted for periodic overlay costs needed to extend the design life of the road surface to 60 years. Average savings would be \$450,000 minus \$200,000 per year, or \$250,000 per year before the cost of overlays every 20 years is considered. When overlay costs of \$1.7 million per overlay at 20 and 40 years after reconstruction, the average annual maintenance saving is reduced to \$193,000 per year.

The project would lead to reduced user travel times and fuel savings. Approximately 80 percent of trips on the Beartooth Highway are through trips between Red Lodge, Montana, and the Northeast Entrance of YNP. Based on a 2025 projected SADT of 1,972 vehicles, this equates to 1,578 vehicles. One vehicle traveling over the 7.1-mile project length with an average existing speed of 42 mph increased to 47 mph saves about 1 minute. For all vehicles, this equates to 28 hours per day, or 4,143 hours per year saved at \$0.42 per minute, for a total of \$105,500 per year of time savings. Time savings are based on 146 days per year with value of time as recommended by the American Association of State Highway and Transportation Officials (AASHTO) (User Benefit Analysis for Highway, August 2003, pp. 5-3/5-4) for personal intercity auto trips, adjusted for inflation to 2010 and occupancy of 1.5 wage earners per vehicle.

The fuel savings at a more efficient speed of 47 mph would total 2,900 gallons of gasoline and diesel fuel per year, based on AASHTO (2003, p. 5-12). At the current price of \$2.57 for both regular gasoline and diesel in the Rocky Mountain Region, the value of fuel saved would be \$7,480 per year.¹ Based on U.S. Environmental Protection Agency (EPA) data, this fuel saving would avoid 30 tons of greenhouse gas emissions per year.²

¹ Based on August 10, 2009, fuel prices from the Energy Information Administration, U.S. Department of Energy, at <http://konto.eia.doe.gov/oog/info/gdu/gasdiesel.asp>.

² <http://www.epa.gov/otaq/climate/420f05001.htm>; <http://www.epa.gov/OMS/climate/420f05004.htm>, assuming the fuel mix is 5 percent diesel and 95 percent gasoline, with 5 percent additional GHG added above CO₂ content to account for related greenhouse gas emissions.

Based on a base rate of 0.95 accidents per million vehicle miles, the projected 43 percent reduction in accidents would avoid one accident every 18 months over the 7.1-mile project length. Based on the current AASHTO method of valuing accident savings (2003, p. 5-45), the value of accident savings would total about \$43,000 per year, adjusted for inflation to 2010. The future accident rate for 2025 is projected to be much higher, however, with 2.41 accidents per million vehicle miles. Reducing accidents by 43 percent in this case would save one accident every seven months, for a user cost saving of about \$109,000 per year. Using the average of these two savings as an average over the life of the project gives an annual accident saving of approximately \$76,000 per year.

The total dollar value of all of the above annual benefits for time, fuel, maintenance cost, and accident savings would be approximately \$383,000 per year in 2010 dollars.

The most substantial benefit of the project would be the preservation of Carbon County jobs. Because tourism employs about one third of all Carbon County workers, and because the road accounts for most summer tourism in Carbon County and Red Lodge, there would also be a substantial benefit to the local economy from keeping the road serviceable enough to continue to attract tourist traffic. Considering the multiplier effect of the income of workers directly employed by tourism, the project would help sustain the incomes of perhaps half of Carbon County workers. In 2010 dollars, this means that the highway access is critical to support county incomes of \$57 million to \$85 million per year. This figure is based on U.S. Census 2000 data showing 4,065 households in Carbon County with a median income of \$32,139 in 2000 dollars. Inflating the median income to 2010 dollars to match the denomination of the costs gives an equivalent annual household income of \$42,010. Assuming that the tourism workers directly or indirectly support one third to one half of the county households gives the range of \$57 million to \$85 million.

Even if continued highway deterioration reduces tourist-dependent incomes by only 10 percent, an income loss of \$5.7 million to \$8.5 million per year would be avoided by the project. Because Carbon County is so dependent on tourist traffic from the highway, the losses from a deteriorating highway could easily be much larger. For example, large vehicles such as tour buses and recreational vehicles, which constitute 5 percent of the traffic, contribute a disproportionate share of income in a remote tourist destination such as this, and highway deterioration could cause these larger vehicles to avoid the road even if all passenger cars remain. For purposes of this analysis, 10 percent job loss avoidance is assumed, which equals to about \$7.1 million income saving per year.

Total annual benefits, including avoided job losses, equal \$7.5 million per year. This compares favorably with the investment costs of \$65 million. If the benefits and costs were distributed over the 60-year life cycle of the pavement at a 7 percent discount rate, the benefit-cost ratio would equal 1.5 for the project.

Other qualitative benefits are the improved recreation user experience, road jurisdiction having a greater likelihood of being resolved, and maintenance and improvement of an important historical link between Red Lodge, Montana, and YNP. The reconstruction would preserve the integrity and history of the road, which is a benefit. The road is a significant engineering accomplishment, conveyed primarily by its location and footprint.

5.2.2 Expected Project Costs

Expected project costs would total \$65 million, as requested in the grant.

5.3 Evaluation of Project Performance

After the stabilization period from the project completion, an assessment of the long-term outcomes can be performed. This evaluation will include the state of good repair, economic competitiveness, livability, sustainability, safety, job creation, and economic stimulus.

The state of good repair can be reevaluated to determine whether actual maintenance and snowplowing costs were reduced. The economic competitiveness can be evaluated based on future analysis of traffic volumes; however, increases in traffic volume depend on a variety of factors such as the economy, fuel prices, vacationing trends, road conditions, and federal regulations and policies. The measure of tourism from YNP, SNF, Red Lodge, and Cooke City can be evaluated, but it is not an absolute factor because the variances are not dependent only on the improved road condition. The livability outcome should be evaluated through comments received by road users; this can be achieved by completing surveys at gateway communities and chambers of commerce. The SNF can determine visitation at pullouts, interpretive sites, trails, and parking areas to determine whether these areas are being used as designed. The sustainability outcome can be addressed through an analysis of traveler speed once reconstruction is complete and compared to existing data. Safety can be evaluated by compiling accident data to determine whether a reduction in accidents (including accidents involving wildlife) was achieved. Job creation and economic stimulus can be evaluated based on direct jobs created by the project.

5.4 Job Creation and Economic Stimulus

To estimate the magnitude of the job creation and economic stimulus from the TIGER grant, the Regional Economic Impact Model for Highway Systems (REIMHS) planning economic model was applied to the proposed project. The REIMHS model takes standard highway data input and derives industrial output, earnings, and employment impacts of a highway project through the application of Bureau of Economic Analysis multipliers for regional industrial output, earnings of employees in those industries, and employment. Because the model was developed for the robust regional economy of the Dallas/Fort Worth area, it is assumed that the economies of the three states that surround the project area (Montana, Wyoming, and Idaho) would capture a similar proportion of economic output and jobs. The jobs multiplier has been adjusted for inflation to 2010 using the Consumer Price Index for all urban consumers.

Based on the results of the REIMHS analysis, approximately 9.4 job years will be created in the three-state region for every \$1 million spent on highway construction. This estimate is conservative compared to the 10.87 job years per \$1 million of government expenditures recommended by the May 2009 Estimates of Job Creation from the American Recovery and Reinvestment Act of 2009 prepared by the Executive Office of the President's Council of Economic Advisors. In addition, the SNF region uses 10 job years for \$1 million of expenditures, which is comparable. Job creation includes both onsite employment due to the transportation project and additional employment in other industries as a result of the multiplier effect. Based on REIMHS, the expenditure of \$65 million for construction and engineering costs is expected to generate 600 person years of employment, including direct, indirect, and induced jobs, as compared to not building the project. This figure does not include sustaining existing tourist-oriented jobs in Carbon and Park counties that may otherwise be lost if the project were not built.

The economic output from the REIMHS model includes the multiplier effect of direct construction dollars being re-spent in service or other sectors of the economy as well as minor ongoing efficiency gains from improved highway travel. The regional economic output estimates shown in Table 7 represent the monetary value of all items produced by 39 output industries in response to construction expenditures from the Beartooth Highway TIGER discretionary grant.

Regional economic output in the three-state region is estimated to total about \$108 million from the TIGER grant Beartooth project. All costs and economic output are expressed in 2010 dollars. The impact of this spending and direct and indirect employment added to the regional economy would be positive in the current economic situation.

Table 7. Economic Impact of Beartooth Highway Construction Investment
(Millions of 2010 Dollars)

| Alternative | Construction Value (Including Engineering) | Regional Economic Output | Total Earnings | Total Jobs (Person Years of Employment) |
|--------------|---|-----------------------------|----------------|---|
| Full Project | \$65.0 | \$107.90 | \$27.95 | 600 |

Sources: A.L. Polleno and Carol J. Roadifer, Regional Economic Impact Model for Highway Systems, Transportation Research Record 1229, Transportation Research Board, Washington D.C., 1959. (Model adjusted to reflect inflation.)

The project would also result in a small, short-term increase in population in Park County, Wyoming, and Park and Carbon counties in Montana due to the employment of about 80 seasonal construction workers on site for two construction seasons. The project would result in increased expenditures for living and construction expenses associated with jobs and road construction. For workers who live in the area, the income earned would remain in the area. For workers that reside outside the study area, a significant portion of their earned income would go back to the areas where they live.

Local businesses providing lodging, meals, equipment, fuel, operating supplies, and other consumer goods and services would benefit from increased expenditures. These expenditures would positively affect the local and regional economies both directly and indirectly. Direct economic benefits include dollars spent in the local economy by project workers. Local merchants and other providers of goods and services would benefit. Indirect or secondary economic benefits would also be associated with the project. Indirect income results when dollars from an initial purchase of goods and services are spent again. For example, for every paycheck dollar spent on local gasoline or groceries, a portion is spent again by the receiver for other goods and services. Direct and indirect expenditures would also boost local and state taxes.

After the road is constructed, the economies of Red Lodge, Cooke City, and Cody would be beneficially affected by continued tourism associated with the road. Local businesses providing lodging, meals, equipment, fuel, operating supplies, and other consumer goods and services would benefit from continued expenditures.

Project Schedule

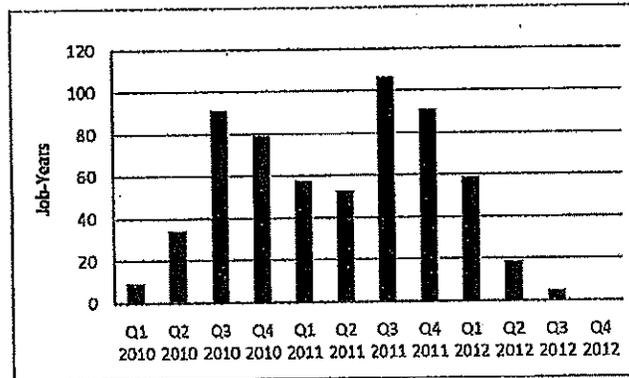
The project plans, specifications, and estimate (PS&E) are 95 to 100 percent complete. The schedule in Table 8 demonstrates that the project can be ready for advertisement once the grant funds are awarded by February 17, 2010. The project timeline can be adjusted to be advertised earlier if project funds are obligated before this date. The project can be completed by the February 17, 2012, deadline by completing the work in two construction seasons.

Table 8. Beartooth Highway Project Schedule

| Task Name | Duration (Days) | Start | Finish |
|---|-----------------|--------------------|---------------------|
| Design | 37 | Monday, 12/7/09 | Friday, 1/29/10 |
| 100% PS&E | 20 | Monday, 12/7/09 | Wednesday, 1/6/10 |
| 100% PS&E Review | 2 | Thursday, 1/7/10 | Friday, 1/8/10 |
| Final PS&E | 15 | Monday, 1/11/10 | Friday, 1/28/10 |
| Environmental Permits | 30 | Monday, 12/7/09 | Wednesday, 1/20/10 |
| 404 | 30 | Monday, 12/7/09 | Wednesday, 1/20/10 |
| Construction Water Use | 20 | Monday, 12/7/09 | Wednesday, 1/6/10 |
| Dewatering | 20 | Monday, 12/7/09 | Wednesday, 1/6/10 |
| Notice of Intent (NOI) | 20 | Monday, 12/7/09 | Wednesday, 1/6/10 |
| Contracting | 68 | Monday, 2/1/10 | Wednesday, 5/5/10 |
| Deliver PS&E to FHWA Contracts | 12 | Monday, 2/1/10 | Tuesday, 2/16/10 |
| Publish Notice in Federal Business Opp. | 6 | Wednesday, 2/17/10 | Wednesday, 2/24/10 |
| Advertise | 20 | Thursday, 2/25/10 | Wednesday, 3/24/10 |
| Open Bids | 20 | Thursday, 3/25/10 | Wednesday, 4/21/10 |
| Award | 10 | Thursday, 4/22/10 | Wednesday, 5/5/10 |
| Construction | 444 | Thursday, 5/6/10 | Wednesday, 2/8/12 |
| Preconstruction Conference | 2 | Thursday, 5/6/10 | Friday, 5/7/10 |
| Construction Season One | 115 | Monday, 5/10/10 | Wednesday, 10/20/10 |
| Construction Season Two | 120 | Monday, 5/2/11 | Wednesday, 10/19/11 |
| Environmental Compliance Review | 30 | Tuesday, 9/6/11 | Monday, 10/17/11 |
| Construction Review Report | 30 | Monday, 9/19/11 | Friday, 10/28/11 |
| Final Construction Punchlist | 75 | Thursday, 10/20/11 | Wednesday, 2/8/12 |

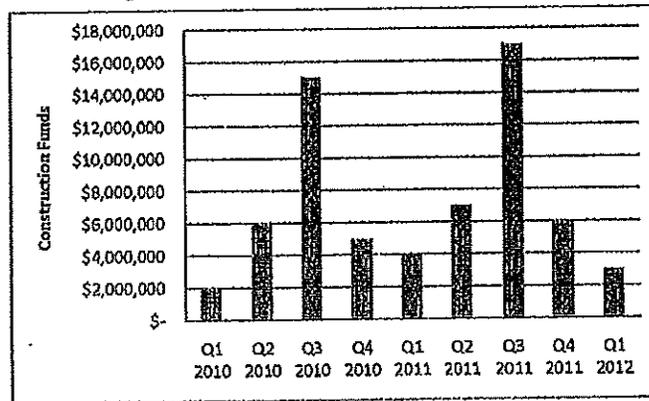
The direct, on-project jobs expected to be created or sustained (shown in Figure 6) are based on each calendar quarter once the project is underway.

Figure 6. Projected Beartooth Highway Jobs



The Grant funds will be spent steadily and expeditiously once construction starts, as shown on Figure 7.

Figure 7. Beartooth Highway Construction Spending



Environmental Approvals

All environmental approvals required for the proposed project to be implemented have been obtained. The final permits (listed in Table 9 in Section 10.0 of this application) will be obtained in final design. The Final Environmental Impact Statement was completed in September 2003, and the Record of Decision was signed in February 2004 for Segment 4 of the Beartooth Highway. A Special Use Permit authorized by the SNF has been obtained and contains conditions and limitations for uses at specific locations along the corridor.

The contractor selected for the project will comply with the terms and conditions of the 404 permit (expiring 2014) and the 401 certification. The Corps has authorized the discharge of dredged or fill material by Permit Number 199840159. The FHWA will be responsible for monitoring wetland mitigation areas for a maximum of 5 years after construction until successful restoration is approved by the Corps. During July/August 2008, the consultant confirmed the previous delineation of the wetlands and made the necessary adjustments to wetlands observed in the field. This work was documented and sent to the Corps in August 2008.

Legislative Approvals

Letters of support from the project partners are on the website (<http://www.cflhd.gov/beartooth>). The project is supported by all project partners, agencies, and governments in the region.

State and Local Planning

The project is listed in the Federal Transportation Improvement Plan and the Wyoming State Transportation Improvement Plan. The WYDOT Transportation Commission committed to considering assuming ownership and accepting the road on the state system and in their State Transportation Plan when the route has been improved to current standards.

Technical Feasibility

The engineering and design are complete to a 95 to 100 percent level. Once the grant funding is approved, the package will be completed by updating quantities, standards, and specifications. This effort is minimal and should take a maximum of 2 months to complete, at which time invitations for bids can be posted.

Financial Feasibility

The funding request considers all construction, preliminary engineering, construction engineering, construction contingencies, and reserve funds for mitigation commitments to completely finish the proposed project. The WYDOT and FHWA, Federal Lands Highway Division, have a longstanding history of effectively managing federal highway funds and programs. The WYDOT will be the recipient of grant funds, and FHWA/FLH will manage funds and implement the project; this is the traditional arrangement for FHWA/FLH Forest Lands Highway Program and Park Road projects and is the paradigm for the Beartooth Highway reconstruction project currently underway.

6.0 Secondary Selection Criteria

6.1 Innovation

A unique aspect of the project that required innovative techniques included working with fens, alpine landscapes, and glacial moraines. Fens are unique in that they take thousands of years to form; therefore, special design considerations were evaluated. Hydraulic and landscaping studies were conducted to assess dewatering and shading of the Bear Lake fen from proposed construction, resulting in an innovative "causeway" bridge design that affords restoration of the fen within the area of existing road fill over the fen from the original construction.

The Beartooth Highway is one of the longest paved roads in the world to traverse alpine landscapes, it allows travelers an opportunity to view rarely encountered alpine communities. An important aspect of mitigating impacts to the area was landscaping and revegetating the proposed project by re-establishing native plant species common to the area. The FHWA began conducting revegetation research on the Beartooth Plateau in 1999. Research began with an extensive review of state-of-the-art revegetation practices. Test plot studies were conducted at three high-alpine locations to evaluate revegetation techniques, which assisted in the design of the landscape and revegetation plans in the project.

Site-specific landscaping plans were developed for seven existing wildlife crossings identified within the project limits by the USFWS. Design modifications at wildlife crossing areas include changes to cut-and-fill slopes, revised centerline locations, constraints on blasting and hauling schedules, and removal of pullouts and parking areas. Fill slopes were adjusted to minimize guardrail at the crossings. Further, proposed bridges have special abutment and riprap designs to provide aquatic and terrestrial passages connecting riparian areas along stream banks.

The historical nature of the road provided an opportunity for the design to include innovative features such as interpretive areas that will include historical, geological, and wildlife educational information for the traveling public. Such informational areas do not exist presently and their inclusion will ensure that the entire Beartooth Highway receives the historical recognition and public respect of its environs that such an accomplishment deserves.

A work camp for construction workers was built at the SNF Fox Creek Campground in 2005. This camp was created because lodging in surrounding towns is typically in short supply, and the long commute to other towns would pose a safety risk for workers and increase the risk of wildlife/vehicle accidents. The work camp design improved the campground facility by providing 33 full-service hookups and enhanced future visitor experiences at the campground. It is estimated that the work camp will save Segment 4 projects approximately \$1,000,000 per project in reduced contractor pricing and time on the job by locating workers near each project.

6.2 Partnership

Jurisdictional and Stakeholder Collaboration

Delivery of the Beartooth Highway project has required strong collaboration among a broad range of participants including public and private organizations. The project partners and stakeholders include, but are not limited to: FHWA (CFLHD and Western Federal Lands Highway Division), USFS (Regions 1 and 2, SNF, CNF, and GNF), NPS (YNP and Intermountain Region), USFWS, U.S. Army Corps of Engineers, WYDOT, MDT, State Historic Preservation Offices, Wyoming State Engineer's Office, Wyoming Game and Fish Department, Wyoming Department of Environmental Quality, Chambers of Commerce, Friends of the Beartooth All-American Road, Carbon County, MT, Park County, WY, the towns of Red Lodge and Cooke City, MT and Cody, WY. The project has time and labor commitments from SNF and NPS to inspect and coordinate work during current and future construction, and continue maintaining the roadway during and after construction until a highway agency assumes the responsibility. Other time, labor, and travel commitments from state and local governments in attending steering committee meetings and expending time and effort working with the partnership on issues as needed have been in place since 1992. The SNF, Wyoming State Department of Travel and Tourism, and the National Scenic Byways Program have contributed funding for the planning and development of the *Corridor Plan* and *Interpretive Plan* (see website <http://www.cflhd.gov/beartooth>) for the Beartooth. The Friends of the Beartooth All-American Road has also contributed funding for the annual road opening ceremony.

Disciplinary Integration

Both the SNF and NPS have environmental missions, and all partners (including the U.S. Army Corps of Engineers, EPA, WYDOT, MDT, and FHWA) worked on this project to support environmental stewardship goals, which is one of the FHWA's top three missions.

Demonstrating the collaboration on this project, the project development team was awarded the FHWA Strive for Excellence Team Award and the Regional Forester's Honor Award – Caring for the Land Stewardship.

7.0 Program-Specific Criteria

Bridge replacement: Appendix E in the 1994 Beartooth Highway Road Inventory and Needs Study contains the Bridge Inspection Reports; information in this appendix includes general bridge descriptions, ratings, and remaining life. In 2025, the projected SADT is 1,972 vehicles, and an average of 100 buses/recreational vehicles (5 percent of traffic) are predicted to use the route daily.

The project meets the criteria in 23 CFR 650 related to highway standards. A number of the alternative projects, if less than the requested grant funds are received, are centered around replacement of deficient bridges.

The road has been designated a USFS Scenic Byway, a Wyoming State Scenic Byway, and some sections, including Segment 4, are designated an All-American Road under the FHWA Scenic Byway Program.

8.0 Federal Wage Rate Certification

The WYDOT has signed a federal wage rate certification stating they will comply with the requirements of Subchapter IV of Chapter 31 of Title 40, United States Code. WYDOT also commits to completing the other certification requirements as part of this grant application.

9.0 National Environmental Policy Act Requirement

All approvals have been obtained for this project. The Final Environmental Impact Statement was completed in September 2003, and the Record of Decision was signed in February 2004 for Segment 4 of the Beartooth Highway. An environmental re-evaluation is required if 3 years have lapsed since the Record of Decision is released and no activity on the project has occurred. However, intermittent activity has occurred on the project in the required time frame including the wetland redelineation and the current construction project. The NEPA Purpose and Need was approved by all partners and states three reasons to reconstruct the Beartooth Highway: (1) support management of National Forest lands adjacent to the road, including maintaining the Scenic Byway/All-American Road qualities; (2) maintain an efficient transportation link between Red Lodge, Montana, and YNP that safely accommodates projected traffic in 2025; and (3) provide a roadway that can be reasonably maintained in a sustainable manner by a maintaining agency.

The *Final Environmental Impact Statement, Record of Decision* (see website <http://www.cflnd.gov/beartooth>), and 404 permit provide extensive information about the environmental aspects of the project, including the public disclosure aspects (coordination, communication, meetings, hearings, etc.). Mitigation includes landscaping and revegetation plans, wetland protection sites and mitigation plans, salvaging and reusing original stone materials on bridges, special construction scheduling to minimize public delays and optimize wetland mitigation, and a substantial public information program that runs from May through November.

10.0 Environmentally Related Federal, State, and Local Actions

As noted in Section 9.0 of this application, all environmental approvals have been obtained for this project. Table 9 shows the permits, stipulations and approvals required for the project and their representative agency and status.

Table 9. Permits, Stipulations, and Approvals

| Permit, Stipulation, or Approval | Agency | Status |
|--|---|-----------------------------------|
| Letter of Consent | SNF | Complete |
| Special Use Permit | SNF | Complete |
| Section 7 Consultation | USFWS | Complete |
| 404 Permit | U.S. Corps of Engineers | Complete |
| Wetland Redelineation | U.S. Corps of Engineers | Complete |
| 401 Certification | WYDEQ | Complete |
| National Pollutant Discharge Elimination System Permit | WYDEQ | Complete |
| Notice of Intent | WYDEQ | Will be completed in final design |
| Dewatering Permit | WYDEQ | Will be completed in final design |
| Construction Water Use Permit | State Engineer's Office | Will be completed in final design |
| Section 106 Review & Memorandum of Agreement | Advisory Council on Historic Preservation | Complete |

ATTACHMENT H
MILESTONE/DELIVERABLE SCHEDULE

Project Delivery Schedule

NEPA Documentation: Complete – ROD – 02/04/2004; Re-evaluation – 08/18/2008; Re-evaluation 04/23/2010

Design: Complete ~ 08/31/2005

Plans, Specifications, and Estimate: Complete – 04/15/2010

Permits: Complete – 04/23/2010

Pre-solicitation Notice: Complete – 04/30/2010

Contract Solicitation Package: Complete – 05/03/2010

Invitation for Bids: Complete – 05/04/2010

Construction: Notice To Proceed no later than July 9, 2010

See proposed construction schedule Attachment F – Project Schedule

