
 <p style="text-align: center;"><b>STATE OF ALASKA</b> <b>DEPARTMENT OF TRANSPORTATION</b> <b>AND PUBLIC FACILITIES</b></p> <p style="text-align: center;"><b>Policy and Procedure</b></p>	POLICY AND PROCEDURE NUMBER <p style="text-align: center;"><b>09.01.021</b></p>	PAGE <p style="text-align: center;">1 of 2</p>
	EFFECTIVE DATE <p style="text-align: center;">June 24, 2010</p>	
SUBJECT <p><b>Congressional Earmarks</b></p>		SUPERSEDES <p style="text-align: center;"><b>New</b></p>
CHAPTER <p><b>Planning, Budget and Research</b></p>	SECTION <p><b>Capital Budget</b></p>	APPROVED BY 

## PURPOSE

This formalizes the policy and procedure (P&P) of the department on establishing how earmarked federal funds will be incorporated into the state's transportation program.

## POLICY

The Department of Transportation and Public Facilities (DOT&PF) has the responsibility of ensuring that federal-aid projects comply with federal laws and regulations. Since federal law requires that DOT&PF reimburse the federal government if problems are found on federally funded projects, the state has a fiduciary responsibility to require that earmark funded projects do not lead to financial obligations to the state. DOT&PF will work to inform the congressional staff and potential sponsors on the problems associated with federal transportation funds being used for non-prioritized, non-traditional projects. Federal and state planning regulations, accurate cost estimates including cost to complete calculations, matching funds requirements, and details on federal-aid reimbursement procedures will be addressed.

## PROCEDURE

Prior to initiating a congressional earmark funded project, DOT&PF will work with the sponsor to:

- Ensure there is a well defined scope of work.
- Ensure that cost estimates are current and reasonable.
- Execute an enforceable agreement that:
  - Identifies the source of matching funds
  - Identifies realistic additional funding sources, including contingency, if needed
  - Provides for ownership and maintenance when complete for a term sufficient to satisfy the federal investment
  - Defines sanctions for violations on the agreement including reimbursement to DOT&PF for all costs incurred in development of the project

- Ensure all requirements and conditions are understood, attainable and legally enforceable

If the above conditions cannot be met, DOT&PF will inform the recipient, congressional delegation, and the governor's office in a letter outlining the problems and actions necessary in order for the project to move forward and clearly stating that if these conditions are not met, the project will not proceed.

If a departmental decision is made to pursue an earmark funded project that does not protect state interests as defined in this policy, such decision should be rendered in writing and authorized only by the commissioner's signature.

## **AUTHORITY**

AS 44.17.030  
AS 44.42.030  
AS 44.42.050(d)  
AS 44.42.060

## **IMPLEMENTATION RESPONSIBILITY**

Deputy commissioners, regional and headquarters directors

## **DISTRIBUTION**

All department employees via the DOT&PF website