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NCHRP

SYNTHESIS 414

NATIONAL
COOPERATIVE
HIGHWAY
RESEARCH
PROGRAM

Effective Delivery of Small-Scale Federal-Aid Projects



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A Synthesis of Highway Practice

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NCHRP SYNTHESIS 414

**Effective Delivery of Small-Scale
Federal-Aid Projects**

A Synthesis of Highway Practice

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Cover figure: Small-scale road widening project in Radnor Township, PA (*courtesy:* Leslie McCarthy, Ph.D., P.E.)

FOREWORD

Highway administrators, engineers, and researchers often face problems for which information already exists, either in documented form or as undocumented experience and practice. This information may be fragmented, scattered, and unevaluated. As a consequence, full knowledge of what has been learned about a problem may not be brought to bear on its solution. Costly research findings may go unused, valuable experience may be overlooked, and due consideration may not be given to recommended practices for solving or alleviating the problem.

There is information on nearly every subject of concern to highway administrators and engineers. Much of it derives from research or from the work of practitioners faced with problems in their day-to-day work. To provide a systematic means for assembling and evaluating such useful information and to make it available to the entire highway community, the American Association of State Highway and Transportation Officials—through the mechanism of the National Cooperative Highway Research Program—authorized the Transportation Research Board to undertake a continuing study. This study, NCHRP Project 20-5, “Synthesis of Information Related to Highway Problems,” searches out and synthesizes useful knowledge from all available sources and prepares concise, documented reports on specific topics. Reports from this endeavor constitute an NCHRP report series, *Synthesis of Highway Practice*.

This synthesis series reports on current knowledge and practice, in a compact format, without the detailed directions usually found in handbooks or design manuals. Each report in the series provides a compendium of the best knowledge available on those measures found to be the most successful in resolving specific problems.

PREFACE

*By Jo Allen Gause
Senior Program Officer
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Research Board*

This report compiles and documents streamlined methods for meeting federal funding requirements for small-scale highway projects. A primary objective of this study is to explore ways that state departments of transportation (DOTs) work with local agencies to implement small projects eligible for federal funding. For this study, small-scale is defined as projects administered by state or local transportation agencies that contain federal funding of \$300,000 or less.

Information used in this study was acquired through a review of the literature, a survey of local program agency administrators in each of ten focus state DOTs, and interviews with representatives from several agencies and organizations involved at various levels with the locally administered federal-aid process.

Leslie Ann McCarthy, David Mensching, and Andrew Horgan, Villanova University, Villanova, Pennsylvania, collected and synthesized the information and wrote the report. The members of the topic panel are acknowledged on the preceding page. This synthesis is an immediately useful document that records the practices that were acceptable within the limitations of the knowledge available at the time of its preparation. As progress in research and practice continues, new knowledge will be added to that now at hand.

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APPENDIX G OF THIS REPORT CAN BE FOUND AT WWW.TRB.ORG, SEARCH ON "NCHRP SYNTHESIS 414"

EFFECTIVE DELIVERY OF SMALL-SCALE FEDERAL-AID PROJECTS

SUMMARY Many federally funded transportation programs provide funds for small-scale projects that are administered by state agencies, local governments, and nonprofit organizations. Federal-aid programs that support small-scale projects include the following: Transportation Enhancement Activities, Nonmotorized Transportation Pilot Program, Safe Routes to School Program, National Scenic Byways Program, Highway Safety Improvement Program, Surface Transportation Program, Recreational Trails Program, and Congestion Mitigation and Air Quality Improvement Program. Although these federal programs are available to fund or partially fund small projects, accessing these federal funds may result in a disproportionate amount of resources needed to implement the projects.

The purpose of this synthesis is to identify and document methods for meeting federal requirements for small-scale projects in a more streamlined fashion. A major objective of this study is to explore ways that state departments of transportation (DOTs) work with local program agencies (LPAs) to implement small-scale projects that are eligible for federal funding. The report is intended as a resource for public agencies, nongovernmental organizations, and other stakeholders who wish to administer small-scale projects more efficiently and cost-effectively. This synthesis report includes the following information:

- An overview of regulatory issues, including a summary of the legal basis for program requirements and the small-scale programs these requirements impact;
- Identification of programs that legally allow more flexibility in implementation than others;
- Identification of pertinent training, educational materials, and other resources available to help small-scale project delivery;
- Attributes of small-scale projects that present the most risk, consume the most time, and have the highest costs;
- Opportunities for improving small-scale project delivery and ways that states have streamlined the program delivery process;
- Innovative ways that states and local governments have effectively addressed federal requirements (e.g., levels and delegation of authority and accountability); and
- Identification of any inconsistencies between the interpretation of regulatory and procedural requirements and their implementation.

This report focuses on practices and experiences in ten transportation agencies (DOTs) selected by the Expert Topic Panel for this synthesis. The focus states are California, Delaware, Florida, Iowa, Minnesota, North Dakota, Ohio, Oregon, Pennsylvania, and Washington. These states were selected because they represent a variety of characteristics such as large and small federally funded programs, geographical size, and diverse histories of LPA programs.

For the purposes of this study, “small-scale” was defined as projects administered by state or local transportation agencies that contain a federal share of \$300,000 or less. The findings presented in this report may aid public agencies, nongovernmental organizations, and other stakeholders in administering small-scale projects more efficiently and cost-

effectively. This report can also be used both by DOTs delivering their own small-scale federal-aid projects and by DOTs assisting local agencies with administering LPA projects.

The information included in this report was gathered in three phases:

- Literature search and review;
- Survey of DOT local program representatives in ten focus states; and
- Follow-up interviews with multiple federal, state, and local agency representatives.

The literature review draws from several sources. Most of the information related to the LPA program was found on individual DOT websites. A plethora of information was obtained from the FHWA website (see Appendix D). TRB maintains the Transportation Research Information Services (TRIS) database, which contains bibliographical information from transportation-related research from around the United States.

The majority of information for this report was gathered through a survey, and follow-up telephone or in-person interviews. Because a large number of people are involved with the LPA program at the federal, state, and local levels, this synthesis focuses on an in-depth investigation of the ten state programs. Creating this detailed focus on a sample of states allowed for greater exposure of the procedures used, and the relationships established among agencies within a state, that have effectively maximized the use of federal funds at the local level.

Questionnaires were sent to LPA administrators in each of the ten focus state DOTs, and all ten invitees responded to the survey. Follow-up interviews were conducted with multiple public sector officials (federal, state, metropolitan planning organizations, local agencies, and resource agencies) within the ten focus states. More than 50 representatives from several agencies or organizations involved at various levels with the locally administered federal-aid process were interviewed.

The following general observations and conclusions were made based on the literature review, survey data, and detailed interviews of the focus states:

- Most obstacles to streamlining delivery of small-scale federal-aid projects involve funding issues. Many interviewees from various offices in the focus states indicated that obtaining the local match to federal share can be difficult for local agencies. This challenge often results in significant project delays and additional costs above original project estimates. Matching can be further defined as (1) percentage of match required by each individual federal program, (2) costs for front-loading project development, or (3) float of cash-flow requirements before reimbursement.
- Another major obstacle to efficient project delivery reported in the survey was the extensive nature of the National Environmental Policy Act (NEPA) process. Interviewees emphasized this obstacle as especially applicable to the nature of small-scale federal-aid projects that in many cases cause minimal environmental impacts.
- Based on the survey data, streamlining trends were observed in the project administration phases. Many of the DOTs interviewed focus on efficient project management—such as electronic tracking of project costs and milestones and holding periodic progress meetings between project stakeholders—which they reported leads to increased cooperation between state and local agencies. In addition, most of the focus states indicated that they have decentralized multidisciplinary coordinators dedicated fully to the LPA program streamline project delivery. For these states, coordinating projects from a central location was seen as inefficient and resulted in performing the environmental or real estate acquisition/appraisal stages of project development for the local agencies.
- Some flexibility in contract administration and procurement options exists for small-scale federal-aid projects, but not all DOT and local agency staff are aware of this

flexibility. In some cases, the DOTs are aware of regulatory nuances but do not apply them on a widespread basis in order to avoid adding complications to an already complicated regulatory process. In these cases, federal regulations are applied to the full extent across the board without making distinctions between the application of federal regulations on “off-system” projects and the application of regulations on those projects that are within the right-of-way of federal-aid routes. However, some DOTs and FHWA have indicated that application of program requirements and associated flexibilities, as shown in Tables F1 and F2 included in Appendix F of this report, can result in significant time savings for project delivery.

The study found that DOTs have many methods for efficient delivery of small-scale federal-aid projects, although no state employs all of the practices identified. Some of the following specific practices were identified through survey data and detailed interviews with focus states, and all are listed in Table C1 of Appendix C. All federal-aid programs could benefit from these streamlining practices; however, the ten focus states do not necessarily have streamlining examples for each program.

- **Training:** To ensure that federal regulations are being met consistently for the LPA program, many state DOTs have identified recurring training sessions as an effective practice for project delivery. Another effective practice demonstrated by most states is to hold “as-needed” training sessions to address any particular concerns a local agency may have during specific project implementation.
- **Fiscal Planning:** The survey data showed a trend that following a uniform documented process for a step-by-step approach to meeting all federal approvals during the project selection phase is effective for securing federal funding for small-scale DOT or LPA projects. Another effective practice is ensuring that local funding matches are available before projects are selected for implementation.
- **Certification:** Six of the ten states surveyed had a certification process for public agencies, which was described as an effective approach for delegating more responsibilities to the local level and thereby reducing recurrent administrative burden to DOTs and local agencies. These DOTs also indicated they allow some larger, certified local agencies to administer small-scale federal-aid projects on behalf of smaller agencies or nonprofit organizations to enable them to gain access to needed federal funds.
- **Specifications for Small-Scale Projects:** Many of the focus states allow local agencies to use their own materials specifications and design standards for roadways off the national highway system (NHS) and state systems, as preapproved by the DOT. Some DOTs created specifications for local agencies to use directly without going through the specification approval process. This approach saved time and reduced costs for local agencies; they would not be required to use more complex state specifications or hire state-qualified design consultants or materials testing laboratories.
- **Interagency Agreements:** Some DOTs mentioned that the use of programmatic agreements between agencies expedites the environmental process on small-scale federal-aid projects. Agreements created for environmental and other federal regulations for off-system projects are just some examples. The use of programmatic categorical exclusions appears especially beneficial for small-scale federal-aid projects that include minimal infrastructure and environmental impacts. The agreements were reported to reduce the financial burden to local agencies, to minimize federal environmental review, and to reduce the total time to completion for smaller projects.
- **Administrative Programming:** Bundling or tying together a series of federal-aid projects in multiple phases of project delivery reduced the administrative burden and accelerating delivery of projects. Projects can be combined as part of the statewide transportation improvement program planning phase. The consequences of applying this efficiency early on are subsequent savings in staff time and overall project costs.
- **Organizational Checklists:** Another effective practice was the provision of checklists to local agencies, either for tracking critical project milestones or for clearly

presenting federal requirements that apply for any type of small-scale DOT or LPA project. DOTs that use checklists significantly reduced project delivery delays owing to the LPAs increased awareness of schedule timing and federal requirements.

- **Communication:** DOTs stressed the effectiveness of holding early and frequent project meetings with local agencies to ensure a successful start. Periodic status meetings are held to ensure that LPA projects are developing in the most efficient manner possible, particularly because competing regional projects and priorities can cause a small-scale project to become lost among projects of higher priorities. Status meetings were reported to help project sponsors and their teams stay on target, especially because LPA projects have historically taken much longer to complete when the sponsor is not very involved.

CHAPTER ONE

INTRODUCTION**BACKGROUND**

This chapter introduces background information on locally administered federal-aid programs, including a discussion of techniques for efficient small-scale project delivery. The survey and interview processes and organization of the report will also be described. For the purposes of this study, “small-scale” is defined as transportation projects with a federal share of up to \$300,000.

Many federally funded transportation programs provide funds for small-scale projects administered by state agencies, local governments, and nonprofit organizations. In the case of small projects, the use of federal funds may result in a disproportionate amount of resources needed to implement the projects. Several federal-aid programs support small-scale projects, such as the Transportation Enhancement Activities (TE), the Nonmotorized Transportation Pilot Program (NTPP), the Safe Routes to School Program (SRTS), the National Scenic Byways Program (NSB), the Highway Safety Improvement Program (HSIP), the Surface Transportation Program (STP), the Recreational Trails Program (RTP), and the Congestion Mitigation and Air Quality Improvement (CMAQ). A study was created to highlight and explore methods for meeting federal requirements for small-scale projects in a more streamlined fashion. The synthesis will aid public agencies, nongovernmental organizations, and other stakeholders in administering small-scale projects more efficiently and cost-effectively.

The legislation presented in the most recent surface transportation authorization legislation, SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users), expanded existing categories of funding to provide more opportunities for including local agencies. This expansion allowed local agencies to gain access to funds for smaller projects sooner. According to SAFETEA-LU, state transportation or resource agencies are responsible for locally administered federal-aid projects. It is the state agency’s responsibility to determine whether the recipients of federal funds have sufficient project delivery systems.

In forming the basis of the synthesis report, the expert panel identified several items as critical to more effective delivery of small-scale federal-aid projects. The first item

was an overview of regulatory issues, including a summary of the legal basis for program requirements and the small-scale programs affected by these requirements. The second item was an analysis of programs that legally allow more flexibility than others (e.g., RTP) and innovative ways that states and local governments have effectively addressed federal requirements (e.g., levels and delegation of authority and accountability). Pertinent training, educational materials, and other resources available to help small-scale project delivery could also assist program staff. To better understand hindrances to the effective delivery of federal-aid projects, it is critical to identify the attributes of small-scale projects that present the most risk, consume the most time, and have the highest costs. Any inconsistencies between the interpretation of regulatory or procedural requirements and their implementation also need to be identified. Opportunities for improving small-scale project delivery and ways that states have streamlined the program delivery process was another key element. Finally, the panel determined that it needed to identify and document information on one or more states, metropolitan planning organizations (MPOs), or municipalities that have grouped small-scale projects under a single environmental document to satisfy the National Environmental Policy Act (NEPA) process.

SYNTHESIS OBJECTIVE

This synthesis was conceived from the need to identify and explore methods for meeting federal requirements for small-scale projects in a more streamlined fashion, and therefore this need is also the synthesis objective. The synthesis will specifically address how ten focus state transportation agencies are organized, what educational tools they use, and what delivery techniques they have for the local program agency (LPA) program. The synthesis will aid public agencies, nongovernmental organizations, and other stakeholders in administering small-scale federal-aid projects more efficiently and cost-effectively.

STUDY APPROACH

Many federally funded transportation programs provide funds for small-scale projects that are administered by state agencies, local governments, and nonprofit organizations. In the case of small projects, the use of federal funds may result

in a disproportionate amount of resources needed to implement the projects. However, a review of the literature, survey of ten state transportation agencies (DOTs), and directed interviews revealed a number of effective practices being used across the country for addressing inefficiencies in the delivery of small-scale federal-aid projects.

A literature review of state, local, nonprofit organizations, and national practices was conducted. In every state, the LPA program involves a vast number of staff from municipal, state, and federal government, nonprofit organizations, and state resource agencies. Because of the large number of people involved, the panel opted for a more in-depth investigation of ten representative state programs. By creating this detailed focus on a small sample of states, more explanation and details on various procedures could be obtained. In addition, the relationships established between the state DOT and FHWA, municipalities and state DOTs, municipalities and state resource agencies, state DOTs and nonprofit organizations, and others that facilitate the effective delivery of federal-aid projects could be explored in more detail. Thus, in-depth information gathering was conducted with California, Delaware, Florida, Iowa, Minnesota, North Dakota, Ohio, Oregon, Pennsylvania, and Washington. The panel selected these ten states for their variety of features (small/large federally funded programs, geographical size, diverse histories of LPA programs), along with examples of effective use of federal-aid programs in these states. Surveys were generated and sent to the local programs office in the ten DOTs, and all ten responded. The survey questionnaire consisted of 29 questions (26 closed-ended and 3 open-ended). Local agency program coordinators were asked to complete the survey, which was used to establish a baseline of the program in each state and provide information for phone interviews with various DOT officials.

Follow-up interviews with public sector officials (federal, state, MPO, local transportation, and resource agencies) in the ten focus states were conducted. More than 50 representatives from several agencies and organizations involved at various levels with the locally administered federal-aid process contributed to this synthesis effort. Multiple representatives from agencies (shown in Table 1) responded to a survey questionnaire or were interviewed in person, over the phone, or over e-mail to gather their input on issues and streamlining practices for small-scale project delivery.

Organization of Report

This synthesis report is organized into five chapters. Chapter one presents the report's structure, defines key terms, and summarizes the report structure with brief explanations of each chapter's content. This chapter also includes brief introductions to the specific federal-aid programs typically used by LPAs. In addition, it discusses the applicability of vari-

ous laws and regulations to specific federal-aid programs, and introduces a literature summary chronicling methods of state support for the LPA program drawn from the survey and from federal and other agency reviews. It then discusses definitions of risk for small-scale federal-aid projects and addresses obstacles to streamlining small-scale federal-aid project delivery, as reported in survey responses and literature reviews.

Chapter two describes effective practices for project delivery for the various federal-aid programs, including effective practices used in delivering safety-related programs, the Appalachian highway system program, congestion mitigation and air quality programs, and recreational trails program. It also includes a section describing the impacts of and effective practices for the American Recovery and Reinvestment Act (ARRA) on the LPA program. The chapter concludes with sections introducing existing techniques for the administration of small-scale federal-aid projects, such as the organization of local government offices and project grouping techniques.

Chapter three presents effective practices for project delivery per project phase. This includes methods used during the planning process and through the final project close-out phase. The information presented in this chapter was drawn from the detailed case study interviews.

Chapter four examines the educational and organizational techniques used for effective delivery of the LPA program. Educational efforts such as training and guidance documents at the federal and state levels are presented. Organization efforts such as at the federal, state, and local levels are described.

Chapter five concludes the synthesis with a summary of findings and suggestions for further study.

These chapters are followed by references, a bibliography, glossary, and five appendices. Appendix A includes a copy of the print version of the survey questionnaire. Appendix B presents a copy of the print version of the interview guides used in the detailed case studies. Appendix C includes a table showing examples of effective practices identified by the ten focus states. Appendix D includes links to resources identified by the focus states or other resources found in the literature review. Appendix E includes an explanation of the various environmental laws and review procedures, along with a table that shows the applicability of various federal requirements in environmental review. Appendix F includes tables that capture the relevant federal regulations pertaining to contract administration and procurement. Appendix G (a web-only document) provides samples of documents that the focus states use to support streamlining.

TABLE 1
AGENCY REPRESENTATIVES THAT CONTRIBUTED TO SYNTHESIS DEVELOPMENT

Agency / Organization	Department	Disciplines Represented
Federal Highway Administration	Headquarters	Trails and Enhancements, Safe Routes to School, Safety, National Scenic Byways, Finance, LPA Program Administration, Bicycles/Pedestrians, Nonmotorized Transportation Pilot Program
	Division Offices in Case Study States	LPA, Engineering, Planning, Right-of-Way, Environment
State Department of Transportation in Case Study States	Local Governments Office	LPA Coordinators/Administrators in Central and/or District Offices
	Planning	Bicycle/Pedestrians, MPO Liaisons, Program Development and Management
	Design	Specifications and Estimates, Bicycles/Pedestrians
	Construction	Engineers in Central and/or District Offices
State Resource Agencies in Case Study States	Environment	Specialists in Environmental Management
	Natural Resources and Conservation	Trails Office, Recreation and Conservation, Parks and Recreation, etc.
Metropolitan Planning Organization	Office of Project Implementation	State DOT LPA Project Management
National Special Interest Groups	Safe Routes to School National Partnership	Safe Routes to School Program
	National Association of County Engineers	Local Governments Engineers

Definitions

The following key terms and definitions pertain to the synthesis scope. Additional terms are defined within the context of their relevant sections. The report's glossary further defines acronyms and organizations discussed in the report.

Small-scale—Any state, local agency, or other applicant, project with federal fund participation up to \$300,000.

Federal-aid projects—Any projects that use federal-aid highway program funds, whether on and off the federal-aid system, on and off the National Highway System (NHS), or on and off highway right-of-way (ROW); including all phases of project delivery (planning through project close-out and reimbursement).

FEDERAL-AID PROGRAMS

Local governments and other transportation or community organizations can use a number of the available federal-aid programs. The FHWA authored a guide that introduced basic information on federal-aid programs, projects, and other program characteristics (*A Guide to Federal-aid Programs and Projects* 2009). This guide is accessible on the agency's website and can be downloaded in PDF format. Potential project sponsors apply through a MPO, regional planning administration (RPA), or the state DOT for federal funds toward a project that they would like to implement. Projects are funded through the DOT, which administers the federal funds on behalf of the federal government.

Surface Transportation Program

STP offers flexible funding for use by states, cities, and municipalities on any federal-aid highway (*Contract Administration Core Curriculum Participant's Manual and Reference Guide* 2006). Example projects include those on the NHS, bridges on any public road, transit capital projects,

and intracity and intercity bus terminals and facilities. Sub-allocations of apportioned funds from the STP traditionally have included set asides for the transportation enhancement program, and projects for urbanized areas with populations over 200,000 and areas with less than 5,000 population. STP federal funds generally will cover up to 80% of the cost for a project, subject to a "sliding scale" that allows higher federal shares in states with large amounts of public lands.

Transportation Enhancement Activities

TE activities deal with projects that relate to surface transportation and aims to improve the transportation experience for users of various types of transportation. TE activities provide funding to both independent projects and enhancement of larger projects. Projects must be eligible under 1 of 12 eligible categories. These categories include activities that deal with pedestrian and bicycle infrastructure and safety programs, scenic and historic highway programs, landscaping and scenic beautification, historic preservation, and environmental mitigation. Routine maintenance is not a transportation enhancement. Federal funds for this program generally will cover up to 80% of the cost for a project, which is subject to a sliding scale that allows higher federal shares in states with large amounts of public lands ("FHWA Final TE Guidance" 2009).

Safety Programs

Highway Safety Improvement Program

HSIP was created to significantly reduce the occurrence of and the potential for fatalities and serious injuries resulting from crashes on all public roads. This data-driven program requires that projects are selected and prioritized based on their effectiveness in reducing fatalities and serious injuries. Projects funded through the HSIP must correct or improve a hazardous road location or feature, or address a highway safety problem, and be consistent with the state's strategic highway safety plan. In general, the federal share for HSIP projects is 90% ("Highway Safety Improvement Program" 2009).

High-Risk Rural Roads Program

Each state's apportionment of HSIP funds is subject to the High-Risk Rural Roads Program (HRRR), which provides construction and operational improvements on high-risk rural roads. High-risk rural roads are roadways that are functionally classified as rural major or minor collectors or rural local roads with a fatal and incapacitating injury crash rate above the statewide average for those functional classes of roadways; or are likely to experience an increase in traffic volume that leads to a crash rate in excess of the average statewide rate. HRRR will total \$90 million nationally and be applied proportionally to the states' HSIP apportionments (*FHWA High Risk Rural Roads Fact Sheet 2006*).

Safe Routes to School

The intent of the SRTS program is to encourage more children to walk and ride their bikes to school. This program splits all projects into infrastructure and noninfrastructure groups. Infrastructure projects may involve improving existing infrastructure such as sidewalks or nonmotorized (pedestrian and bicycle) crossings. Funds for infrastructure projects may be used to reduce speeds near schools, such as through speed reduction improvements and traffic diversion. Funds for noninfrastructure projects can be used to help raise awareness on safety to both students and drivers, such as through training workshops and public awareness campaigns. Each state must use at least 10% but no more than 30% of funds from SRTS for noninfrastructure projects ("Safe Routes to School" 2010).

Congestion Mitigation and Air Quality Improvement Program

The Congestion Mitigation and Air Quality Improvement Program (CMAQ) provides federal funds for transportation projects that improve the air quality through congestion relief or other measures. Two project types that are considered a priority to receive CMAQ funds are diesel retrofitting and cost-effective traffic flow improvements. The program focuses on two main pollutants: ozone and carbon monoxide. CMAQ projects traditionally have received up to 80% federal funding, but in 2008, 2009, and 2010, many projects were 100% federal share with approval from the state ("Congestion Mitigation and Air Quality Improvement..." 2008).

Recreational Trails Program

The RTP provides funds to the states to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses. The program covers trails used for many different types of recreation, such as hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motor-

ized vehicles. Most states administer the RTP through a state resource or park agency. Each state develops its own procedures to solicit and select projects for funding, and has a State Recreational Trail Advisory Committee to assist with the program (*Recreational Trails Program Interim Guidance 1999*).

High Priority Projects Program

High Priority Projects (HPP) program funding is available to any project that is specified in Section 1702 and other sections of the SAFETEA-LU surface transportation authorization legislation. Since 2005, \$2.966 billion has been set aside for this program each year. The federal share is 80% of project cost except in certain states (Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota) where the federal government covers 90% of project costs ("High Priority Projects" 2010). Although the HPP program is subject to an obligation limit that cannot be used elsewhere but on the specific project listed, its funding allocation does not expire if it is not used by the end of the fiscal year and carries over until fully obligated (*Contract Administration Core Curriculum Participant's Manual and Reference Guide 2006*).

Nonmotorized Transportation Pilot Program

The Nonmotorized Transportation Pilot Program (NTPP) is a pilot program that endeavors to demonstrate that the amount of people who walk and bike will increase if walking and bicycling networks are improved. The program has provided \$25 million to four communities: Columbia, Missouri; Marin County, California; Minneapolis, Minnesota; and Sheboygan County, Wisconsin. The final report on this program is due in September 2010, but FHWA anticipates submitting the final report in fall 2011 owing to project delays. This final report will include rates of walking and biking, health and environmental measures, and transit use (*The Nonmotorized Transportation Pilot Program (NTPP)—Bicycle and Pedestrian Guidance—FHWA 2010*).

Appalachian Development Highway System Program

The Appalachian Development Highway System Program (ADHS) authorized \$470 million for the ADHS for fiscal years 2005 through 2009 to cover 80% of the costs associated with constructing the eligible miles. The funds are apportioned to the 13 states based on the latest cost to complete estimate. The funds remain available until expended ("Appalachian Development Highway System Program" 2010). The Appalachian Regional Commission (ARC) is a federal-state partnership that awards grants and contracts from funds appropriated to the Commission annually by Congress ("Appalachian Regional Commission: Grants and Funding" 2010). Program grants are awarded to state and local agencies and governmental entities (such as economic development authorities), local governing boards (such as county councils), and nonprofit organizations (such

as schools and organizations that build low-cost housing). Building on the foundation of the ADHS, ARC supports transportation activities aimed at improving travel within the region as well as enhancing access to coastal cities and ports. A complete listing of ARC's transportation development strategies is provided online at http://www.arc.gov/program_areas/index.asp?PROGRAM_AREA_ID=19.

Discretionary Programs

National Scenic Byways

The National Scenic Byways Program (NSB) issues grants for projects on specific roads identified as scenic byways based on several characteristics, such as the historic, archaeological, natural, cultural, and scenic features of the road. Under this same program, roads can also be nominated to become All-American Roads or America's Byways. The All-American Road nomination means that a certain road has qualities or features that do not exist on any other road in the country and is also a scenic location (Legislation Related to National Scenic Byways Program 2010).

Ferry Boats and Ferry Terminals Program

The purpose of the Ferry Boat Discretionary Program (FBD) is to provide funds for the construction of ferry boats and ferry terminal facilities. In recent years, \$67 million has been provided for the program. Higher funding priority is given to FBD projects that can carry the highest amount of passengers and/or vehicles, and projects that provide significant access to areas that do not have a high quality of surface transportation. The federal government will typically cover up to 80% of the FBD funding. A total of \$20 million of the program is set aside for projects in Alaska, New Jersey, and Washington for ferry projects within the Marine highway system that serve the NHS (*Ferry Boat and Ferry Terminal Facilities* 2010).

Off-System Bridge Program

The off-system bridges not on federal-aid highways are considered as a part of the Highway Bridge Program (HBP). HBP includes a provision that requires an expenditure of funds on highway bridges located on public roads, other than those on a federal-aid highway. Each state is required to spend at least 15% of HBP STP money on eligible bridges that are not located on the federal-aid highways system. However, each state may submit a waiver to FHWA requesting to lower the percentage of funds that must be used for this program. The federal government will cover up to 80% (subject to a sliding scale for public land states) of the cost for any HBP project. ("Highway Bridge Program, Off-System Bridges..." 2010).

APPLICABILITY OF REGULATIONS TO SPECIFIC FEDERAL-AID PROGRAMS

A defining difference between the special federal-aid programs and general applications of federal-aid funds comes in the form of applicable federal regulations. Two examples are TE and RTP. A series of FHWA memoranda and supporting federal regulations establish flexibilities for states and local public agencies to implement a wide range of nontraditional projects (*Contract Administration Core Curriculum Participant's Manual and Reference Guide* 2006). For example, TE and RTP projects not located in a highway ROW do not have to be considered highway projects; thus, the FHWA's construction contracting requirements, such as those related to competitive bidding, do not have to apply. FHWA issued a memorandum (*Procurement of Federal-aid Construction Projects* June 26, 2008) to clarify that the state DOTs may procure transportation enhancement projects not located within the highway ROW using state-approved procedures under the Common Rule. For consistency, this same rationale applies to all other federal-aid construction projects that are not within the ROW of a public highway. In these situations, the procedures in 49 CFR 18.36(a) apply, and a state DOT may use state-approved procurement procedures (or a local public agency may use state-approved local procurement procedures) for these types of projects, see <http://www.fhwa.dot.gov/construction/080625.cfm>. Furthermore, projects that are not within the ROW of a federal-aid highway have flexibility with regard to labor rates. FHWA issued a memorandum (*Applicability of Prevailing Wage Rate Requirements to Federal-aid Construction Projects* June 26, 2008) to explain flexibilities available to the states; see <http://www.fhwa.dot.gov/construction/contracts/080625.cfm>.

Some FHWA contracting policies such as Buy America (from 23 U.S.C. 313 2005) and Disadvantaged Business Enterprises (DBEs) (from 49 CFR Part 26 2005) still apply, and all applicability guidelines are captured in Table F1 of Appendix F. As noted in FHWA's procurement memorandum, procurement for projects not located within the highway ROW can follow state procedures rather than the federal procurement process (49 CFR Part 18 2004). This flexibility applies to projects not within the highway ROW for most federal-aid programs, including TE, RTP, byways, CMAQ, off-system bridges, etc., but excludes the SRTS and NTPP programs. The memorandum explains that when a local public agency is the contracting agency for a federal-aid nonhighway construction contract, it is held to only state-approved procedures. This use of state laws and procedures also applies to the state agency's awarding and administering of subgrants to local agencies. The flexibility exists for a state DOT to advise local public agencies to follow state procedures, local government procedures, or the procedures laid out in the 49 CFR 18.36(b)–(i). General guidelines

for procurement options are presented in Table F2 of Appendix F and in the *Contract Administration Core Curriculum Participant's Manual and Reference Guide* (2006).

LITERATURE SUMMARY

The following section introduces current approaches used by various state transportation agencies for delivering specific federal-aid projects, as reported by the literature or online sources.

Methods of State Support for Local Program Agency Program

The local government or LPA office websites for each state transportation agency were reviewed to capture the kinds and depth of information easily accessible to potential local agency or nonprofit organization project sponsors. Table 2 presents the information posted on each of the state DOT websites related to LPA program. Table 3 shows the types of training and other assistance provided by each state local technical assistance program (LTAP) website.

TABLE 2
INFORMATION AVAILABLE ON LPA PROGRAM, AS SUMMARIZED FROM EACH STATE
TRANSPORTATION AGENCY (DOT) WEBSITE

State	Training		Manuals		Documents	
	Workshops	Web-based Training	Manuals Online	Federal-aid Project Manuals Online	Forms	Project Applications
AL						
AK						
AZ	X	X	X	X	X	
AR						
CA	X	X	X	X	X	X
CO	X	in-class only	X	X	X	X
CT			X		X	bridge only
DE						
DC						
FL	X	X	X	X	X	X
GA	X		X	X		
HI						
ID			for general design only		X	preliminary
IL	X	in-class only	X	X	X	X
IN	X	in-class only	X	X	X	X
IA	X	X	X	X	X	X
KS			general		X	
KY	X	X	X	X	X	X
LA						
ME	X	X	X	X	X	X
MD						
MA					X	
MI			X	X	X	X
MN			X	X	X	
MS	X	X	X		X	X
MO			X	X	X	
MT			X	X	X	X
NE			X	X	X	X
NV						
NH	X		X		X	X
NJ	X		X	X	X	X
NM						
NY	X		X	X	X	X
NC						
ND			X	X	X	X
OH	X	X	X	X	X	X
OK			application guide		X	X
OR	X	X	X	X	X	
PA						
RI						
SC						
SD			X	guide	X	X
TN	X	X	X	X	X	X
TX	X		X	general manuals	X	X
UT						
VT	X		X		X	X
VA			X	X	X	
WA	X		X	X	X	X
WV						
WI			submittal guide		X	
WY						

Literature Related to Local Program Agency Program

State Departments of Transportation

Methods for small-scale project delivery used in three states (Indiana, Maryland, and Virginia) were mentioned owing to their unique nature.

The Indiana DOT posts information to the public on how LPA projects are selected to receive federal-aid funds in their state. Their process requires each district deputy commissioner in the state to view the location of the proposed project. The state will then use the input of these district representatives to determine which projects will be selected to receive

federal funds. The funds are distributed throughout the state proportionally to the population within each MPO. All areas that are not located within a MPO jurisdiction receive funds proportional to the population it contains, as compared to all other areas not within a MPO jurisdiction. After projects are chosen, kickoff meetings are scheduled between the LPA and the DOT Local Programs coordinator (“Local Federal-aid Programs” 2009).

The Maryland State Highway Agency provides streamlining to state and local agencies with a variation on funding small-scale LPA projects through state-aid dollars instead of federal funds (*Southern Maryland Transportation Needs Assessment* 2008). In Maryland, local governments rely on

TABLE 3
INFORMATION RELATED TO LPA ON LOCAL TECHNICAL ASSISTANCE PROGRAM (LTAP) WEBSITES

State	Training			Resources			Databases	Lists	Publications		
	Workshops	Web-based	On-site	Approved Product List for Local Agencies	Case Summaries/LPA examples	Agencies Helping Agencies	Transportation Explorer	List of Local Agencies	Best Practices	Guides	Technical
AL	X										
AK	X										
AZ	X			X							
AR	X										
CA	X	X									
CO	X	X									
CT	X	X									
DE	X				X						
FL	X					X					
GA	X	X					X				
HI	X										
ID	X										
IL	X										
IN	X							X			
IA	X								X		
KS					X					X	
KY	X							X			
LA	X										
ME	X									X	
MD	X										
MA	X										
MI	X										X
MN	X								X		
MS	X										
MO	X										
MT	X									X	
NE	X										
NV	X							X			
NH	X									X	
NJ	X										
NM	X		X								
NY	X	X	X								
NC	X										X
ND	X	X								X	
OH	X	X								X	
OK	X										
OR	X										
PA											
RI	X										
SC	X									X	
SD	X									X	
TN	X									X	
TX	X							X		X	
UT	X	X								X	
VT	X					X (Q&A)					
VA	X										
WA	X										X
WV	X										
WI	X									X	
WY											

three types of revenue sources to provide public services: local-own source revenues (i.e., local taxes and service charges), state aid, and federal grants. State aid is the largest of these revenue sources and constitutes about one-third of the total revenue for the counties of southern Maryland. Some Maryland local agencies have used state-aid funds in lieu of federal aid to bundle funding together over several years and apply it to pavement resurfacing contracts or corridor upgrade projects. The benefits to swapping state funds for federal funds include a more simplified procedure for standards and guidelines in providing approvals, and submissions for funding with quick “turnaround” reviews. Some of the guidelines include: local government/municipality must contribute 20%; municipality must enter into agreement with the county for use of state aid in lieu of federal aid; projects must be evaluated and approved by the Maryland State Highway Administration’s Office of Environmental Assessment before receiving final funding approval; funds must be used on any county/or municipally maintained roads, streets, and bridges that are included in the State Highway Administration’s road inventory as of December 31 of the year preceding the allocation; and funds can be used on bridge projects, road projects, signalization, or any transportation maintenance function.

Virginia DOT (VDOT) has developed a risk-based approach entitled “VDOT Risk and Project Oversight,” which is available in chapter 9 section 9.4.2 of its LAP manual [*Locally Administered Projects (LAP) Manual* 2010]. The manual reports that shortly after the LPA has received

concurrence to administer the project, the VDOT project coordinator determines the level of VDOT oversight necessary. The intensity of VDOT oversight is determined by a range of factors, including project complexity, highway system, project funding, and LPA staff experience level with federal-aid projects. Appendix 9B of the VDOT manual provides a good overview of how it approaches the different levels of oversight. To assist in this determination, VDOT has developed a risk assessment method that the project coordinator may use to establish the likely level of oversight. This method results in a score that provides a generalized analysis of project oversight per project, as explained in Appendix 9-C of the manual.

National Cooperative Highway Research Program

NCHRP Project 20-68A conducted a domestic scan study to determine strategies and applications used to aid in the success of a state agency project (Capers 2009). The city of Phoenix and six states (Arizona, Florida, Missouri, Utah, Virginia, and Washington) were selected to accurately represent the project delivery practices of most states. The criteria used to select these states included program size, work complexity, metrics system, and performance against those metrics. The study determined that agencies use four major practices in their project delivery process: project management, performance measures, contracting practices, and community involvement. These focus areas were then studied within the selected states in order to identify the best practices within each one.

CHAPTER TWO

EFFECTIVE SMALL-SCALE PROJECT DELIVERY: BY FEDERAL-AID PROGRAM

INTRODUCTION

This chapter provides an overview of the various federal-aid programs that support small-scale projects. Information reported will help to define streamlining techniques or organizational approaches, as specific to each federal-aid program. This is accomplished through a review of literature, survey responses, and insight provided through the many interviews to present examples of what effective practices are being used by state transportation agencies and other agencies involved in the LPA program.

Obstacles to Streamlining Small-Scale Federal-Aid Project Delivery

From the survey results and interviews, the three obstacles to streamlining that were raised by multiple states were (1) lack of availability of local match funds, (2) complexity in time and resources of the NEPA and ROW process, and (3) prohibition of the use of local agency forces for small construction projects (e.g., less than \$600,000). This study will also address issues and concerns with the LPA program as mentioned by LPA administrators in the ten case-study DOTs. A majority of the focus states indicated that treating small-scale federal-aid projects as a “one size fits all” process hinders use of small federal programs. Several DOTs believe as if NEPA is too stringent for small-scale federal-aid projects, inducing extra costs and delays to completion. As an example, the Oregon Parks and Recreation Department noted that the largest obstacle to streamlining project delivery of small-scale RTP projects was the environmental review (meeting NEPA standards). Oregon DOT offered an example of the complications created by endangered species, which result in significant added cost to the environmental process for small-scale federal-aid projects.

Another trend found was that all federal regulations are being applied on every LPA project, regardless of whether they apply or not. Another obstacle listed was the problem of matching funds and how many local agencies simply do not have the budget to easily provide a match.

Other obstacles cited in the survey include (1) prohibition against specifying use of proprietary items on historic restoration enhancement projects, (2) staff turnover at local

agencies, (3) efficient completion of ROW appraisals, (4) multiyear earmarks, and (5) resource agencies’ response times for agreement and permits. One example provided in the case study interviews illustrated the challenges to the LPA program presented by staff turnover. In one state, local agencies typically are awarded small-scale federal-aid projects every 3 to 5 years. During this period, it was found that either local agency engineer staff turns over or staff at the local agencies is reduced. Because the institutional knowledge of federal-aid programs is no longer available to a local agency in this situation, once it is awarded a new project it presents a high risk to the LPA program that it may not comply with federal regulations.

A 2007 FHWA program review on LPA in Florida included interviews with 14 local agencies to garnish their perspective of the program (McCarthy and Kurtz 2007). The benefits of LPA program, as described by 14 local agencies, consistently cited the opportunity to use federal dollars for funding projects sooner. Most of the smaller agencies also indicated that they could build larger, more expensive projects because of budget increases through the LPA program. The challenges of LPA, as described by 14 local agencies, included time delays resulting from the Florida DOT (FDOT) LPA certification process, time constraints through the LPA agreements, and cumbersomeness of the process for smaller-budget projects. The general feeling reported by the 14 LPAs was that federal requirements are too strict for local projects and ultimately can incur more time and resources costs. Finally, concerns were raised about the impact of the NEPA process for locally administered projects. Local agencies reported that the NEPA process would not be required for small projects such as sidewalks or milling/resurfacing of existing roadways. In addition, the unknown possibility of an earmark being attached to any LPA project presents potential merit in adjusting regulations regarding the NEPA process for certain types of low-complexity projects. In addition, local agencies have raised their frustrations with the need to “go back to Square 1” on added capacity or other more complex projects, after the project has already advanced into design or construction. This additional cost and delay has made a few local agencies decide to no longer participate in the LPA program. Other local agencies stated that they would not pursue federal funds unless a project will cost \$5 million or more.

EFFECTIVE FEDERAL-AID PROGRAM DELIVERY PRACTICES

The following sections highlight various approaches used by federal, state, and local governments to effectively address federal requirements relative to specialized federal-aid programs. Although the examples generated from interviews with focus states only covered some of the federal-aid programs (HSIP, SRTS, RTP, etc.), any federal-aid program could benefit from methods described in this chapter.

Safety-Related Programs (HSIP, HRRR, SRTS)

In November 2009, the Safe Routes to School Partnership issued a report that provides information for local program managers and state transportation agencies on how to use noninfrastructure components to enhance the SRTS program (Driesse 2009). The report includes several successful examples of noninfrastructure elements from various states, as well as a section on how to best use noninfrastructure funding such as minigrants.

The Delaware DOT (DeIDOT) has reported a streamlining practice for the delivery of its SRTS program. It receives \$1 million annually for SRTS projects. Typically DeIDOT handles all agency approvals (utility clearance, ROW clearance, and environmental actions) for the local agencies and issues all statements. The approval process takes approximately 4 to 6 months for small-scale federal-aid projects. If the contract is administered by the sponsor, DeIDOT issues a notice-to-proceed to the sponsor for advertisement once all agency approvals are in place. If the project is administered by DeIDOT, then the contract is turned over to its contract administration section for advertisement by competitive bid. Then DeIDOT issues a task order, which competitively bids a lump-sum quantity for 1 year. This open-end task order contracts on construction projects are advertised and contracted by DeIDOT on behalf of the local agencies. This “bundling of contract lettings” is reported by DeIDOT as streamlining the implementation and delivery administratively of LPA projects and results in the completion of SRTS projects within 1 year.

The Oregon DOT (ODOT) SRTS program committee implemented project cost minimums between \$100,000 and \$500,000 because of a history of project delays and environmental clearance costs that were not originally anticipated. Most of the projects that ODOT sees come in for less than \$300,000 end up costing more than originally estimated. Thus, project minimum costs were introduced as a mechanism for better ensuring successful delivery of these LPA projects.

The Minnesota DOT (Mn/DOT) founded a multiagency partnership Toward Zero Deaths (TZD) that includes federal, local, academic, and various state agencies (Mn/DOT

Office of Traffic, Safety and Technology 2010). The purpose of the partnership is to raise awareness and develop tools to reduce the number of fatalities and injuries resulting from traffic crashes in the state. Consolidated efforts are presented that support the Minnesota Strategic Highway Safety Plan created in compliance with the HSIP. As part of the safety investment program, Mn/DOT allocated 64% of safety funds for local roadways. The TZD has also expanded the involvement of local stakeholders in the effort to develop effective safety programs and projects. One of the focus areas was expanded Mn/DOT SRTS training to more than 600 local agency, school district, or planning organization participants. Mn/DOT identified that since the beginning of SAFETEA-LU, 92 SRTS projects (totaling \$7.5 million) have been awarded to more than 110 schools. Another effective practice reported during the interview with Mn/DOT dealt with the HSIP and HRRR programs. Safety efforts in Minnesota are classified as either proactive (roads where accidents have not yet occurred) or reactive (roads where accidents have already occurred) projects. HSIP funds are distributed through the traffic office and Mn/DOT allows local agencies to jointly conduct projects (e.g., striping). The streamlining that was reported as a result was found during the NEPA process because these projects tend to have little environmental impact and they are an areawide-type delivery.

The FHWA teamed with APWA, NACE, AASHTO, and Local Technical Assistance Program (LTAP) to conduct a domestic scan in seven states to identify good practices for funding, coordination, and technical assistance for local roadway safety (Anderson et al. 2010). The study focused in particular on state efforts to improve local agency participation and effective obligation of safety funding. Some of the findings from the scan apply to effective delivery of small-scale federal-aid projects. One effective practice reported was the allocation of DOT staff resources, such as the Illinois Bureau of Local Roads and Streets, to coordinate with local agency staff and administer funding and project agreements for local safety projects, particularly in “navigating the complicated federal-aid requirements, and providing guidelines for approval.” In terms of key streamlining efforts undertaken for roadway safety programs in the scan study states, DOTs looked to reduce the time needed for local agencies to apply and receive federal funding. For instance, it was reported that local agencies without crash data analysis tools faced dilemmas in securing federal funding for safety projects. As a result, advanced data collection tools have been implemented to “significantly aid” DOTs and local agencies in determining problem areas that may be suitable for federal funding under a local roadway safety program. Additionally, the scan notes that states stressing a “strong relationship between the strategic highway safety plan (SHSP) and pursuit of systematic safety improvements,” rather than unique location improvements, have experienced an increase in the rate of funds programmed and projects

implemented. Another effective practice established by the scan is funding incentives to aid local agencies with project matches, or “providing subsidies for preliminary engineering” costs. The report states that this practice has led to increased applicants for federal-aid programs. The scan also noted that a few states, such as New Jersey, “rely heavily on the MPO to administer funding and oversight, improving the integration of planning processes and offering new opportunities for partnerships with stakeholders” (Anderson et al. 2010). Other streamlining efforts found during the scan include those reported in Table 4.

Congestion Mitigation/Air Quality Program

FHWA published a report regarding proper implementation of the CMAQ program, intended to provide helpful information to both state DOTs and MPOs. This report is the second part of a two-phase study of the program (Regan et al. 2009). The first report evaluated 67 CMAQ projects using both emissions and cost-effectiveness data. Several best practices were found from this phase: standardized methods to calculate benefits, procedures for ranking projects, consideration of cost-effectiveness, and coordination with air quality and local agencies during the project selection process.

The second report revisited seven of the sites that were under review in the first phase. The sites were selected based on whether the project type had high rates for CMAQ funds and if it warranted more analysis after exhibiting characteristics of a best practice defined during the first phase report. By evaluating these projects, the report noted various best practices, including transparent project solicitation, prioritization, and selection process; standardized approaches to project evaluation and ranking; and adaptability in response to evaluations and changing conditions.

Transportation Enhancements

Ohio DOT reported that a majority of the 17 MPOs in the state of Ohio prioritize LPA project funding through streamlined application processes. For example, the 10% of federal funds set aside for Ohio’s transportation enhancement program is turned over to the MPOs, which generate a form of request for proposal (RFP) for the CMAQ and regional surface transportation programs (RSTPs). The MPOs then score and rank projects, prioritizing one or two according to “solicitation schedules” to be followed. Ohio DOT reported that once a local agency has a concept for the TE program and approaches the MPO, the Ohio DOT district office staff will

TABLE 4
STREAMLINING APPROACHES FOR FEDERAL-AID PROCESS IN LOCAL ROADWAY SAFETY PROJECTS

State	Streamlining Approach	Details
Alabama	Creation of abbreviated HSIP process	Reduced plan requirements to 8½-by-11-inch documents; created guideline reference booklets with program requirements and contacts distributed to all local and state safety practitioners
	Use of force accounts	Pays for construction work on basis of time taken and material consumed to complete safety projects; reported time savings on project completion schedule
	STIP placeholders specifically for safety projects	Specific funding program (HRRR, SRTS, etc.) dedicated to each project; separates funds from capital improvement projects in STIP; ensures a pool of HSIP funds ready for programming for future projects
	Creation of HRRRP Committee	Includes officials from DOT, counties, FHWA Division; creates competitive method for selecting projects; lays out regulations and procedures for HRRRP funds; committee reevaluates eligibility requirements yearly to guarantee that competitive funding has impact on crash reduction
Illinois	Online HSIP application tool	Includes benefit-to-cost analysis tool; information on requirements for LPAs; reduces time spent by LPAs during application process; clear deadline for applications; projects must be authorized for completion in same fiscal year as awarded
Michigan	Standard call for HSIP projects	Spread over several months to allow local agencies to react to more restrictive HRRRP program; projects not chosen for HRRRP will be “rolled over” for HSIP consideration
Minnesota	Process of submitting one application to be considered for all safety projects regardless of funding source	Reduces complexity and need for additional resources for both DOT and LPA
	Position of State Aid Engineer for every DOT district	Streamlines application and funding processes; engineers aid in coordination between agencies for joint projects

[Source: Anderson et al. (2010)].

first investigate whether the project will be eligible and successful. This advance investigation allows the DOT to alert local agencies about the level of effort and complexities that will be involved before they submit an application for the federal funds, and provides LPAs with an opportunity to revise the application. The Ohio DOT can then guide the local agencies from the beginning of a project, rather than waiting until after the project funds are awarded and the project is already in development to investigate potential problems. A time-saving technique defined by Ohio DOT was the flexibility given to the nonhighway TE program by allowing local agencies to solicit projects (e.g., trails, depots) using state procedures. In doing so, projects are advertised for only 2 weeks instead of the 3-week minimum federal requirement. Another effective practice presented by Ohio DOT for the TE program is the delegation of authority on the ROW and design phases to local agencies. In doing so, the local agency is required to contract with DOT-prequalified consultants, but it can handle its own ROW transactions and plan development, which reduces the personnel burden on Ohio DOT.

Recreational Trails Program

In Oregon's RTP, a nine-member advisory committee reviews and scores incoming LPA project applications. The committee is composed of one FHWA official, one representative for people with disabilities, three motorized transportation members (one snowmobile and two off-highway vehicle officials), and four nonmotorized transportation representatives (one equestrian, one paddleboat, one bicycle, and one hiking official). The DOT believes that the wide-ranging panel will allow for a more balanced representation of the applicant pool. Eligible nonprofit or for-profit organizations are subjected to the same processes as local agencies for conducting RTP projects. These organizations will often have to work through a federal, state, or local land-holding agency. In some cases, nonprofits will work on a RTP project with the Bureau of Land Management by entering into an agreement with a federal agency to work on U.S. Forest Service land, because nonprofits often do not own large tracts of land necessary for many trail projects.

In the state of Ohio, the RTP is administered by the Ohio Department of Natural Resources, which has its own specific review process and streamlining practices. The procedure stemmed from office budgetary restrictions and a need to better allocate staff time and resources. Currently, when an RTP application is received, it is immediately reviewed to flag any environmental issues that may come about during project implementation. Through this procedure, the state can alert the local agency of possible challenges to project delivery, as well as make a note internally when the time comes to select projects to receive funding.

In Washington, four key criteria must be met to apply as a nonprofit agency: the organization is be registered with

the secretary of state as a nonprofit organization, an official successor to the organization must be named for liability purposes, the organization demonstrates experience with trail-related activities for at least 3 years, and the organization adheres to all current nondiscriminatory laws.

AMERICAN RECOVERY AND REINVESTMENT ACT

The American Recovery and Reinvestment Act of 2009 (ARRA) program was a stimulus program. It was not strictly a transportation program, but also had funding for welfare programs, federal tax cuts, and education. States had only 120 days to determine which projects to fund. According to a memorandum issued by the U.S.DOT Office of Inspector General, the "FHWA identified state oversight and LPA inexperience in handling federal-aid projects as major risks in implementing the American Recovery and Reinvestment Act of 2009, which will increase LPA highway projects by an additional \$8 billion over the next 3 years" (Comé 2009).

Examples of Effective Delivery of American Recovery and Reinvestment Act Projects in Transportation

The FHWA Ohio Division Office reported that the division normally has one position routinely involved and fully dedicated to the Ohio LPA program. However, with the current ARRA funding, the office was compelled to involve nine engineers actively with the project development and inspection of selected federal oversight LPA projects. These projects include local intersection and interchange improvements, resurfacing, reconstruction, widening projects, roadway bridge projects, and railroad grade crossings.

Florida reported significant ARRA impacts. FHWA-FL describes the ARRA program as a significant effort that also provided opportunities to streamline the Florida LPA program. Some examples include the educational value for both state and local attendees of the statewide ARRA videoconference, the recently allowed use of design-build contracts on LPA resurfacing projects, and a boilerplate RFP document created for local agencies that allows them to contract federally funded projects more quickly and consistently. One FDOT district also developed a comprehensive project management database referred to as the American Recovery and Reinvestment Act Tracking Tool. Appendix G (a web-only document) includes screen captures of the tool.

ODOT reported that an effective project delivery method used in conjunction with ARRA was the ability to "bundle" multiple projects under a broader environmental document. More than 100 ARRA projects, including 71 surface preservation projects and 12 intelligent transportation system or signage projects, were batched under three separate environmental documents. The approach used by ODOT was to create clearly defined guidelines for local agencies on what

types of project characteristics could be eligible for grouping under a single environmental document. The types of projects included edge-of-pavement/edge-of-pavement resurfacing, video detection systems, solar-powered school crossing sign installations, and upgrade of overhead right-turn lane signs to comply with new design standards. The defining characteristic of all of these projects was that they included no significant environmental impacts and qualified as programmatic categorical exclusions (CEs). The only excavation that was done was to fix noncompliant curb ramps as part of the surface preservation program. ODOT estimated that its strategy resulted in a cost savings of \$300,000 to \$500,000 and time savings of between 8 and 10 months. This estimate is based on historical data that shows that each simple overlay project typically costs \$2,500 for filling out paperwork, processing approvals, and the like; whereas ODOT's bundling of nearly 100 similar projects cost a total of \$15,000.

TECHNIQUES FOR ADMINISTERING SMALL-SCALE FEDERAL-AID PROJECTS

The survey was used to identify communication techniques and staff involved in the administration and completion of small-scale projects funded by the specific federal-aid program described in the previous section.

Organization of Local Government Offices

In nine of the ten focus states, the LPA program (also referred to as local governments office and other variations) is handled at both the central office and division or district offices. Essentially all of the study states are structured utilizing both the central and district DOT Offices. North Dakota implements all federal-aid projects from its central office in Bismarck. In Minnesota, districts recommend projects for

funding, but the approval and letting processes are implemented by the central DOT Office. In Iowa, most federal-aid programs are administered by the six district offices, but certain programs are implemented centrally by the Office of Systems Planning and the Office of Local Systems provides centralized guidance and assistance to LPA and district DOT staff.

When addressing small-scale projects, it is important to distinguish the number of these projects being implemented in each of the ten case-study states. Administrators were asked to estimate a percentage of LPA projects that fit the small-scale criteria of less than \$300,000 in federal funding. The study revealed that about half of respondents indicated that between 0% and 25% of LPA projects in their states are small-scale. The remaining four states specified that small-scale federal-aid projects encompass more than 25% of the total number of LPA projects within the state.

Project Grouping Techniques

Some questions in the survey were aimed at identifying agencies that have grouped small-scale federal-aid projects under a single environmental document to satisfy NEPA processes, or any agencies that have grouped small-scale projects in some other manner to improve efficiency. A practice used by a few states to streamline project delivery is to bundle (or string together) multiple projects during a particular delivery phase. Figure 1 shows the results of a survey question concerning bundling throughout various project phases (e.g., project inception and selection, design, permitting, construction, final acceptance, and reimbursement). Half of the focus states indicated bundling projects in the construction phase, possibly by including multiple projects under one construction contract. With regard to the other phases of project delivery, fewer than half of respondents specified that bundling is a practice being used by the focus

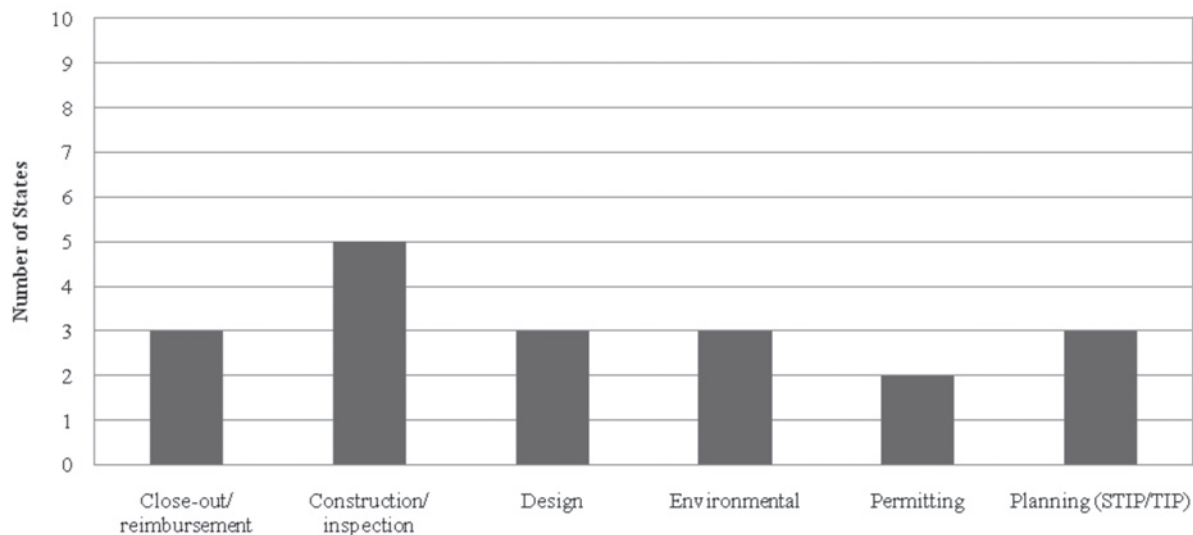


FIGURE 1 Number of focus states that use "bundling" practices in each project delivery phase.

states. More specific discussion on this practice is presented in chapter three.

One effective practice to note at the outset is the Mn/DOT approach to LPA project delivery. Mn/DOT combines LPA projects in any stage of delivery, allowing “bundling” of projects at the planning, environmental, design, and construction phases. Mn/DOT reported that combining more than one project at any of these project stages reduces the amount of staff time and resources needed at both the DOT and local agency levels. It was noted that the most significant impact of bundling

projects is at the environmental phase, as this process has been shown to reduce the time required for NEPA approvals.

SUMMARY

Table 5 provides a summary of the major findings noted in chapters two and three. As noted previously, these findings are based on a literature review, survey responses, and interviews. Table C1 in Appendix C includes a more detailed organization of all the chapters.

TABLE 5
EFFECTIVE PRACTICES FOR SPECIFIC FEDERAL-AID PROGRAMS CONDUCIVE TO SMALL-SCALE PROJECTS FROM LITERATURE REVIEW AND SURVEY OF FOCUS STATES

Effective Practice	Examples	States
Project grouping	Open-end task order contracts for combined lettings Tying together (bundling) projects at any phase of delivery	CA, DE, FL, MN, ND, OR, WA
Funding controls	Maximum/minimum project cost limits STIP placeholders State subsidies to LPAs Automatic application rollover to following year	AL, CA, DE, IA, MI, MN, NJ, OR
Formal partnerships	Involve local stakeholders to encourage application for federal-aid funds Processes for nonprofit and forprofit organizations Program-specific review committees	AL, MN, OR, PA, WA
Assistance with applications	Abbreviated and accessible application tools Standard solicitation schedules Boilerplate RFP forms for LPAs	AL, FL, IL, MI, MN, OH, OR, PA
Application of 49 CFR Part 18 The “Common Rule”	Use of state procedures Delegation of authority to LPAs in design and/or ROW phases	FL, OH
Project management	Project tracking database Online training/manuals for specific programs Risk assessment procedures Joint project delivery by multiple LPAs	FL, IA, MN, ND, VA

CHAPTER THREE

EFFECTIVE SMALL-SCALE PROJECT DELIVERY: BY PROJECT PHASE**INTRODUCTION**

This chapter presents information on how the focus states define and account for risks in project delivery, and provides examples of effective delivery of small-scale projects per each delivery phase. The focus on this chapter is more on routine small-scale federal-aid projects, such as roadway and bridge improvements, rather than on projects supported by the special federal-aid programs presented in chapter two. It is based primarily on the survey results and case study interviews. A section on risk analysis highlights how focus states elect to allocate resources to handle the many phases of small-scale project delivery. The chapter also discusses approaches used by state and local governments to effectively address federal requirements relative to routine federal-aid projects, and opportunities for improving and streamlining small-scale federal-aid project delivery. It includes further information on agencies that have effectively grouped small-scale projects under a single environmental document to satisfy NEPA process and agencies that have grouped small-scale projects in some other manner to improve efficiency. The chapter is subdivided into sections covering preliminary development through final project phases.

RISK ANALYSIS

It is critically important to capture how states allocate risk and better allocate resources because these efforts permeate throughout each stage of project delivery. Through the use of the survey questionnaire or interview guides, a member of both the FHWA division office and state LPA office was asked to identify elements of risk in the delivery of small-scale federal-aid projects. Based on case study interviews with various officials, states tend to have varying opinions on what makes a project high-risk to the DOT. Several items were common among the various agencies.

A survey question was created to identify high-risk features of locally administered projects, such as nature of federal regulations to be met, phases of project delivery, and other characteristics of project delivery that may incur budget or scope creep and scheduling delays. The question asked LPA coordinators to rate several factors as having *no risk* (a rating of “1”) to *very high risk* (a rating of “5”). Table 6 presents the number of responses from the focus states that

resulted in *high risk* or *very high risk* (“4” or “5” ratings) for each project characteristic.

TABLE 6
HIGH-RISK CHARACTERISTICS OF SMALL-SCALE
FEDERAL-AID PROJECTS REPORTED BY FOCUS STATES

Project Characteristic	Number of High Risk or Very High Risk responses
Earmarks attached	5
Right-of-way purchase required	5
NEPA (EIS or EA)	4
ADA responsibilities	3
NEPA (advanced Categorical Exclusion)	3
Permits needed	3
SHPO commitments	3
Public interest finding	2
Public involvement	2
Timing to project completion	2
Total project cost	2

Roughly half of the states rated earmarks, ROW concerns, and Environmental Impact Statements (EIS) as a “4” (*high-risk*) or “5” (*very high-risk*). However, many aspects of a federal-aid project appear to present high risks. DelDOT did not rate any characteristic higher than “3” (*moderate risk*) and stated that no particular aspect of a federal-aid project presents more than this level of risk to project completion; the DOT is completely involved in the LPA process, which it cites as reducing the risk of misunderstandings between different levels of authority in the state. A representative from the FHWA Iowa division reported that the projects that present the most risk are the smaller ones awarded to LPAs that are not accustomed to dealing with federal funds. These include cities or towns with a population under 50,000 that have no MPO. Projects that consume the most time are any local projects that involve a request for access to an interstate, whereas those that consume the most money are usually new or replacement bridges and new interchange projects. New Jersey DOT avoids projects with environmental assessments to be completed in an effort to quickly move through the implementation procedure. In Minnesota, multiple counties are working together to implement projects to lessen the risk placed on the DOT and the local agencies involved.

To ensure that a project will be completed, certain states conduct risk assessments to aid in the project selection process. If risk assessment is being practiced either at the DOT, MPO, or local agency level at the time of application, it may be possible to address major concerns before selection so that time and money may be saved. If the risk presented is high enough as to make a project infeasible, the state or local agency could either reject the application or seek alternative funding before the project is selected. A series of questions were asked of LPA administrators regarding risk assessment at the state and local levels. Table 7 displays the status of conducting risk assessment for LPA projects in each of the focus states. Half of respondents conduct risk assessment at the DOT level, and fewer than half of the focus states have MPOs that formally practice risk assessment for federal-aid projects. Another question pertained to risk evaluation at the local agency level. The data indicated that half of respondents indicated that local agencies do not practice risk assessment techniques, while three other LPA administrators were not certain as to whether local agencies may or may not be doing risk assessments.

TABLE 7
PERCENTAGE OF AGENCIES IN FOCUS STATES THAT PERFORM RISK ASSESSMENTS FOR SMALL-SCALE FEDERAL-AID PROJECTS

Agency Within Each Focus State	Percentage of Agencies That Perform Risk Assessments for Small-Scale Federal-Aid Projects		
	Yes	No	Don't Know
DOTs	50	40	10
Metropolitan Planning Organizations	10	60	30
Local Agencies	10	50	40

TABLE 8
FOCUS STATES' RATING OF CONSULTANT KNOWLEDGE OF KEY FEDERAL REGULATIONS

State	FHWA 1273	NEPA	Title VI and VII	Title 23 CFR	Uniform Act
California	3	3	3	3	3
Delaware	3	4	3	3	4
Florida	4	3	2	3	3
Iowa	3	2	2	2	3
Minnesota	3	3	3	3	4
North Dakota	3	4	3	4	4
Ohio	3	3	3	3	3
Oregon	2	3	1	3	3
Pennsylvania	3	3	3	3	3
Washington	4	4	3	3	3

LPA coordinators stated that one element that can increase the risk level during project implementation is the extent of consultant knowledge of federal-aid program requirements. Table 8 displays the results of a survey question regarding the focus states' opinions of consultant knowledge for key federal regulations ranging from a rating of "1" (*completely unfamiliar*), "2" (*vaguely familiar*), "3" (*working knowledge*), "4" (*well-versed with occasional assistance from DOT*), and "5" (*intimately familiar, no assistance from DOT*). A majority of responses indicate that consultants possess a working knowledge, or a rating of "3," of the outlined regulations. One trend shown by the data is that consultant knowledge of Titles VI and VII varies from a rating of "1" (*completely unfamiliar*) to a rating of "3" (*working knowledge*) of these regulations.

One of the most important variables in determining project cost is time to completion. A survey question asked LPA administrators to estimate which programs tend to take the longest to complete. Figure 2 shows that respondents consistently answered that bridge projects and HPP projects required the most time to complete. Follow-up discussion with DOT staff interviewed indicated that bridge projects tend to take longer because of the environmental sensitivity of these projects and the permits required from various agencies. With regard to HPPs, local agencies have an indefinite amount of time to complete the project because the funding does not expire. As the program has not been affected by new transportation authorization legislation or deobligation (so far), these projects are allowed to take many years to complete. It is also important to note that the responses were wide ranging, proving that different states have different program implementation issues.

State DOT LPA administrators were also asked to estimate the number of years needed to complete a project within a specific federal-aid program. Table 9 displays the responses provided in terms of number of responses out of ten focus

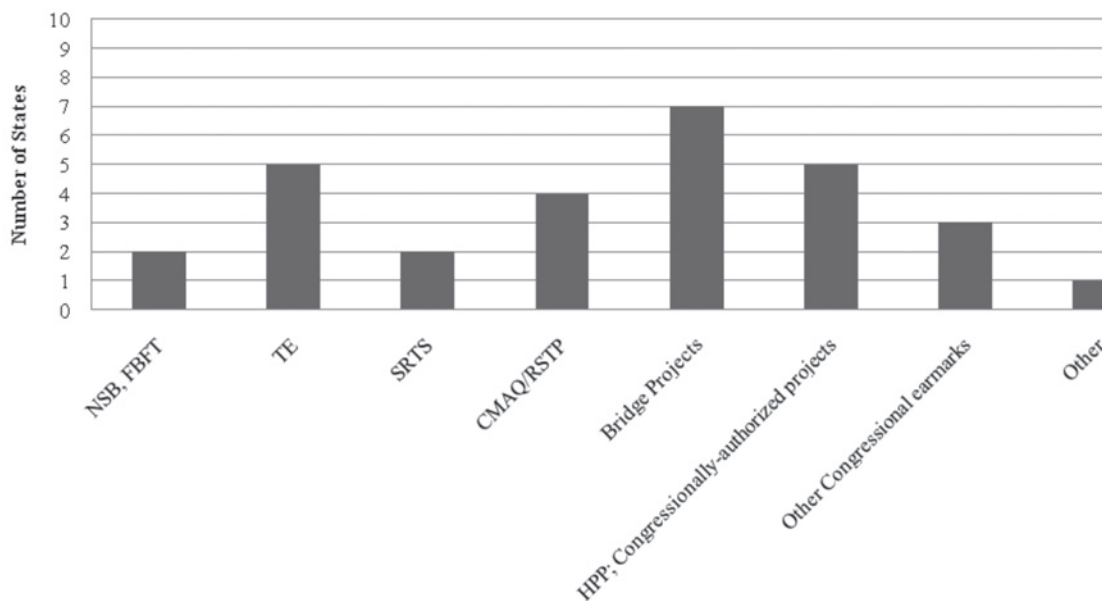


FIGURE 2 Survey responses rating the LPA projects that tend to require the most amount of time to complete.

states per each program or activity. Based on the results, TE, CMAQ/RSTP, and NSB projects take in excess of 3 years to complete. Additionally, Mn/DOT indicated that NTPP projects take about 5 years to complete. Survey respondents gave several reasons for why these projects take longer to complete, such as type and number of permits needed, intensity of environmental document review, and rating of the “construction-readiness” of projects. According to interviewees, these factors can delay projects for several years, causing the average time to completion to rise as well.

TABLE 9
AVERAGE TIME TO COMPLETION FOR SMALL-SCALE FEDERAL-AID PROJECTS PER PROGRAM, AS REPORTED BY FOCUS STATES

Federal-aid program	Average length (years)	Number of responses
ADHS (OH and PA only)	2.0	2
CMAQ/RSTP	3.5	8
HSIP/HRRR	2.5	10
NSB, FBFT	3.1	8
NTPP (CA and MN only)	5.0	1
RTP	2.0	4
SRTS	2.8	10
TE	3.6	10

Some state agencies use a risk-based approach to project oversight by varying the level of resource allocation depending on the complexity of the project, experience level of local agency staff with federal-aid projects, and the like.

Risk-Based Project Management

The FHWA Florida Division Office (FHWA-FL) reported that in 2010, 400 out of 500 ARRA projects were assigned

to the LPA program and included FHWA full oversight for some projects costing less than \$50,000, some design-build projects, and some regular contracts. To develop an organized risk-based approach to handle the large number of projects and urgent nature of the ARRA program, FHWA-FL reported that it first defined its view of “high risk” according to an assessment. It started with a list of all certified local agencies in the state and selected full oversight projects according to the following attributes: (1) projects assigned to a LPA that had not done a federally funded project before, (2) the size of project cost, (3) the work type or complexity of the project (e.g., a bridge replacement vs. a bike trail), and (4) projects with congressional interest.

FHWA-FL addressed projects not picked for full federal oversight by creating a checklist as part of program accountability reviews to see how projects will meet the federal ARRA funding requirements. To accomplish this major undertaking, FHWA-FL hired an engineer fully dedicated to perform the accountability reviews on LPA projects. Another effort included FDOT’s statewide local agency teleconferences, in-person meetings, and web-based training that involved 3 to 4 hours of FHWA-FL representatives speaking to local agencies and FDOT district offices about federal requirements in an attempt to get the LPAs up to speed on the ARRA program.

FHWA-Iowa indicated it has allowed the grouping of small-scale federal-aid projects through the use of project agreements. These project agreements are based on whether the local governments for the different projects agree to let their projects be joined. The advantage stated was that this grouping allows the Iowa DOT to view the string of projects as a single one in the work program.

Risk-Based Program Management

Based on the survey questionnaire results, all ten focus states have entered into a Stewardship and Oversight Agreement with FHWA, which addresses the risk-based concept of delegation of authority. The level of delegation of authority for all programs in these agreements, including LPA, varies slightly. However, in most cases the DOT assumes the primary role of implementing and managing federal-aid programs for local agencies. The survey results captured different levels of oversight applied on the LPA program. The focus states were asked if a decision matrix existed as a method to evaluate the level of oversight required per federal-aid project. Only one of the focus states currently uses a standard approach to determine project-level oversight.

Several members of the FHWA Division Offices in the focus states were interviewed as part of the synthesis effort. In each case, staff interviewed indicated the importance of the FHWA-DOT stewardship agreements and the effectiveness of oversight reviews. Each FHWA Division completes an annual program risk assessment for its state's LPA program to gauge which areas are posing the most challenge and to help FHWA determine the actions that might be taken to strengthen the program.

As an example of program-level risk assessment, FHWA-ND completed a joint review of the Recreational Trails Program in 2009 with the North Dakota DOT and the North Dakota Parks and Recreation Department. The goal of the review was to improve its internal written procedures and develop a new applicant handout. The review reported that the collaborative effort resulted in a streamlined applicant process and limited the risk involved in having a project come up as nonparticipating from the FHWA perspective. All parties were satisfied with the success of the RTP program review and are using the same approach to review the TE program and develop an internal procedural guide in 2010. Other past reviews completed by FHWA-ND include administration of federal-aid to local public agencies, financial administration of locally administered projects, and construction and contract administration of locally administered projects. LPA projects are determined to be added for full involvement and oversight on the basis of project complexity.

Another example of risk-based program management, in the last 5 years the FHWA-FL conducted a statewide ROW review of the LPA program after it was found to be "high risk" during an annual program risk assessment. As a result of the review, a Real Estate Acquisition Guide for Local Agencies document was distributed to all local agencies in the state, although it is important to note that in recent years FDOT has handled all local ROW acquisition. Also, the findings of the review led the FHWA-FL to present training on ROW acquisition in both the 2007 and 2010 statewide LPA conferences.

In Pennsylvania, the Delaware Valley Regional Planning Commission (DVRPC) assesses the risk level of potential federal-aid projects by examining certain criteria, such as the project's suitability in the regional plan, funding expiration date, and percentage of design completed. In the Philadelphia area, workshops are planned through DVRPC when a funding "round" is about to begin. These sessions address federal regulations and introduce local agencies to the federal-aid process and programs before the projects begin, thereby reducing the risk of projects becoming noncompliant. Additionally, a complete list of all consulting firms with prior experience with DOT design standards and federal-aid projects is sent to local agencies upon request, after their projects have been selected. A similar list exists for inspection firms; full-time inspection of all federally funded LPA projects is required. Firms can be removed from the list if the DOT or local agency experience repeated poor performance by the company, in order to promote the best-performing firms in handling LPA projects. Maintaining this list of experienced firms can reduce the risk of problems in small-scale federal-aid projects in Pennsylvania.

PLANNING PHASE

This section captures efficiencies in the planning phase reported by agencies, such as qualifications of federal funding applicants, statewide transportation improvement program/transportation improvement program (STIP/TIP) prioritization of small-scale projects by MPOs, and MPO bundling of projects.

Iowa

Many state representatives stated that they establish advisory committees during the project selection process to discuss eligibility requirements and evaluate risks presented to the DOT, as well as rank the applicant projects for selection. For example, in Iowa an advisory committee headed by the Iowa DOT includes specific representatives familiar with small-scale projects for CMAQ, TE, RTP, NSB, and SRTS. Another committee member is assigned from the HPP and ARRA sectors in an effort to represent all facets of LPA projects in the state. LPA project selection for the core LPA federal-aid programs in Iowa is made by the RPAs and MPOs. However, for certain federal-aid programs (TE, SRTS, RTP, CMAQ, and NSB), projects are selected by the Iowa DOT using a well-organized and documented application process. Iowa DOT reported that this process helps to clarify the expectations regarding federal and state requirements upfront and provides the necessary information to "get LPAs off to a good start in the project development process." In addition, local agencies can only receive money from one federal grant program per year because it finds that the number of projects requested is 5 to 15 times greater than the amount available for funding. Also, in the

case of multiphase trail projects, Iowa DOT requests that project sponsors delay submitting new federal-aid project applications until significant progress on existing awarded projects has been made.

California

In California, state legislation allows for rural and some urban counties to use state-aid funds instead of federal-aid funds to deliver projects through the STP program. The amount of state funds available for “fund swapping” is determined through a formula outlined in California’s state legislation. This approach was cited as an effective practice that relieves some of the small-scale projects from the administrative burden and costs associated with complying with all federal regulations. Another practice used by California DOT (Caltrans) is to group similar projects (defined by the criteria of no increased capacity and no decrease in air quality) into the STIP under a single item. The MPOs maintain the details on each project separately, rather than listing each project individually within the STIP, allowing more flexibility for updating the funding levels within the grouped LPA projects. For example, rather than listing a series of simple projects (those done within the same footprint of existing road and no environmental issues) individually in the STIP, a group project listing for “overlay projects in Los Angeles County, \$15 million” or “signal upgrades in the city of Los Angeles, \$150,000” might be used instead. This approach has been used primarily for safety and pavement rehabilitation projects and has resulted in both time and budget savings.

Oregon

ODOT identified an effective practice that affects all projects at a program level during STIP development. Once ARRA, TE, and other state-aid programs project applications are screened, ranked, and selected, all project data are inserted into agreements with local agencies as soon as they are programmed into the STIP. All LPA project agreements are assigned a date by which local agencies must respond. Local agencies that do not return signed project agreements to ODOT by the assigned deadline stand to lose their funds, which will be given to another local agency whose agreement was already submitted. Typically, ODOT batches 10 to 15 TE project agreements at one time. Its most significant time savings was the batching of 140 ARRA project agreements at one time immediately after STIP programming.

Minnesota

The Mn/DOT allows for STIP amendments to combine two LPA projects to get only one approval/authorization. MPOs work proactively with the Mn/DOT to help move amendments through the process more efficiently.

Florida

FDOT reported that the MPOs include a description of their individual prioritization process within the actual TIP documents. Appendix D contains links to the TIPs for each of the MPO websites.

Washington State

Washington State DOT (WSDOT) combines multiple local federal-aid projects at the planning phase, particularly projects that tie together utility work and construction. The location and logical termini are given as the main criteria for deciding which projects to bundle together. WSDOT mentioned efficiencies in pricing, contract administration, and constructability of small-scale federal-aid projects resulting from the bundling method used at the planning stage.

Pennsylvania

An effective practice found in Pennsylvania is using federal dollars for construction and local dollars for design work. This approach was described as having a streamlining effect, as the LPA project design can be near completion before federal funds are appropriated. A portion of the local funds required for the construction phase match are derived from toll revenue, which can be used to cover the match required for the construction phase of a federal-aid project. Another fiscal measure being taken by the state to aid the local agencies in project funding is to use toll credits to provide up to half of the local funding match.

ENVIRONMENTAL PHASE (NEPA)

This section discusses various activities that state agencies are pursuing in order to facilitate project compliance with the environmental regulations described in Appendix E, such as Section 106, Section 4(f), Title VI, and Endangered Species Act. Agency personnel were queried on how they efficiently incorporate consideration of concurrence from stakeholders, special interest groups, State Historic Preservation Officers (SHPOs), and other state and federal resource agencies such as USDA Forest Service, U.S. Fish and Wildlife Service, National Park Service, and state departments of environmental protection.

A practice found among several states is use of an agreement between FHWA and the DOT to create streamlined methods for documenting projects as categorical exclusions (Anderson 2010). The FHWA has reached agreement with some states to establish streamlined procedures for classifying and documenting projects as CEs. The programmatic categorical exclusion agreement provides a process by which many projects seeking federal funding can be exempted from extensive federal environmental impact review (i.e.,

preparation of an EIS) if they meet various requirements demonstrating a likelihood of minimal infrastructure, environmental, or historical resources impacts. These exemptions offer a route to greatly reduce the financial burden on local agencies and the total amount of time required for completion.

Federal Highway Administration

A number of FHWA Division Offices have allowed programmatic CEs for certain work types defined as “low risk” in their FHWA-DOT stewardship agreements as allowed by 23 CFR 771.117(c). For example, the FHWA-ND stated that programmatic categorical exclusions tend to streamline the process of project development for many small-scale projects. FHWA-ND provided an example: as long as a local public agency stays within the limits of where the work is being performed and within the same scope of work (e.g., seal coat application, thin lift asphalt overlays), the LPA is not required to do a project concept study, but can instead use the straightforward three-page programmatic CE checklist. Other work types that fit the current programmatic agreement include roadway surface treatments, preventive maintenance concrete pavement repair, grinding, mudjacking, deck rehabilitation, abutment repair, structure painting, bridge rail retrofit, approach slabs, deck replacement, guard-rail removal, resetting or installation, fencing, signing, and rumble strips. Another streamlining procedure has recently been adopted for emergency relief projects that affect both the state and local agencies.

Washington State

Another streamlining effect at local level presented by FHWA-WA was the inclusion and coordination of resource agencies at a very early stage of the NEPA process. Representatives of resource agencies are included even before documents are submitted to FHWA, which helps to make FHWA’s environmental process go smoother and carry less risk.

Minnesota

The Mn/DOT allows local agencies to propose a project that encompasses a similar work type project with multiple locations under a single environmental document. This exercise reduces the review time and number of approvals to be obtained, which helps these projects be delivered more quickly.

North Dakota

North Dakota DOT (NDDOT) bundles projects during the environmental phase by allowing two projects located next to each other to be tied as one in both rural and urbanized areas. Typically this method is used for less complex types of proj-

ects such as safety, lighting, and mill-and-fill projects. In the case of the TE program, NDDOT allows some TE projects to be tied to projects with other work types if it is in the same location. NDDOT explained that this is an effective practice because it reduces the amount of paperwork and man-hours for small-scale federal-aid projects. For example, NDDOT described a situation in which an inconsistency in wetland delineation that was identified. A task team of NDDOT environmental program managers and local government assistance managers, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers representatives, and FHWA was quickly formed to generate a wetland delineation process that would satisfy Section 404 permit needs. The task group established a consolidated approach to wetland delineation that will work for both state and locally sponsored projects.

Ohio

The Ohio DOT district offices write the environmental document plan for local agencies rather than allowing consultants to write them. This approach ensures that all federal requirements are captured to prevent future delays with projects.

DESIGN PHASE

Several interview questions focused on the effective use of design standards and specifications for small-scale federal-aid projects.

Minnesota

Mn/DOT requires local agencies to use state-aid design standards, rather than Mn/DOT or federal standards for LPA projects that are off the NHS ROW. Mn/DOT identified this practice as streamlining delivery of projects, as local agencies are more familiar with the state-aid process.

Ohio

The Ohio DOT requires that local agencies include the applicable Ohio DOT specification template in every LPA contract to help encourage consistency with specifications. However, for projects where Ohio DOT is administering them in the construction phase, the LPA location and design manual for LPA project allows local agencies to do plan development on their own. This approach is explained as saving both time and resources by not requiring the local agencies to do the very intensive Ohio DOT plans development.

Washington State

WSDOT has developed a standard specification for highway and municipal construction along with a lower-complexity local agency general specification with participation from city and county representatives. The generation of a separate

specification for local agencies helps to streamline the design process for smaller, less complex federal-aid projects that do not need to be held to high-type design standards. Web-only Appendix G contains a sample from the local agency general specification for asphalt paving.

Florida

FDOT incorporated an effective practice by creating an opportunity for LPAs to use local agency-select specifications for various items created by FDOT. This transition from the full FDOT specifications was found to simplify the design process for delivery of LPA projects containing asphalt, concrete, earthwork, or landscaping. Any projects not classified as “critical” (cost more than \$10 million) can follow either individual LPA specifications or the FDOT local agency-select specifications, resulting in less materials testing required and allowing local agencies to select their own consultants or testing laboratories. Appendix E presents a sample from the local agency landscaping specification. FDOT also uses an Electronic Review Comment system that tracks comments on design plans for local agency projects and can be accessed by FDOT, local agencies, and consultants who have been assigned a login by the FDOT district office.

RIGHT-OF-WAY ACQUISITION

A series of case study interview questions focused on effective navigation of the Uniform Act for locally administered projects. They also explored ways in which the DOT can assist local agencies in obtaining permits from various partnering agencies, such as the U.S. Coast Guard, U.S. Army Corps of Engineers, state or regional water management districts, or railroad companies.

A practice that DelDOT has found most effective for streamlining the delivery of the ROW phase of small-scale federal-aid project delivery is requiring ROW donations (according to the Uniform Act) from project sponsors. DelDOT asks for any property and/or easements needed for the construction of the project through donation (sponsor-owned lands or residential lands). Typically, these projects fall under the TE activities and are designed for the betterment of the community. DelDOT works with the affected property owner to process the necessary documentation. In the case where permanent easements are needed, DelDOT processes the necessary paperwork for recording purposes on behalf of the project sponsors. This requirement is particularly important to gain vested interest by the LPA in their project because DelDOT handles all the project work from “cradle to grave.” Through this practice, DelDOT is able to place more responsibility on the local agencies to give their support in the planning process and especially after project completion ensuring proper upkeep and maintenance of the end product.

CONSTRUCTION PHASE

Contract administration requirements such as Davis–Bacon prevailing wage rates, Buy America (<0.1% foreign steel allowed), and other items in the FHWA 1273 were included as part of case study interviews. Interviewees were also asked to describe their effective practices regarding inspection requirements and staff involved, quality assurance approaches, and approval methods for change orders.

Contract Administration

Iowa

The Iowa DOT has established a letting process that allows multiple projects to be combined on a single construction contract. It reported that most federal-aid programs must be let through the Iowa DOT, but some small-scale LPA projects are allowed to be let locally because they tend to be smaller in size and often involve nonhighway construction trades.

Ohio

ODOT classifies LPA projects into two categories: (1) local agency administers entirely, or (2) local agency administers until completion of design and ODOT administers all let and post-let construction. This is done to reduce the risk of complex LPA projects, such as bridge projects, being subjected to time delays or budget creep. Another effective practice presented by Ohio DOT was the requirement that local agencies use DOT-prequalified contractors. Ohio DOT explained that this requirement helps streamline delivery of LPA projects because the prequalified contractors are familiar with working on federal contracts and will be cognizant of requirements such as DBE and Davis–Bacon, and violations are less likely to occur that would result in denial of federal reimbursement. Ohio DOT also provides local agencies with a bid document template that must be in every LPA project file to maintain consistency at the advertisement stage. Finally, change orders approval and claims processing is delegated down to the local agencies, as long as their procedures are approved by Ohio DOT up front during the certification process.

Washington State

WSDOT allows the use of statewide contracts (that are competitively bid) for materials procurement (e.g., signal controllers). In this manner, materials can be purchased on a statewide basis after a public interest finding is approved to streamline the process for LPA projects. FHWA-WA noted that a streamlining effect at local level comes about by the local agencies can using their own forces instead of competitively bidding projects, as long as a public interest finding has been completed. Streamlining occurs as a result of the locals not having to comply with the state legislation, which does not permit in-house forces to be used on projects that cost more than \$50,000.

Florida

FDOT central office personnel are continually working with their district LPA counterparts to reduce the complexity and time involved with the contract and construction phase of LPA. Their most recent effort was to draft a new construction oversight document for LPA projects. In addition, FDOT and FHWA jointly revised the FDOT Final Inspection and Final Acceptance form to clarify signature approval requirements. An effective procedure was created to address the use of consultants for accepting construction work on behalf of local agencies who do not have an engineer on staff. In this procedure, a public agent of the local agency (e.g., mayor, public works director) must sign off on final acceptance, but a memorandum from a licensed engineering consultant can be attached that shows a valid signature for final inspection. Another effective practice presented by FDOT was the bundling, or tying together, of multiple projects in the construction phase at the time of bid advertisement. Projects must be advertised for a minimum of 21 days. FDOT described this streamlined approach as “an economies of scale efficiency,” in that the projects can be advertised all at once rather than individually.

FHWA-FL reported that it delegates all supplemental agreement, change order, and Concurrence-in-Award activities for projects that are off the NHS (off-NHS) to FDOT (as written into the FHWA-FDOT partnership agreement). In doing so, the routine project review and approval process is delegated down to the LPA level and has a streamlining effect by reducing the number of people involved in post-design approvals. FDOT in turn delegates all phases of project delivery to certified local agencies, except for the environmental and ROW approvals (final signature on both documents is required from FDOT).

Quality Assurance*Minnesota*

The Mn/DOT requires one process for materials quality assurance for both Mn/DOT and LPA projects. FHWA-Minnesota indicated that this effective practice ensures one consistent process, instead of evaluating the effectiveness of several different local quality assurance processes.

Ohio

The Ohio DOT provides quality assurance reviews of LPA projects through their district offices. Ohio DOT indicated that the reviews result in recommendations to improve the program and are implemented by local agencies. Findings are included immediately through updates to the LPA manual and issuance of new guidance.

Washington State

WSDOT regional offices are responsible for contract oversight. They perform detailed reviews on contracts and design plan reviews for noncertified agencies. However, because of the agency certification process, they are only required to carry out a cursory review of certified agency project contracts. This method allows WSDOT to delegate more responsibility to the certified agency to meet compliance with DBE, contract language, and so on. WSDOT headquarters sets the DBE participation requirements and does an additional check that the apparent low bidder is responsive to the DBE requirements. WSDOT rates the agency certification process as resulting in actual benefits for LPA project delivery because it reduces the administrative burden on the DOT.

Florida

FDOT has incorporated various activities at the district level that recognized the importance of quality assurance in LPA programs. One effort to improve FDOT administration of the LPA during construction was to hire general engineering consultants to assist in performing inspections, coordinating environmental and permitting activities, and performing design reviews. In many cases, the district construction offices (in collaboration with LPA administrators) randomly select projects on local routes on which to perform quality assurance reviews. FDOT initially assesses LPA quality assurance programs during the certification process; however, FDOT follows up with quality assurance reviews to ensure that local agencies are following their own LPA specifications for construction and materials testing. This approach was reported as an effective practice because the local agencies are not required to follow the intensive FDOT testing requirements designed for large complex jobs, reducing project costs by not requiring the use of FDOT-certified laboratories and technicians. It also allows local agencies to use their own specifications, resulting in more efficient project delivery.

Quality assurance efforts are also reported at the local agency level in Florida (McCarthy 2007). DeSoto County includes a quality control plan and verification/assurance procedures in their contracts for geotechnical materials testing included in any LPA projects. In Volusia County, county inspectors are trained at FDOT State Materials Office courses for field testing. County project engineers “pop-in” to inspect consultant testing labs as per open-access agreements set up as part of the lab contract. They also watch consultant personnel as they run materials tests in order to review the process. Bay County adopted standardization for LPA construction projects by using FDOT’s official form for inspections, and pre-video each LPA project location and retain photos for each project. The city of Lakeland Depart-

ment of Public Works produces a complete contract file for each LPA project that contains before-and-after project photos and both as-planned and as-built aerial photos. Collier County keeps detailed daily inspection reports on standardized documents, along with a complete photo-log that chronicles construction at the site from the beginning to the end of each federally funded project.

PROJECT CLOSEOUT

A series of questions focused on effective practices used by DOTs during the last step of project delivery, including details on final signature approval for completed projects, pay quantities, and the reimbursement process for federal-aid funding.

Iowa

In some areas, effective project closeout practices include creating a distinct, uniform process. In Iowa, the DOT provides several checklists that outline the final review process. Before project closeout, Iowa DOT Administering Office staff spends a day inspecting and analyzing documents for each LPA project. With regard to payment quantities and reimbursements, local agencies work with contractors to determine if change orders are needed and the DOT reviews all materials, tickets, and approves any necessary change orders. Reimbursement requests in Iowa are typically input every month, but some projects submit requests less frequently.

Florida

The FDOT LPA *Manual* includes a comprehensive chapter on financial management that covers invoicing procedures for submitting, reviewing, and paying for local federal-aid project activities. In addition, eligible and allowable costs are defined in this chapter along with a discussion of eligibility requirements. Final cost reviews are performed at the FDOT district level prior to submission to the FDOT Central Office Comptrollers project closeout audit. A recent fiscal review of the Florida LPA program reported that information provided by local agencies was sufficient to establish that local agencies have an adequate degree of financial policies, procedures, and practices to produce valid claims for reimbursement (McCarthy 2007).

Ohio

Ohio DOT provides quality assurance reviews of close-out on LPA projects through its district offices. An auditor in the finance section completes ten to 15 full financial audits each year (both random and additional upon request), looking at items such as the cost accounting program compliance at local agencies. Ohio DOT district construction office staff

monitors each LPA project pay quantities before providing signature approval on payment requests from local agencies. One flexibility in the TE program allows local agencies to request reimbursement within 30 days by state law. This is considered an effective practice because the local agencies are not held to a structured pay schedule; however, it ultimately depends on the ability of the LPA to finance the project.

Washington State

At WSDOT, final inspection of LPA projects is done by regional local projects engineering staff. WSDOT does not use consultants for conducting LPA project final inspections because the inspections are considered as a compliance activity. The WSDOT local program office stated that deciding how detailed the inspection should be has to do with the performance history of the local agency completing the project. For example, certified agencies with good performance track records may not require more than “windshield” inspection on low-risk projects because they have demonstrated high-quality work and compliance with design standards previously. This process also follows along the same lines with the shifting of additional delegation of risk to certified agencies because WSDOT does not perform a full review of agency design plans. Only a brief check is done to ensure compliance with FHWA requirements. However, project-level quality assurance is done by WSDOT on mostly accessibility projects and pavement jobs, or other work types that WSDOT has determined to be more high risk. For example, WSDOT performs detailed inspections on all accessibility projects to match grade requirements and the like. State and regional WSDOT levels both perform independent assurance reviews to ensure compliance and identify systematic training needs. Training needs identified are handled through LTAP newsletters or DOT-sponsored training for local agencies. WSDOT regional staff members perform a final documentation review on every LPA project at the completion of construction to ensure that the local agency built the project in accordance with the approved design plans and contract. If deficiencies or difficulties are found, WSDOT regional staff will conduct one-on-one training with the local agency. WSDOT headquarters staff conducts program management reviews to assess the local agency’s compliance (rather than project-level compliance) and check that documentation is done appropriately. If a local agency is found to be out of compliance, then the agency is placed on “probational status” or revoked and more WSDOT oversight is assigned immediately. WSDOT indicated in the case study interviews that it will then take two or three successful projects completed by the particular local agency before they are reinstated to full delegation of authority. Pay quantities are part of the documentation reviews performed by WSDOT regional staff. Pay quantity files are checked more frequently on projects being conducted by noncertified agencies (e.g., at 10%, 30%, and 90% complete in construction depend-

ing on the quality of documentation found at early reviews) and includes a sampling of pay items. LPA projects being performed by certified agencies are checked for payment quantities only as part of the PMR and on a sampling basis through documentation reviews.

SUMMARY

Table 10 presents the major findings noted in this chapter. More detailed organization of all the chapters is included in Table C1 in appendix C.

TABLE 10
EFFECTIVE PRACTICES USED DURING VARIOUS PHASES OF FEDERAL-AID PROJECT DELIVERY, AS REPORTED BY FOCUS STATES

Project Phase	Effective Practices	States
Risk Analysis	Avoid projects with environmental assessments/environmental impact statements Risk assessment during project selection Decision matrix to rate level of oversight needed Ensure that local funding matches are available before project selection Multiple counties work together or pool resources to implement projects	DE, FL, MN, ND, NJ, PA, OR, OH
Planning	Prequalifying applicants MPO STIP/TIP prioritization and bundling of small-scale projects Standard project ranking procedures	CA, FL, IA, MN, PA, WA
Environmental	Streamlined method for categorical exclusions Project bundling State lead on environmental documents	Multiple
Design	Separate or less stringent local agency design standards and construction specifications	DE, FL, MN, OH, WA
Right-of-Way	After project alignment set and ROW impacts located, DeDOT works with each affected property owner to acquire easements conforming to the Uniform Act	DE
Construction	Multiple projects let on single project Contracts let locally LPA projects let by state Statewide contracts for materials procurement Local approval of change orders Quality assurance reviews	CA, DE, FL, IA, ND, OH
Project closeout	Quality assurance on project closeout Checklists Project-level quality assurance on high-risk projects (e.g., accessibility, pavement, bridge)	FL, IA, OH, WA

TIP = transportation improvement program; STIP = statewide transportation improvement program.

CHAPTER FOUR

TOOLS FOR STREAMLINING SMALL-SCALE PROJECT DELIVERY**INTRODUCTION**

Each of the ten states interviewed as part of this synthesis, along with their FHWA division and headquarters counterparts, responded that their most effective practices come in the form of organizational strategies and educational tools. The bulk of guidance for most state LPA programs is contained in each department's LPA manual. In many cases, the LPA manual is available online and is periodically updated. They generally contain information on LPA procedures regarding local agency certification, project selection and management, agreement processing, contracting, and quality assurance. There are also chapters that deal with standards and practices for LPA projects, general and special project development, project management, construction and post-construction, and maintenance.

EDUCATIONAL EFFORTS AT FEDERAL AND STATE LEVEL

With respect to DOT training, nine of the responding states indicated that LPA manual training is offered to personnel involved with the federal-aid procedure. Survey results indicated that of the nine focus states that currently provide training related to federal-aid topics for small-scale programs, two-thirds of applicable DOTs routinely hold sessions. Approximately half of the focus states conduct training on their LPA manuals in person or on request. In some cases, manual training is available online, although this does not appear to be a widespread practice. Focus states were asked to identify the primary audience being instructed on their LPA manuals. Virtually all of the focus states offer training on their LPA manuals to consultants, local agencies, and DOT personnel, all of whom DOTs have the most interaction with when delivering the program at the state and local levels. In fewer cases, this training is offered to nonprofit and for-profit organizations, resource groups, or elected officials.

A survey question was compiled to establish which agencies are involved in conducting LPA training. Survey responses indicated that the state DOT central and district offices are leading LPA program-related training sessions for participants in small-scale federal-aid projects. About half of respondents indicated that their state's LTAP center

conducts training, whereas one-third of focus states work with other agencies to conduct training (primarily FHWA personnel). Another question in the survey aimed to identify which topics are covered as part of the training sessions. All states that conduct training indicated that eligibility and federal-aid requirements are addressed, whereas virtually all respondents noted that state requirements and federal-aid program definitions are also included. More than half of states cover quality control, reimbursements, and federal-aid 101 in training sessions, but very few cover risk assessment practices for identifying candidate projects. In most of the focus states, accessibility, bridge projects, HSIP/HRRR, SRTS, STP, and TE programs are discussed in training sessions. In about half of the focus states, the training featured discussion on the following programs: ARRA, CMAQ/RSTP, congressionally authorized projects, RTP, and TCSP. Very few of the focus states include training on NSB, FBFT, or other programs.

Federal Level

At the national level, FHWA headquarters staff has recommended a NSB program interface for the federal-aid 101 training course and identified the website as an effective practice for project delivery. Officials from the SRTS program are also considering implementing a similar interface to aid local and state agencies. For the RTP, a guidance website exists that contains a list of memorandums addressing specific requirements of the program, distributed to FHWA division offices across the country. Links to these resources are provided in Appendix D. FHWA headquarters recommended that a federal-aid library be established that will house all memorandums from FHWA, combining several existing sites into one for an easier way to obtain pertinent information for LPA. Additionally, a federal-aid program guide has been developed to establish a "one-stop shop" for guidance on LPA programs. The guide's release is currently targeted for fiscal year 2010. In addition, the National Highway Institute has begun to update the ROW overview training course for local agencies. FHWA recommended a similar update for the NEPA training course.

The FHWA Division Offices provided several examples of training support for the LPA program. The topics for most of the training provided were selected as per findings of their oversight program reviews; thus, the topics varied from state

to state. In nearly all of the states, the FHWA division was involved in the updates of its state's LPA manual. For example, the Florida Division Office recently assisted the FDOT to update its local agency manual to include an emphasis on quality assurance in LPA projects. It also provided training in various cities around Florida to "address issues coming to light as part of LPA program reviews to provide federal assistance at the grass-roots level."

In Washington, the FHWA-WA provided training in 2009 on bridge inspections training for locals and intelligent transportation system training related to coordinating signals between agencies (i.e., state and local routes). In addition, the FHWA-WA assists in the update of their local agency guide, updated twice per year. FHWA-WA described its role is to ensure a continuous process in which the guide corresponds to state manuals (e.g., update to the TE part of the guide to address public information form requirements). FHWA-Ohio has teamed with Ohio DOT to provide training to its district offices, local agencies, and the County Engineers Association of Ohio on federal-aid requirements applicable to highway projects.

The FHWA-CA assisted the DOT in the update of its local agency manual to reflect the recently created program management tool and the creation of a Local Oversight Action Plan. The first phase of the plan was completed in November 2009 and involved FHWA and the DOT reviewing chapter-by-chapter through the manual and highlighting the federal actions needed, and whose responsibility it is for these actions. All levels of government are involved in administering the plan. The entire manual is planned for completion in September 2010. In addition, FHWA-CA holds webinars continuously on various subjects that LPAs have indicated they need help on. Recent topics included the ARRA program, contract administration issues, emergency relief program, and federal invoicing and billing. The FHWA-CA indicated that webinars may be recorded in the future and reported that this process has proved to be an efficiency because the FHWA can have a "face" to the local agencies at a more personal level.

State Level

The ten state DOTs provided several examples of training support for the LPA program. In many cases, LPA program training is provided on request. Many states indicated that when major revisions affect either the LPA manual or the program delivery process, the DOT central office, district office, and local agency levels coordinate training efforts. Table 11 presents the various training and documentation efforts regarding small-scale federal-aid projects, as reported by the survey responses and found on website listings from the ten states.

Iowa

The Iowa DOT reported noteworthy practices for both its LPA manual and training program. Iowa DOT has established a formal Local Agency Guidance Review team that consists of city, county, and consultant representatives that review all proposed changes to the federal-aid Project Development Guide and Instructional Memoranda. Depending on the content of the guidance, review comments may be solicited from other organizations such as the State Association of County Engineers, consultants, and resource agencies such as the State Historic Preservation Office and Department of Natural Resources. The Iowa DOT training program is led by the Office of Local Systems, which conducts the Federal-aid Overview Seminars with assistance from other central and administering offices. These seminars provide a basic introduction to all aspects of federal-aid requirements, beginning with planning and programming and continuing through construction and project closeout. Iowa DOT Local Systems also conducts contract administration classes for LPAs and consultants each year, with assistance from Iowa DOT district offices. The classes provide detailed instruction on the construction inspection and documentation requirements for federal-aid projects. Finally, the district offices also hold training sessions every other year for the LPAs in their district. These sessions cover specific topics of interest to the district and/or LPAs.

TABLE 11
TRAINING AND INFORMATIONAL EFFORTS COMMON IN TEN FOCUS STATES

State	Training Type			Publications		
	Computer-based	Workshops	Links to Other Agency Training	Manuals	Forms	Reports
CA		X	X	X	X	X
DE						
FL	X		X	X	X	X
IA	X	X		X	X	X
MN				X		
ND				X	X	X
OH	X	X		X	X	
OR	X	X	X	X	X	
PA						
WA		X	X	X	X	

Oregon

Similarly to Iowa DOT, ODOT solicits feedback on its local agency guidance manual from a variety of stakeholders including the local agencies, state county engineers association, and other stakeholders. Everything from eligibility requirements, risk assessment for identifying candidate LPA projects, quality control, and the reimbursement process are included in its LPA training materials. All federal-aid programs except the NSB and several state-funded programs are topics in the training. ODOT states that inclusion of the reimbursement process in training materials is beneficial because it informs of the proper process to be completely compensated for federal-aid projects, alleviating concerns caused by improper technique when submitting reimbursement requests. ODOT also commented on the eight training sessions offered per year, which include consultants, in an effort to get more people to understand the federal-aid process. In Oregon, the FHWA is also involved in training for certification, civil rights, contract administration, emergency roads, environmental review, federal aid, ROW, and safety.

North Dakota

NDDOT holds meetings to present the county 5-year plans and discuss a “wishlist of projects” to include in TIP and STIP. Counties and consultants are encouraged to attend, and training is administered and project selection is done by local agencies over 2 to 3 days. NDDOT coordinates the selection meetings with help from the North Dakota Association of County Engineers that helps to guarantee high attendance. A project delivery system report is created as a program management tool reviewed by managers at NDDOT. The status of LPA projects around the state is reported, along with reports from consultants, every 2 weeks. NDDOT uses the project delivery system to decide how much oversight it should apply to each active small-scale federal-aid project in the state.

Florida

In recent years, FDOT has started to expand LPA program training efforts. In 2010, regional 1-day workshops that include information-sharing and focused learning opportunities are being held in more than half of the FDOT district areas statewide. The workshops invite an audience consisting of attendees from local agencies, FDOT districts, and consultants. The topics for the workshops are established from results of FHWA program reviews on Florida’s LPA program as well as aspects of the LPA that FDOT has rated as “high risk.” Recent topics have included handling congressionally directed funding, NEPA process, and fulfilling ADA commitments. These high-risk items are also added to the FDOT LPA certification training. Another training

tool that FDOT has pursued is holding statewide LPA conferences in a central location to invite in national speakers to address local agencies and consultants active in LPA. In addition, FDOT maintains a comprehensive LPA manual that is updated formally every 1 to 2 years. Any major updates that occur between the formal manual cycles are distributed through FedTech and LAP bulletins (in published and electronic formats) that are considered “effective” until the time of next LAP manual update.

ORGANIZATIONAL EFFORTS AT FEDERAL, STATE, AND LOCAL LEVEL

Federal Level

FHWA Division Offices are the most involved at the federal level with delivery of small-scale federal-aid projects. Interviews with FHWA and DOT indicate that most local program offices range between one and ten personnel in each state. In Delaware, one FHWA official is responsible for managing local programs, although others get involved dependent upon the project. FHWA-OR said that “everyone is involved at some level,” but only about ten on a regular basis. Within FHWA-PA two people are routinely involved in the LPA program, whereas others provide support to LPA-related programs on an as-needed basis. For NSB and RTP programs, FHWA stated that a planner usually runs the program at the state level, with the majority of staff having planning backgrounds. FHWA also commented that most RTP offices are with a state resource agency, for instance Parks and Recreation. FHWA Division members indicated that the number of staff involved with LPA programs varies from state to state and did not necessarily mirror the size or dollar amount of the state’s program. Two of the FHWA divisions interviewed have one dedicated staff member whose only responsibility was oversight and administration of the LPA at the federal level.

In FHWA-ND, representative of a smaller program, at least ten personnel are involved routinely with the LPA program, which is nearly the whole office. FHWA-ND has assigned program managers to the specific program areas for regular monitoring as deemed appropriate by the manager for each specific program. The division’s Safety/Traffic Operations/ITS Engineer monitors the HSIP and SRTS programs and maintains contacts with counterparts at NDDOT to accomplish that. Similarly, the division’s financial program manager monitors the RTP and TE programs and maintains contacts with the North Dakota Department of Parks and Recreation for RTP quarterly. As an example, because the implementation of ARRA, the financial program manager meets with the NDDOT TE contact on a biweekly basis to ensure that projects are eligible, schedules are maintained, and projects move along effectively.

TABLE 12
INFORMATION ON LPA EFFORTS CONTAINED ON TEN FOCUS STATE WEBSITES

State	DOT-Provided Project Examples		Certification			Checklists	
	By District	By Project Type	List of Certified Agencies	Certification Instructions	Recertification Process	Instructions	Examples
CA							
DE							
FL	X		X	X		X	
IA							
MN	X	X (ARRA only)					
ND		X (TE)				X (Constr)	
OH				X		X	
OR		X		X			
PA							
WA		X					

In Washington State, FHWA-WA dedicates essentially the entire staff of 27 people routinely to the LPA program. This organizational setup reflects that at the state level, where 40% of program funds go to local projects. For example, the assistant division administrator worked with the WSDOT and local governments to finalize their Civil Rights Implementation Plan, attended civil rights certification reviews and lent information on what civil rights issues must be included, and led a process review on the certification acceptance process used by WSDOT to certify local agencies for federal-aid projects. In addition, the division administrator and assistant division administrator provide hands-on involvement in environmentally sensitive LPA projects to ensure they move smoothly through the federal environmental process. FHWA-WA explained that because so many staff from the division are involved in the review and administration of the LPA program, their reviews highlight not only inconsistencies but also opportunities for streamlining in all facets.

State Level

Table 12 shows the organizational efforts that provide LPA information online at the state DOT level. Each LPA program reviewed fell into one of two categories of organizational structure: (1) dedicated local government office or (2) part-time LPA duties that include traffic, bridge engineering, and safety. States such as Minnesota, Oregon, and Washington have a large body of staff dedicated full-time to the administration of and related activities to the LPA program, both at the central and district office levels.

In other states, such as Ohio and Florida, there is a small local government unit in central office, and staff in the district offices typically have LPA program assignments as a part-time collateral duty. For example, in the Ohio DOT, the amount of time that district personnel work on an LPA program is roughly 75% of its total workload effort. Half of the staff is based in the Planning Office and half is based in the Production Office. Each program within Ohio DOT has a specific program manager responsible for the management of that program, inclusive of the provision of training and guidance on the requirements of that program (TE, SRIS, HSIP, MPO, etc.). The survey response provided by Ohio

DOT indicated that its provision of a decentralized multi-disciplinary coordinator for ROW, environment, planning, programming, production, and construction in the district offices was one of its practices for streamlining small-scale federal-aid project delivery. Ohio DOT explained that trying to coordinate LPA projects from a centralized perspective would add great difficulty to administration of the program. In addition, Ohio DOT rated its efforts toward documentation of LPA procedures and processes in formally written and approved (with FHWA) manuals and guidance as an effective practice of the state.

States that are centralized and handle smaller programs, such as Delaware and North Dakota, cover the LPA program for the most part as a collateral duty for staff at the central office level. Both states are organized similarly in that they provide extensive assistance to the local agencies and allow them to do very little of the process all on their own. This even includes the DOT bidding jobs for local agencies and assisting them in the handling of claims. Additionally, the geographical and program sizes of both Delaware and North Dakota allow the opportunity for DOT staff to perform quality assurance reviews and inspections on every LPA project. NDDOT construction teams aim to review every combination of consultant, local agency, and contractor on LPA projects to make sure that they know the federal-aid process. The advantage they present is that by doing the independent assurance reviews, NDDOT can assess which agencies, consultants, and contractors need assistance and identify what type of training is needed to familiarize them with the system.

Minnesota

The State Aid for Local Transportation (SALT) division was created through state legislation to administer federal and state funding to local governments. The SALT acts as liaison between the Mn/DOT and local public agencies (Anderson et al. 2010). According to Anderson and others (2010), “Mn/DOT noted that the key to the success of SALT is the relationships and communication efforts between local governments and Mn/DOT coupled with the support from upper-management.” Specialists that represent expertise

in each of the various federal-aid programs are available from the SALT to work with local agencies. For example, a district state aid engineer member of SALT is positioned in each Mn/DOT district to provide support to local agencies. SALT staff at the district offices reviews and recommends LPA projects for approval. The SALT staff in the Mn/DOT central office then approves projects for funding and processes them to letting. District office staff also provides construction oversight, final inspection, and final payment approval for LPA projects. At least 50% of district staff time and 100% of central office staff time is dedicated to the LPA program. Mn/DOT delegates authority to the local agencies in all areas except NEPA approval, design exception approvals, ROW certification, authorization to proceed to letting, and final inspection/approval of LPA projects.

Some practices that Mn/DOT cited in its survey response as most effective for streamlining the delivery of small-scale federal-aid projects included the online Project Memo Writer; a short-form project memorandum for certain types of projects; programmatic approval for Section 106 and Endangered Species on certain types of projects; and a delegated contract process checklist. Another effective practice in Minnesota is the use of a method of quality improvement referred to as the Lean Kaizen process (Imai 1986). FHWA-MN described the process as such: every 6 months, eight to 12 people from the Mn/DOT and FHWA meet for 1 week to conduct an exercise evaluating current program delivery processes. Recent Lean Kaizen exercises included focus on design exceptions and construction project closeout process and how to minimize delays in them. Appendix D contains links to these resources. Appendix G (a web-only document) includes examples of the programmatic categorical exclusion approval agreement and the environmental documentation for federal projects with minor impacts.

Washington State

WSDOT has been operating for nearly 70 years with a Highways and Local Programs Division (H&LP) consisting of about 30 dedicated staff in both the headquarters and region offices each. According to Anderson et al. (2010), “the H&LP division has approximately 1,000 active federal-aid projects. The H&LP division also manages many of these projects on behalf of local agencies, depending on the size of the agency and location of the project.” Staff at both the headquarters and region offices lend support in the different functional areas found in the LPA program, such as bridge, bicycle/pedestrian, and SRTS program specialists. Collective training efforts for local agencies are provided by staff in WSDOT central and district offices, as well as through consultants, University of Washington, and the LTAP Transped program. Because the H&LP is an autonomous division within WSDOT, it has sufficient full-time effort staff such that each local agency has a single contact from WSDOT assigned to them. The organizational

approach at WSDOT has also enabled their LPA program to be very successful in securing federal funds for projects ranging from transportation enhancements to bridge reconstruction. Another effective practice WSDOT listed was enabling good cooperation between large and small local agencies in getting projects completed, by encouraging the larger agencies to administer projects on behalf of the smaller agencies that may not have sufficient staff or the expertise to deal with federal-aid projects.

Delaware

DelDOT and the Delaware Natural Resources and Environmental Conservation (DNREC) are unique in that they serve a small state, both in terms of population and geographical size. Both agencies are organized in a way that they describe as presenting the least amount of risk to federally funded programs: they manage, contract, and in some cases build LPA projects for the local agencies. Essentially, their agencies are fully engaged in the LPA process. The details of each small-scale federal-aid project vary per project and are captured through the use of an agreement plan between the DelDOT and the local agency sponsor. The agreement plan outlines the roles and responsibilities of DelDOT and the LPA, details consultant requirements, specifies the amount of federal funding, and establishes any maintenance agreements. Appendix G includes an example of one of the project agreement plans. In a majority of the cases, DelDOT and DNREC deliver the LPA program on behalf of the local agencies although some variations exist. In the case of the city of Newark, the city has done its own contracting directly for a rails-to-trails project but DelDOT is managing the contract for the city.

DelDOT staff evaluates federal-aid project applications for items such as archaeologically sensitive areas and consultant qualifications before submission. This practice reduces the risk of projects not being successful because it can ensure upfront that a project has merit and is eligible in the conceptual planning. DelDOT is also hands-on in revising cost estimates for LPA projects before the application for federal funds is submitted, which ensures that escalation clauses and contingencies are properly accounted for. Staff from the DelDOT district offices is used in supporting local agencies within their region during the construction phase. If a project is within the state ROW or on a federal-aid highway, the DelDOT district performs final inspection. If the project is off-ROW, then the municipality can perform final inspection. The DelDOT district staff also monitors pay quantity validations on every LPA project, which DelDOT Central Office reviews and approves monthly. DelDOT rates this organizational approach as having a streamlining effect; the funding goes through DelDOT, and a DelDOT auditor is assigned to each LPA project to ensure that DBE paperwork is complete and that the prime contractor is following up with paying subcontractors, which ultimately helps

to avoid the deobligation of federal funds. DeIDOT administers essentially all local federal-aid projects and provides oversight in most cases.

The DNREC manages the state's RTP program and encourages the successful completion of federally funded RTP projects by engaging completely with local agencies and other project sponsors. For example, the DNREC does the environmental cultural resource reviews and documentations, project cost and alignment, materials procurement, and provides DNREC Trails Crew to build projects for the municipalities. Variations exist, such as a RTP project in the city of Newark in which the Trails Crew, city employees, and public volunteers built the project together. They also work to ensure that RTP projects do not intersect or cross into the NHS ROW.

Florida

Currently, the FDOT LPA program has one LPA coordinator in the central office and at least one staff member with part-time LPA duties in each district office. Because of the large number of local agencies that engage in the LPA program and the relatively low number of FDOT staff dedicated to administering the program, a systematic approach to delegating as many responsibilities down to the local agency level as possible has been employed. FDOT indicated that this was the motivation for creating a Community of Practice Task Team, an interagency group tasked with guiding the Florida LPA program and identifying aspects of the program that are clearly and not clearly defined (i.e., design plan reviews). The team includes representatives from FDOT and Florida Association of County Engineers and Road Superintendents, with plans to add FHWA representatives.

FDOT developed a summary describing which federal regulations apply on LPA projects through the creation of their construction checklist (included in web-only Appendix G). This is partly done to directly include aspects of 49 CFR Part 18, such that for certain projects it is clear to the local agencies when they can avoid requirements such as Davis–Bacon minimum wage rates and liquidated damages provisions. The FDOT Construction Checklist addressed many of the items presented by FHWA in Table F1 in Appendix F.

Pennsylvania

Pennsylvania DOT (PennDOT) has a particularly unique case organizationally in which an MPO, the DVRPC, administers the LPA program for PennDOT regionally. In the southeastern Pennsylvania district, the MPO has been appointed by the DOT to be the LPA administrator for the area, lending support to locals, managing projects, and governing the project selection process. A selection committee for the LPA projects was created that includes PennDOT,

Pennsylvania Department of Natural Resources, Pennsylvania Department of Economic Development, local transportation authority officials, and a citizens' advisory committee. Because the committee represents diverse interests, projects are spread throughout the district's five counties to offer funding opportunities more fairly. A streamlining measure identified by the MPO administrator is selection of construction-ready projects in an effort to decrease complications with projects likely to encounter challenges in the preconstruction stage.

Marketing the federal-aid program is an effective practice used in Pennsylvania for project delivery. It was reported that in Pennsylvania, many local agencies are not aware of the money to be received for transportation projects. In the southeastern part of the state, the MPO actively markets the programs through workshops, memorandums, and other modes in an effort to entice local agencies in applying to the program. PennDOT advises local agencies to get buy-in from reviewing and approving agencies (DOT, etc.) so that their projects are a priority within their workload. This helps to avoid delays owing to needed reviews and approvals at agencies that are not aware of the priority-level of the LPA project.

PennDOT, through the DVRPC, holds monthly status meetings to ensure each LPA project is moving through the project development process in the most efficient manner possible. Because there are many other projects and priorities in southeastern Pennsylvania region that small-scale LPA projects are competing with, it is easy for a small project to get buried when larger priority projects are present. DVRPC reports this is very likely in metropolitan areas where a large number of projects exist at any one time. DVRPC recommends that local agencies (project sponsor) aim to continually check on the progress of their projects with their team of consultants, etc. In Pennsylvania, the project sponsor tends to set the pace in completing projects that historically have been found to take longer to complete when the sponsor is not involved.

Local Level

Organizational efforts at the local agency level have also been reported (McCarthy and Kurtz 2007). The city of Ormond Beach, Florida, assigns a city project manager to each LPA project. Some of the responsibilities of the project managers include evaluating all designs produced for technical proficiency and ordering design revisions; monitoring the number of change orders, engineering errors, and timeliness of permits; and documenting problems during the construction phase. The organizational structure used by Hillsborough County, Florida, has placed staff from design, construction, and project development all under the same unit. The county and FDOT reported that this approach has resulted in improved efficiency and communication for the LPA program.

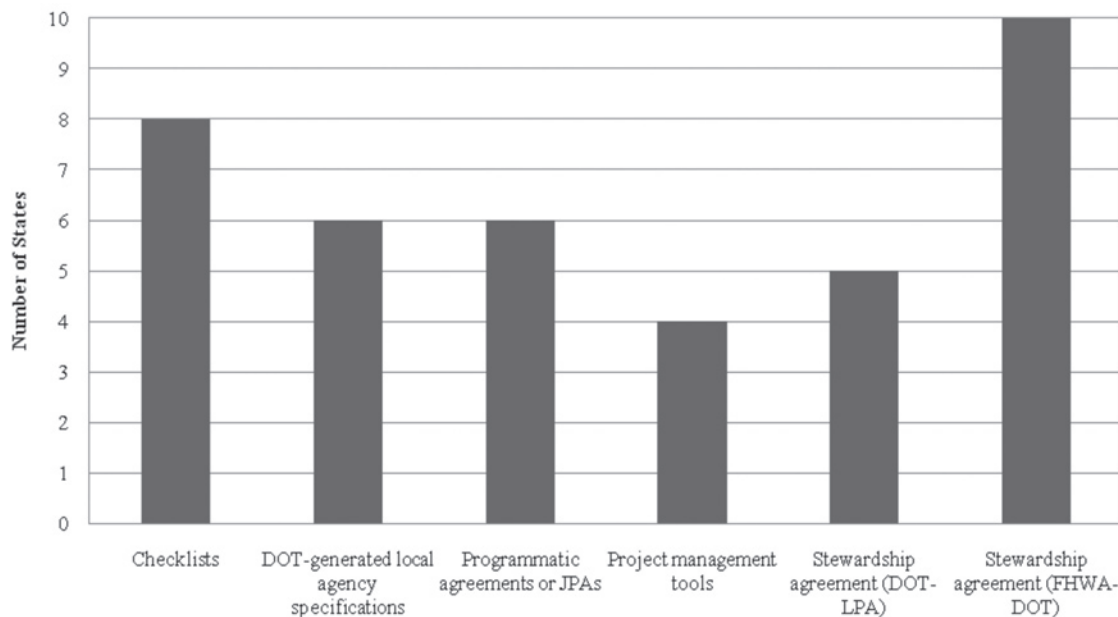


FIGURE 3 Number of focus states that use each organizational tool listed for effective project delivery.

Inclusion of Nonprofit Organizations

The case study interviews indicated that most state transportation departments include nonprofit organizations in the LPA process, but require that they go through a municipality and be classified as a cosponsor of a small-scale federal-aid project. One agency stated that taking this approach reduces the risk in projects not being built because a local agency will ensure that the public investment is carried out and will generally follow through with maintenance after the project is closed. Many of the interviewees highlighted the challenges of working with nonprofit organizations, including unfamiliarity with the federal process and higher expectations compared with local government participants. In a few cases, such as in Delaware, the DOT works directly with nonprofit or unincorporated areas to help with the administration of the federal funding application. In other states such as Florida, if an organization does not own ROW it cannot be certified and must work through a local agency or other certified entities. In Iowa, nonprofit organizations may be involved with a federal-aid project; however, the Iowa DOT requires an LPA to cosponsor the project. Iowa DOT noted that nonprofits are more likely to have inexperienced staff working on a project, which sometimes results in lost time and money. A local agency is more invested in a LPA project because it assumes maintenance responsibilities for 20 years after the completion of the project. It was also noted that it is more difficult to enforce federal-aid regulations with private entities. In Pennsylvania, nonprofits are eligible for federal funding through the LPA program. However these organizations are requested to apply with a consulting firm who is experienced with PennDOT design standards, in an effort to streamline the process for nonprofits or small local agencies that in most cases have not

applied for federal funding previously. Selecting the most experienced consultant design team to complete the project greatly increases the chances of projects sponsored by an inexperienced organization.

PROJECT MANAGEMENT TECHNIQUES

A critical facet of project delivery for federal-aid programs is project selection. Within this phase, project prioritization techniques may effectively identify projects that are of the highest priority, present the lowest level of risk, or have the best chance of being completed quickly. A question regarding processes held by MPOs for LPA project prioritization was used to determine the point where the factors considered above are discussed. Focus states indicated that most MPOs (in eight of ten states) possess a technique for ranking projects before submitting applications for federal funding. To establish measures being taken by both DOTs and local agencies for effective delivery, a survey question asked for existing organizational tools implemented by the DOT, whether it is checklists, project management tools, or stewardship agreements. Figure 3 displays the results of the question, indicating that all focus states have entered into a stewardship and oversight agreement with FHWA to delegate more authority to the DOTs and clarify the roles of each partnering agency.

Most states have created checklists for local agencies to utilize during project delivery, whereas about half of the focus states use DOT-generated specifications, programmatic agreements, project management tools, or joint project or other formal agreements between local agencies and the DOT.

FDOT has recently initiated the development of a comprehensive Local Agency Program Informational Tool (referred to as LAPIT at the Central Office level). The overall goal for the tool is to implement real-time project tracking on all LPA projects in the state of Florida. Its intent is to help ensure consistent project tracking and record-keeping across all FDOT district offices. The tool includes project and programmatic elements (e.g., DBE and ADA) as well as modules for entering both project and local agency diaries. For example, FDOT has created a subrecipient compliance assessment tool, an Internet-based survey used to assess a local agency's Title VI and ADA programs. On the basis of the results, a compliance assessment team—which includes staff from FHWA Civil Rights, FDOT Design Office, and FDOT Civil Rights Office, and the state Local Agency Program Administrator—will determine what level of assistance, if any, a local agency needs. Web-only Appendix G contains some screen captures from the tool.

Other program management efforts are found in the FDOT districts, such as one that has instituted a comprehensive system for program management. Beginning with any design findings, FDOT requests an official response back from the local agency on how they resolved issues with design errors. FDOT LPA staff typically follows up through e-mails, conference calls, or in quarterly meetings with project managers from the local agency. Although FDOT has noted that local agency attendance at quarterly meetings varies per agency, it rates them as generally well-attended, especially from the larger LPAs (counties) in their district. When local agency staff cannot attend the meetings, they will sometimes send project consultants rather than skip meetings entirely. If local agencies have been nonresponsive during past LPA projects, their performance is taken into consideration as to whether they can handle future projects successfully. Additionally, FDOT observes the performance of consultants who are working on LPA projects. For example at FDOT's LPA in-take meetings, the FDOT team considers the local agency's current and future workload, past performance history, and responsiveness to issues that have been identified. FDOT will stop projects if an agency is not responding to issues appropriately and may elect to rescind funding from local agencies. Finally, the district management team is actively engaged in monitoring LPA project activity through production meetings and lists provided by district LPA staff.

The Iowa DOT has developed a project management tool specific to small-scale federal-aid programs used by local agencies in Iowa. The tool is based in Microsoft Access and stores comprehensive project, financial, and administrative data for the SRTS, NSB, TE, RTP programs and the Iowa Clean Air Attainment Program that uses CMAQ funds. This tool supports effective management of ongoing and proposed projects in special federal-aid programs, providing real-time status, project commitments, project records, and invoices organized all in one centralized electronic location. Appendix G contains screen captures from the program.

CERTIFICATION OR QUALIFICATION OF PROJECT SPONSORS

Survey respondents were asked to describe whether and how the certification of local agency and nonprofit and for-profit organizations is done in their state. Responses revealed that six of the ten focus states have a certification process for local agencies. Of the six respondents that possess a certification process, four indicated that they perceive a streamlining benefit to the LPA process.

Washington

The WSDOT certification process allows noncertified local agencies to conduct some projects, such as NSB or SRTS projects, but for all the other types of projects only certified agencies are permitted. A representative from FHWA-WA reported that this organizational approach helps to secure federal funds and ensure successful project completion in both types of projects. WSDOT responded in the survey that the local agency certification program streamlines delivery of small-scale federal-aid projects by helping to reduce the amount of oversight and time spent by DOT staff, by reducing the effort and time needed to complete documentation reviews, and increases the success in delivery of these projects. Initially, WSDOT will interview a local agency requesting certification to ensure that they have sufficient staff to administer federal-aid projects. For example, the local agency must have an engineer on public staff to become a certified agency. Once the local agency is awarded its first federally funded project, WSDOT refers to it as a "training project" to evaluate the LPA's performance and ensure its capability to successfully complete the project. Being certified in Washington means that WSDOT delegates the authority to a local agency to administer ROW procedures and some other responsibilities. However, the WSDOT ROW office is still involved and will review and certify that the local agency has met all ROW requirements correctly. LPA certification can be revoked through an administrative action by the LPA coordinator at WSDOT. If an agency has its certification revoked, it must go through the same process as for original certification and demonstrate how it has solved the issues that resulted in decertification. Additionally, the local agency would be subjected to a trial period of three projects that requires full WSDOT oversight on the LPA's next three federal-aid projects before it is fully reinstated. Finally, WSDOT offers training individually to the LPA in order to ease the transition of staff turnover at the local agency.

Ohio

In the Ohio DOT LPA certification process, local agencies are required to receive LPA training on federal-aid procedures and requirements before they are certified and awarded their first federal-aid project to administer. In Ohio,

the certification process helps to streamline delivery of LPA projects by verifying that the LPA participants have the necessary levels of staffing and expertise to manage a federal-aid project. Certification is done on a case-by-case basis and is established by the type of project, number of projects, and other criteria. Changes in staff at the local agency or higher complexity projects sought will trigger the need for recertification. If a local agency loses its certification as a result of poor performance, noncompliance with regulations, or other reasons, it must go through the entire certification process again. Another requirement is that every local agency must have a county engineer to be certified.

Florida

FDOT continues to expand and improve its certification process that was created after a FHWA program review in 2005, along with administrative and construction checklists used to better ascertain that local agencies are meeting basic federal-aid requirements. FDOT certifies both large and small local agencies, as well as some MPOs and transportation authorities (e.g., Jacksonville Transportation Authority, BluePrint Florida). If a local agency is not certified, it cannot conduct any projects with federal-aid funds. Agencies or organizations that are not certified but wish to use federal funds must work with a certified agency to develop a project through a joint local agreement. The agreement must include role definitions such as which agency is responsible for administration of the project and who signs ROW clearance documents. The funds will be assigned directly to a noncertified agency; however, because the LPA agreement is between FDOT and the certified agency, final inspection and acceptance must be signed by the certified agency. In another approach, some small local agencies can pursue project-specific certification by the use of a team of consultants to complete LPA projects, as long as an LPA staff member is responsible for the project. Quality is addressed in this approach by requiring that after a project is finished, the LPA must resubmit some key certification documents to the FDOT district, which helps FDOT track key staff changes.

FDOT requests that the local agencies take an online LPA certification training before attending any in-person LPA training sessions. The training sessions consist of a full-day LPA workshop describing the complete LPA process in Florida. Appendix G contains a sample agenda from one such training session. The FDOT LPA manual also contains information about the decertification process. FDOT routinely conducts quality assurance reviews to highlight any consistent poor performance or noncompliance with federal requirements by LPAs. Typically, FDOT will define an area of concern through the review exercise before they move to decertification. The local agency found to be of concern must take a training course in the “problem area” subject. If the noncompliance or poor performance is continued, the local agency will be decertified and must reapply to be cer-

tified as was originally done. Local agencies who have not conducted a small-scale federal-aid project in more than 3 years must be evaluated by FDOT for their current staffing levels and relevant experience. Depending on the results of FDOT evaluation, the local agency may be required to take LPA refresher courses before they can apply for any new LPA projects. An LPA contact database is being developed at the FDOT central office that will trigger when local agencies experience staff turnover. The database will be administered at the FDOT district level.

In Florida, the certification process allows FDOT to view the qualifications of each local agency staff. Although the FDOT certification process requires significant paperwork at the front end of project delivery, it results ultimately in streamlining as more risk and responsibility can be transferred to the local agencies.

Minnesota

The Mn/DOT LPA certification process allows all counties and cities with a population of more than 5,000 to become certified. The certification agreements are between the Mn/DOT and the local agency on a project-by-project basis. Any nonprofit agencies or uncertified local agencies can only conduct federal-aid projects if they are working with a state-aid county or city. In addition, each local agency must have a county or city engineer assigned to the project or that agency may be prohibited from participating in federal-aid projects.

California

In California, master agreements are established between local agencies and the state as part of the certification process. Before a local agency can receive federal funds, a master agreement must be entered into after a state audit. The master agreement outlines all federal regulations that must be met before project completion. Once the agency is certified, it assumes additional responsibilities throughout the project delivery procedure. Caltrans identified the use of master agreements as a streamlining practice, cutting costs by delegating responsibility. If a local agency does not implement projects in a manner satisfactory to the state, a letter requesting a change in procedure will be sent as a warning that the agency’s certification status can be revoked.

Oregon

Oregon has a certification process similar to the WSDOT certification process. The DOT interviews a local agency, outlining expectations. The DOT then applies in-depth oversight on four aggressive trial projects as training to handle the advanced responsibilities of a certified agency. In Oregon, no agency is currently fully certified, although 16 agencies are seeking certification from the state. Once

an agency is certified, contracts and the review process are handed over to the local agency. To revoke an agency's status for unsatisfactory work, a local agency would be informed of any deficiencies; it can regain certified status after these problems have been resolved.

COST REQUIREMENTS FOR SMALL-SCALE FEDERAL-AID PROGRAMS

One effective practice involves setting minimum costs for certain federal-aid programs, as cited through the survey and interview responses regarding state DOT-level policies. Table 13 displays the number of case-study states implementing various limits for key federal-aid programs. For the most part, states do not implement minimum costs for LPA projects. Of the ten states interviewed, the following are the only ones indicating that minimum project costs are being utilized: Iowa, Minnesota, North Dakota, and Oregon. Some states responded that this practice streamlines project delivery. In Oregon, this technique allows the DOT to focus on applications in more detail and creates a more predictable applicant pool.

With regard to the TE program specifically, instituting minimum costs led to a “better bang for the buck” for small-scale federal-aid projects. ODOT surmised that NSB projects would never be completed without a minimum cost requirement. Previously, many agencies were involved in smaller projects, adding complexity and creating delays and unnecessary costs.

Other states are implementing maximum project costs, primarily in an effort to spread federal funds throughout the state. In Iowa, an annual maximum of \$750,000 has been used for TE projects, whereas SRTS applicants may receive up to \$250,000 in federal funding. For the TE program, Iowa DOT separated the program into several categories (trails, scenic, environmental, historic, architectural, etc.) and subsequently placed the funding cap on applicants. For SRTS projects, the cap is placed because some local agencies submit many applications in an effort to secure as much funding as possible. Additionally, a project maximum of \$900,000 has been established by Caltrans for safety programs (HSIP, HRRR).

During the detailed interviews, some members of focus states were asked to comment on projects that take the longest

TABLE 13
NUMBER OF FOCUS STATES IMPLEMENTING MINIMUM PROJECT COSTS FOR SMALL-SCALE FEDERAL-AID PROJECTS

Federal-aid Program	Minimum Project Cost			
	No Limit	Less than \$50,000	\$50,000-\$100,000	\$100,000-\$500,000
CMAQ	9	0	1	0
HSIP/HRRR	9	1	0	0
NSB	9	0	1	0
RTP	8	2	0	0
SRTS	6	3	0	1
TE	7	2	0	1

TABLE 14
EFFECTIVE TOOLS USED TO STREAMLINE FEDERAL-AID PROJECT DELIVERY REPORTED BY FOCUS STATES

Streamlining Tool	Examples	States
Educational	FHWA participation in LPA training Multiagency review of LPA manuals Training on annual “high risk” topics Inclusion of consultants in training sessions	All focus states
Organizational	Multiple LPA contacts at DOT and FHWA Dedicated LPA staff at DOT central and district offices LPA certification/qualification program Online project management tools Prescreening applications for environmental issues Federal regulations checklist Selection of construction-ready projects for awarding federal funds	All focus states

amount of time to complete. In California, bridge projects face this dilemma regularly, mostly owing to the federal match requirement that many rural agencies cannot meet. The state has implemented a toll credit system to provide the match for off-system bridge projects. The toll credit was based on revenue from toll bridges across the state, allowing for Caltrans to provide a “soft match” to expedite project delivery.

SUMMARY

Table 14 presents the major findings of this chapter. More detailed organization of all the chapters is included in Table C1 in Appendix C.

CHAPTER FIVE

CONCLUSIONS

The responses provided by local program agency (LPA) program coordinators in the ten focus state departments of transportation (DOTs) provided valuable insight into how the federal-aid program is structured and implemented for small-scale projects. The report addresses how states have used flexibilities in federal requirements to establish streamlining practices that enable smoother project delivery. Many states are already engaged in using practices that they find effective, and this report synthesizes information on these practices as reported by the ten focus states. More than 50 interviews were conducted with the DOT LPA coordinators and other staff members in a variety of state agencies, metropolitan planning agencies, national interest groups, and local agencies. Information obtained in the interview sessions was used to acquire a more precise idea of the concerns and effective practices of LPA program participants across the study states. Overall, the synthesis found that DOTs have developed many methods for effective delivery of small-scale federal-aid projects, but no one state is employing all of these methods in their respective programs. Specific effective practices reported by focus states are presented per topic area in Table C1 in Appendix C.

OBSERVATIONS AND CONCLUSIONS

Based on the literature review, surveys, and interviews conducted during this study, the following general observations and conclusions can be made:

- Certification of small-scale federal-aid project sponsors was identified as an effective practice because it reduces some of the administrative burden on DOTs by placing more responsibility for project delivery on local agencies. The six focus states in this study that have an LPA certification process indicated that the states allow some larger local agencies (that are certified) to administer small-scale federal-aid projects on behalf of smaller agencies or nonprofit organizations that either are not certified or do not have the appropriate staff or adequate resources to conduct federal-aid projects. DOTs cited this approach as having a streamlining effect by allowing smaller agencies access to federal funds to produce projects that previously would not have been possible.
- Many DOTs consider their leadership of the National Environmental Policy Act (NEPA) phase of LPA projects as a streamlining practice, based on the higher level of familiarity of DOT staff with the environmental process. FHWA noted that if local agencies handle the NEPA process themselves, additional time and money can accumulate quickly. All states included in the case study have an environmental staff member who works with local agencies, providing guidance throughout the NEPA process, and potentially someone similar from the right-of-way office for real estate acquisition and appraisals.
- Some DOTs mentioned that the use of programmatic agreements between agencies expedites the environmental process on small-scale federal-aid projects. Agreements created for completing environmental actions related to Section 106, endangered species, and categorical exclusions for off-system projects are just some examples. This practice is used primarily for projects that incur very little impact to the socioeconomic or natural environment, such as replacing traffic signs, pavement maintenance or preservation activities, and signalization-related projects. The agreements significantly reduce the number and complexity of environmental studies and associated paperwork required to obtain the clearance to move ahead with final design and construction phases of project delivery.
- Several effective practices reported involved the orchestration of federal, state, and local funding. Many survey respondents cited effectively securing federal funding for small-scale projects through the creation of a uniform documented process (e.g., an organized step-by-step approach that ensures all federal approvals are met before proceeding to the next step, etc.) during the project selection phase. Another effective practice reported entails ensuring that local funding matches are available before projects are selected for implementation. Pennsylvania highlighted the use of local money to complete design work in order to alleviate the design agreements and other documentation that tend to slow down the design process. In California, state law requires the swapping of state funds to cover the federal share for a certain amount of rural county Surface Transportation Program projects, relieving small-scale projects from the administrative burden rendered from some of the federal-aid requirements. Iowa uses a state match rather than a local agency match in federal-aid programs so its state-aid funding is not held up.

- DOTs strongly stressed the effectiveness of holding early and frequent project meetings with local agencies to ensure that they get off to a successful start. Continual periodic status meetings are held to ensure that LPA projects are developing in the most efficient manner possible, particularly because other competing regional projects and priorities can cause a small-scale project to become lost among projects of higher priorities. Status meetings were reported to help project sponsors and their teams stay on target because LPA projects have historically taken much longer to complete when the sponsor is not very involved.
- To ensure that federal regulations for the LPA program are being met consistently, many DOTs have identified recurring training sessions as an effective practice for project delivery. Another effective practice demonstrated by most states is to hold “as-needed” training sessions to address any particular concerns a local agency may have during project implementation.
- An effective practice for project delivery involves generating checklists to specifically identify what is expected and required of a local agency in each phase of a particular project. Throughout the survey analysis and focus state interviews, it became evident that checklists exist in virtually every phase of a project in at least one state, demonstrating the process as widespread among the study states. In many cases, the use of simplified checklists for different stages of project delivery has been shown to improve local agency understanding of what is required of them per each project phase in terms of schedule and federal requirements.
- Inconsistencies between the interpretation and the implementation of regulatory requirements were identified as an issue, but the level of concern varied from state to state. Ongoing and open communications between LPAs, their state DOT, and the FHWA Division Office is the key to clarifying the interpretation of regulations, resolving differing expectations, and implementing best practices and/or streamlining the process. It was noted that DOT respondents from states with smaller programs indicated better success with minimizing the potential for variable interpretation of federal regulations, followed by subsequent rapid corrective action when irregularities arise.
- The focus states that allow the tying together, or bundling, of several small LPA projects into a single larger project at any phase of project delivery consistently highlighted this approach as an effective practice to getting small projects built efficiently. This approach was cited as particularly useful when dealing with funding programs that have expedited obligation and expenditure requirements, such as American Recovery and Reinvestment Act.
- Many of the focus states allow local agencies to use their own materials or construction specifications and design standards for roadways off the National Highway

System and state systems, as preapproved by the DOT. Some DOTs created specifications for local agencies to use directly without going through the specification approval process. This process was reported as saving time and reducing costs to local agencies because, under this approach, they would not be required to use more complex state specifications or to hire DOT-qualified design consultants or materials testing laboratories.

FURTHER RESEARCH

One purpose of this study was to identify gaps in the knowledge about the effective delivery of small-scale federal-aid projects and indicate possible research to address them. Seven major research needs are presented:

- Responses were consistent among the ten states regarding the application of federal regulations. In each case, the federal regulations were applied consistently; that is, a distinction typically was not made between the application of federal regulations on off-system projects and the application of regulations on those projects that are within the right-of-way of federal-aid routes. The common reason given by focus states was that the potential confusion generated by making the distinction would outweigh the benefits of any off-system streamlining measures. However, it is important to investigate the impacts of allowing flexibilities whenever possible.
- Focus states cited various funding issues as impeding the efficient delivery of small-scale federal-aid projects. Future studies could outline current practices of using state-aid in lieu of federal-aid funds and other innovative methods of project financing, including details on state legislation that allow this practice.
- A majority of the focus states indicated that bridge projects overwhelmingly take the longest time to complete, closely followed by Transportation Enhancement activities, High Priority Projects, and congressionally authorized projects or earmarks. A study to explore why and how these projects become the most time-consuming could create opportunities for finding solutions to delivering them more efficiently in the future.
- A future synthesis topic could explore effective practices used at the local agency level for procuring and efficiently using federal funds for local agency projects. The synthesis could survey both larger and smaller local agencies in states that have certification programs. It could include interviews with local agencies to focus on successful practices that local agencies have used to obtain federal funds, innovative ways to provide their limited match funds, and approaches to delivering projects on-time and on-budget despite staff turnover and shortages. It would also provide an opportunity to evaluate and assess certification programs to view the performance results of some of these programs.

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GLOSSARY

ADA	Americans with Disabilities Act	LTAP	Local Technical Assistance Program
ADHS	Appalachian Development Highway System Program	Mn/DOT	Minnesota Department of Transportation
ARRA	American Recovery and Reinvestment Act	MPO	metropolitan planning organization
ARC	Appalachian Regional Commission	NEPA	National Environmental Policy Act
Caltrans	California Transit System	NHS	National Highway System
CE	categorical exclusion	NSB	National Scenic Byways Program
CFR	Code of Federal Regulations	NTPP	Nonmotorized Transportation Pilot Program
CMAQ	Congestion Mitigation and Air Quality Improvement Program	ODOT	Oregon Department of Transportation
DBE	Disadvantaged Business Enterprise	Ohio DOT	Ohio Department of Transportation
DelDOT	Delaware Department of Transportation	Penn DOT	Pennsylvania Department of Transportation
DNREC	Delaware Natural Resources and Environmental Conservation	RFP	request for proposal
DVRPC	Delaware Valley Regional Planning Commission	ROW	right-of-way
DOT	State Department of Transportation (state highway agency)	RPA	regional planning administration
EIS	Environmental Impact Statement	RSTP	Regional Surface Transportation Program
FBD	Ferry Boat Discretionary Program	RTP	Recreational Trails Program
FDOT	Florida Department of Transportation	SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
H&LP	Highways and Local Programs Division	SRTS	Safe Routes to School Program
HPP	High Priority Projects	STIP	Statewide Transportation Improvement Program
HRRR	High Risk Rural Roads Program	TE	Transportation Enhancements Activities
HSIP	Highway Safety Improvement Program	VDOT	Virginia Department of Transportation
LPA	Local Public Agency (county, township, city, town, village, etc.)	WSDOT	Washington State Department of Transportation

APPENDIX A

Survey Questionnaire

NCHRP Synthesis Topic 41-02: Effective Delivery of Small-Scale Federal-aid Projects

INTRODUCTION/BACKGROUND

The purpose of this questionnaire is to gather information on approaches used to promote effective delivery of small-scale federal-aid projects. It seeks to organize documented experience with streamlining practices that encourage more efficient use of federal-aid programs. It is anticipated that the synthesis will help transportation agencies address the challenges in effectively administering the Local Public Agencies (LPA) program. Some streamlining techniques may include innovative approaches related to environmental commitments, right-of-way concerns, time-sensitive stakeholder issues and concurrence, permitting, certifying local agencies, etc. Ten state departments of transportation (DOTs) that represent a variety of LPA program features were selected for the survey. The states identified were California, Delaware, Florida, Iowa, Minnesota, North Dakota, Ohio, Oregon, Pennsylvania, and Washington. The results of the study will be a synthesis of highway, resource, and local agency experience with streamlining practices that have produced successful LPA project delivery.

DEFINITIONS

Small-Scale: Any local agency, or other applicant, project with federal fund participation up to \$300,000.

Federal-aid projects: Any projects that use federal-aid highway program funds, both on and off the federal-aid system, on and off the National Highway System (NHS), on and off highway right-of-way (ROW); including all phases of project delivery (planning through project close-out and reimbursement).

Please identify your contact information. If you are not the appropriate person to complete the survey, please forward it on to the right staff with a cc. to Dr. Leslie McCarthy (leslie.mccarthy@villanova.edu).

Name: _____

Title, Agency: _____

Address: _____

City: _____ State: _____

ZIP: _____

Tel: _____ E-mail: _____

LIST OF ABBREVIATIONS

- ADA—Americans with Disabilities Act
- ADHS — Appalachian Development Highway System Program
- ARRA—American Recovery and Reinvestment Act
- CE— Categorical Exclusion
- CFR—Code of Federal Regulations
- CMAQ—Congestion Mitigation and Air Quality Improvement Program
- DBE—Disadvantaged Business Enterprise
- DEP—State Department of Environmental Protection
- DNR—Department of Natural Resources, state park and recreation agency, or equivalent agency responsible for the Recreational Trails Program or recreation-related programs funded in part through other federal agencies.
- DOT—State Department of Transportation (state highway agency)
- EA—Environmental Assessment
- EIS—Environmental Impact Statement
- FBFT — Ferry Boats and Ferry Terminals Program
- FHWA—Federal Highway Administration
- F&W—State Department of Fish and Wildlife; U.S. Fish and Wildlife Service
- HPP— High Priority Projects
- HRRR— High Risk Rural Roads Program
- HSIP—Highway Safety Improvement Program
- LPA— Local Public Agency (county, township, city, town, village, etc.)
- LTAP—Local Technical Assistant Program
- MOT—Maintenance of Traffic
- MPO—Metropolitan planning organization
- NEPA—National Environmental Policy Act
- NHS—National Highway System
- NSB— National Scenic Byways Program
- NPS— National Park Service
- NTPP— Nonmotorized Transportation Pilot Program (instituted in CA, MN, MO, and WI)
- OSB—Off-system bridges
- ROW— Right-of-Way
- RSTP— Regional Surface Transportation Program
- RTP— Recreational Trails Program
- SEP— Special Experimental Project
- SHPO— State Historic Preservation Officer

SRTS— Safe Routes to School Program

STIP— Statewide Transportation Improvement Program

TCSP—Transportation, Community, and System Preservation Program

TE—Transportation Enhancements Activities

TIP—Transportation Improvement Program

USCG—U.S. Coast Guard

USCOE— U.S. Corps of Engineers

USDA-FS—U.S. Department of Agriculture Forest Service

WMD— State or regional Water Management District

The following survey questionnaire is intended to establish a **baseline regarding current practices for the efficient delivery of small-scale federal-aid projects**. The questions address current practice.

Administration of LPA Program

The questions in this section relate to the administration of the local public agency (LPA) program in your state:

Question		Response		
1	How is your state DOT structured to handle LPA programs and projects?	<input type="checkbox"/> Central office only <input type="checkbox"/> Central office & District office <input type="checkbox"/> District office only <input type="checkbox"/> Other (please specify):	Comments:	
2	Estimate the number (in percent) of LPA projects receiving less than \$300,000 in federal funding.	<input type="checkbox"/> 0–25% <input type="checkbox"/> 25–50% <input type="checkbox"/> 50–75% <input type="checkbox"/> 75–100%	Comments:	
3	What is the typical <u>minimum project cost</u> used to determine eligibility for federal funding for each of the specific programs listed: If not applicable, skip to Question 4 Is there a noticeable streamlining effect based on the use of minimum project cost? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	TE	<input type="checkbox"/> No limit <input type="checkbox"/> ≤ \$50,000 <input type="checkbox"/> \$50,000–\$100,000 <input type="checkbox"/> \$100,000–\$500,000 <input type="checkbox"/> \$500,000–\$1,000,000	Comments:
		RTP	<input type="checkbox"/> No limit <input type="checkbox"/> ≤ \$50,000 <input type="checkbox"/> \$50,000–\$100,000 <input type="checkbox"/> \$100,000–\$500,000 <input type="checkbox"/> \$500,000–\$1,000,000	Comments:
		SRTS	<input type="checkbox"/> No limit <input type="checkbox"/> ≤ \$50,000 <input type="checkbox"/> \$50,000–\$100,000 <input type="checkbox"/> \$100,000–\$500,000 <input type="checkbox"/> \$500,000–\$1,000,000	Comments:
		HSIP/HRRR	<input type="checkbox"/> No limit <input type="checkbox"/> ≤ \$50,000 <input type="checkbox"/> \$50,000–\$100,000 <input type="checkbox"/> \$100,000–\$500,000 <input type="checkbox"/> \$500,000–\$1,000,000	Comments:
		CMAQ	<input type="checkbox"/> No limit <input type="checkbox"/> ≤ \$50,000 <input type="checkbox"/> \$50,000–\$100,000 <input type="checkbox"/> \$100,000–\$500,000 <input type="checkbox"/> \$500,000–\$1,000,000	Comments:
		NSB	<input type="checkbox"/> No limit <input type="checkbox"/> ≤ \$50,000 <input type="checkbox"/> \$50,000–\$100,000 <input type="checkbox"/> \$100,000–\$500,000 <input type="checkbox"/> \$500,000–\$1,000,000	Comments:
4	Does your state have a policy that limits the <u>maximum cost allowed</u> for projects in each of the specific programs listed: If not applicable, skip to Question 5	TE	<input type="checkbox"/> Maximum limit of \$ <input type="checkbox"/> Not applicable	Comments:
		RTP	<input type="checkbox"/> Maximum limit of \$ <input type="checkbox"/> Not applicable	Comments:
		SRTS	<input type="checkbox"/> Maximum limit of \$ <input type="checkbox"/> Not applicable	Comments:
		HSIP	<input type="checkbox"/> Maximum limit of \$ <input type="checkbox"/> Not applicable	Comments:

Is there a noticeable streamlining effect based on the use of maximum cost limits? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	TE	<input type="checkbox"/> Maximum limit of \$ <input type="checkbox"/> Not applicable	Comments:
	RTP	<input type="checkbox"/> Maximum limit of \$ <input type="checkbox"/> Not applicable	Comments:
	SRTS	<input type="checkbox"/> Maximum limit of \$ <input type="checkbox"/> Not applicable	Comments:
	HSIP	<input type="checkbox"/> Maximum limit of \$ <input type="checkbox"/> Not applicable	Comments:
	HSIP/HRRR	<input type="checkbox"/> Maximum limit of \$ <input type="checkbox"/> Not applicable	Comments:
	CMAQ	<input type="checkbox"/> Maximum limit of \$ <input type="checkbox"/> Not applicable	Comments:
	NSB	<input type="checkbox"/> Maximum limit of \$ <input type="checkbox"/> Not applicable	Comments:
5	Are any of the following documents used by your state DOT to help in promoting efficient delivery of small-scale projects? (check all that apply)	<input type="checkbox"/> Stewardship and oversight plans (DOT-LPA) <input type="checkbox"/> Stewardship and oversight plans (FHWA-DOT) <input type="checkbox"/> Memoranda of understanding <input type="checkbox"/> Programmatic agreements or joint project agreements (JPA) <input type="checkbox"/> Checklists <input type="checkbox"/> DOT-generated local agency specifications or design standards <input type="checkbox"/> Project management tools or databases for DOT/LPA use in project delivery	Please send representative example of each document cited to Villanova team
6	Does your state DOT combine or "bundle" projects in any of the following project delivery phases? (check all that apply)	Planning (TIP/STIP) phase? <input type="checkbox"/> Yes <input type="checkbox"/> No Environmental phase? <input type="checkbox"/> Yes <input type="checkbox"/> No Design phase? <input type="checkbox"/> Yes <input type="checkbox"/> No Construction/inspection phase? <input type="checkbox"/> Yes <input type="checkbox"/> No Close-out/reimbursement phase? <input type="checkbox"/> Yes <input type="checkbox"/> No Permitting? <input type="checkbox"/> Yes <input type="checkbox"/> No	Comments:

Training

The following questions relate to LPA program training provided by your state DOT:

Question	Response
7 How would you generally rate LPA applicants' (or their consultants') knowledge of the following federal regulations that apply to LPA program? Title 23 CFR (low bid, SEP approval, etc.) FHWA 1273 (federal contract provisions) National Environmental Policy Act Uniform Act Title VI and Title VII	Note: 1 = (completely unfamiliar) 2 = (vaguely familiar; e.g., "heard the terms") 3 = (working knowledge but rely heavily on DOT) 4 = (well-versed with occasional assistance from DOT) 5 = (intimately familiar, no assistance from DOT) Knowledge level <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 Knowledge level <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 Knowledge level <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 Knowledge level <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5
8 Does your state DOT have a formal LPA manual?	<input type="checkbox"/> Yes <input type="checkbox"/> No (if "No," proceed to #14)
9 If you answered "Yes" to Question 8, is it available online?	<input type="checkbox"/> Yes (please provide link) <input type="checkbox"/> No (please provide hard copy to Villanova team)
10 How often is the manual formally updated?	<input type="checkbox"/> Every 1-2 years <input type="checkbox"/> Every 3-5 years <input type="checkbox"/> Every 5-10 years <input type="checkbox"/> Regular updates by chapter <input type="checkbox"/> Not yet updated <input type="checkbox"/> No formal plan for update
11 Is the manual reviewed and commented on by staff in any organizations/offices listed, per the timing indicated in Question 10? (check all that apply)	<input type="checkbox"/> FHWA Division Office <input type="checkbox"/> DOT Safety Office <input type="checkbox"/> Local Agencies <input type="checkbox"/> DOT District Offices <input type="checkbox"/> State Association of County Engineers <input type="checkbox"/> Public/other stakeholders <input type="checkbox"/> Resource Agencies (DEP, DNR, SHPO) <input type="checkbox"/> Consultants

12	Is training available on your LPA manual? (check all that apply)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Upon request <input type="checkbox"/> In person <input type="checkbox"/> Available online <input type="checkbox"/> Routinely held
13	Who is the audience for LPA manual training? (check all that apply)	<input type="checkbox"/> Local agencies <input type="checkbox"/> Resource groups <input type="checkbox"/> Nonprofit/other groups <input type="checkbox"/> DOT personnel <input type="checkbox"/> Public/stakeholders <input type="checkbox"/> Elected officials <input type="checkbox"/> Consultants <input type="checkbox"/> Not applicable	Comments:
14	Who delivers your state's training related to the LPA program? (check all that apply)	<input type="checkbox"/> DOT Central office <input type="checkbox"/> DOT District office <input type="checkbox"/> LTAP Center <input type="checkbox"/> State Association of County Engineers <input type="checkbox"/> Consultants <input type="checkbox"/> Other	Comments:
15	Does the training your DOT offers include the following topics related to the LPA process? (check all that apply)	<input type="checkbox"/> Eligibility requirements <input type="checkbox"/> Risk assessment for identifying candidate projects <input type="checkbox"/> Program definitions <input type="checkbox"/> State requirements <input type="checkbox"/> Federal-aid requirements <input type="checkbox"/> Quality control <input type="checkbox"/> Reimbursement process <input type="checkbox"/> Federal-aid 101 <input type="checkbox"/> Not applicable	
16	Do training workshops that your state offers cover specific details of federal-aid programs?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Comments:
17	If you answered "yes" to Question 16, which federal-aid programs are covered during the training? (If other, indicate in the comments.)	<input type="checkbox"/> TE <input type="checkbox"/> SRTS <input type="checkbox"/> NSB, FBFT <input type="checkbox"/> HSIP, HRRR <input type="checkbox"/> CMAQ/RSTP <input type="checkbox"/> RTP <input type="checkbox"/> TCSP <input type="checkbox"/> Standard Surface Transportation Projects (e.g., road widening, overlays) <input type="checkbox"/> Bridge Projects (repair, reconstruction, OSB) <input type="checkbox"/> Accessibility (sidewalks, curbs, ADA) <input type="checkbox"/> HPP; congressionally authorized projects <input type="checkbox"/> Other congressional earmarks <input type="checkbox"/> ARRA <input type="checkbox"/> NTPP (applies only for MN and CA) <input type="checkbox"/> ADHS (applies only for PA and OH) <input type="checkbox"/> Other (please specify): <input type="checkbox"/> Not applicable	

Certification Process

The following questions pertain to measures taken by the state DOT to administer and monitor a certification or prequalification process for local agencies or other participating groups applying for federal-aid funds. A certification or prequalification process may describe a state DOT's organizational effort to speed up portions of the approval process by prequalifying LPA applicants and/or reducing DOT oversight on those applicants on future projects:

	Question	Response
18	Is there a local agency certification process or qualification program in your state?	<input type="checkbox"/> Yes <input type="checkbox"/> No (if "No," then proceed to Question #21)
19	If you answered "Yes" to Question 18, do you find that it streamlines the delivery of small-scale federal-aid projects?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Comments:

Project Selection and Oversight

The following questions relate to any project selection and oversight practices currently executed by your state DOT. Questions in this section will also seek to address measures taken for the application of risk assessment in LPA program:

Question	Response																																																																																													
20 Is DOT assistance available to LPA applicants in conducting the project selection process? (check all that apply)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Upon request <input type="checkbox"/> Scheduled information sessions <input type="checkbox"/> Available online <input type="checkbox"/> Routine training <input type="checkbox"/> Written guidance documents																																																																																												
21 Do the MPOs in your state have individual documented processes of how they prioritize LPA projects to receive federal-aid funds?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Comments:																																																																																												
22 Which of the characteristics listed cause a small-scale federal-aid project to be more at risk (e.g., more complicated to deliver or considered "high profile")? (check all that apply) Please rank the level of risk for each box you have checked: 1 = No risk 2 = Low risk 3 = Moderate risk 4 = High risk 5 = Very high risk	<table border="0"> <tr> <td><input type="checkbox"/> Timing to project completion</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td><input type="checkbox"/> MOT cost/complexity</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td><input type="checkbox"/> ROW purchase needed</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td><input type="checkbox"/> Total cost of project</td> <td><input 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23 Is some form of risk assessment done by your state DOT in selecting LPA projects?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know	done by MPOs? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know	done by LPAs? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know																																																																																											
24 Does a decision matrix exist that helps your DOT rate the level of oversight required on small-scale federal-aid projects?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know	Comments: Please send example of document to Villanova team																																																																																												
25 In your state, which LPA projects that use federal-aid tend to take the longest to complete? (check all that apply)	<input type="checkbox"/> RTP <input type="checkbox"/> NSB, FBFT <input type="checkbox"/> TE <input type="checkbox"/> Safety (HSIP, HRRR) <input type="checkbox"/> SRTS <input type="checkbox"/> CMAQ/RSTP <input type="checkbox"/> Standard Surface Transportation Projects (e.g., road widening, overlays) <input type="checkbox"/> Bridge Projects (repair, reconstruction, OSB) <input type="checkbox"/> Accessibility (sidewalks, curbs, ADA) <input type="checkbox"/> HPP; congressionally authorized projects <input type="checkbox"/> Other congressional earmarks <input type="checkbox"/> NTPP (applies only for MN and CA) <input type="checkbox"/> ADHS (applies only for PA and OH) <input type="checkbox"/> Other (please specify):																																																																																													
26 Estimate the typical total length of time																																																																																														

	<p><u>in years</u> to deliver (from planning to close-out) each of the following projects:</p> <p>Note: Consulting your DOT Financial Management Office may help with finding these estimates from a database such as your state's federal authorization management system</p>	RTP: _____ years
		NSB, FBFT: _____ years
		TE Activities: _____ years
		SRTS: _____ years
		HSIP, HRRR: _____ years Please provide HSIP/HRRR Program administrator name/phone number/email:
		CMAQ/RSTP: _____ years Please provide CMAQ/RSTP Program administrator name/phone number/email:
		ADHS: _____ years (applies only for PA and OH) Please provide ADHS Program administrator name/phone number/e-mail:
		NTPP: _____ years (applies only for MN and CA)
27	If there is <u>one obstacle to streamlining</u> delivery of small-scale federal-aid projects that you could remove, what would it be?	Comments:
28	List one or two practices that your state DOT (or another agency) has found most effective <u>for streamlining delivery</u> of small-scale federal-aid projects.	Comments:
29	List one or two practices that your state DOT (or another agency) has found most effective <u>in securing federal funding</u> for small-scale federal-aid projects.	Comments:

The survey is complete. Thank you very much for your contribution. At the conclusion of the study, you will be provided a link to the final report.

Leslie McCarthy, Ph.D., P.E.
Principal Investigator
Villanova University
(610) 519-7917
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APPENDIX B

Focus State Interview Guides

Four types of structured interviews were conducted with the ten focus states as the more in-depth portion of this research. The first was with the state department of transportation (DOT) LPA personnel who participated in the completion of the written survey questionnaire. The second was with personnel from resource agencies that participate in the administration and delivery of small-scale federal-aid projects. The third was with personnel from various DOT program offices, such as Design and Construction, at the central or district office, as applicable. The fourth was with personnel from FHWA division offices. The structured interview questions are presented in the following sections to this appendix.

FOCUS STATE DOT LPA STRUCTURED INTERVIEWS

NCHRP 41-02: State DOT LPA Coordinators

CONDITIONS: The following questions are intended to guide the interview discussion toward pertinent topics. They have been selected due to their aptitude to prompt more detailed discussion and to keep the written survey questionnaire to a manageable size. It should be noted that not all questions applied in each situation and that this document serves as a clearinghouse of questions meant to guide the interviews.

The following questions pertain to streamlining practices related to the LPA program:

1. Are there interpretations of federal policy that present challenges to streamlining? Y/N
 - Which regulations specifically present a challenge to the efficiency of LPA program (e.g., Davis-Bacon wage rates, Buy America, Uniform Act, NEPA, etc.)?
 - What justifications are there for policy changes or agency enforcement of streamlining practices?
2. What changes to the LPA process would improve the efficiency of small-scale projects?
3. How do the DOT and FHWA work together to get small-scale projects federally funded?
 - Are there communication or organizational efficiencies created for this purpose?
 - How do you work with MPOs to encourage successful application of federal funds on specific federal-aid programs (HSIP, SRTS, RTP, TE, etc.)?
4. What measures are taken in your state to ensure that local agencies, state DOT, and FHWA employees are interpreting regulations (as they affect small-scale project delivery) in a similar manner?
5. How has your state explored or implemented “off-system” streamlining measures—have they been used?
 - If so, what has been the outcome?
 - If so, in which federal-aid programs specifically (RTP, TE activities, SRTS, etc.)?
6. When an inconsistency is found among flexibility provisions, what recourse is available to the LPA or state DOT to resolve the problem? (transferability?)
7. Is your DOT aware that some flexibilities may require state legislation to be encouraged?
8. What streamlining (efficiency) strategies has your state implemented?
 - Which have been successful? Which have not?

- Do you have relevant examples of cutting costs by streamlining and standardizing certain procedures to make project delivery simpler?
9. Is the Common Rule used for off-ROW, RTP, and TE projects? (Y/N/don't know)
- If you answered "yes" in Question 8 above, does its use have a streamlining effect in project delivery? (Y/N/don't know)

[For definition of Common Rule, see last portion of this document]

The following questions pertain to the oversight of the LPA program:

1. How would you rate the consistency in the administration of federal-aid programs within your state, as they relate to LPA?
2. What are some characteristics of effective small-scale project delivery? Are they rare? If so, why?
 - What measures are used in your state to reduce small-scale project inefficiencies?
3. What are some criteria used by your DOT staff in deciding which small-scale projects to dedicate more time/effort to for "hands-on" oversight?

The following questions pertain to the structure of the LPA program:

1. What do you see as the roles of the federal, state, and local agencies in the LPA process?
2. Does your state DOT delegate responsibilities (all or in part) to local agency during any project delivery phase in an attempt to streamline the process? Y/N

(check all that apply)

- Planning
 - Right-of-Way
 - Environmental
 - Design
 - Construction/Inspections
3. Do local agencies exist in your state that refuse to use federal funding? If so, why? Y/N
 4. How have you included nonprofit/for-profit organizations in the process?

Further questions relating to Certification, depending on the state's answer to #19 in the Survey:

5. If your state has a Certification Process for LPAs, what exactly do they need to provide to acquire certification?
6. If your DOT has a LPA Certification Process, what does being certified mean in terms of delegating level of authority and streamlining projects delivery?
7. Can LPA certification be revoked? Y/N
8. Does a process exist for recertification once revoked? Y/N What does process involve exactly?
9. Does your state include a process for periodic recertification (without revocation)?

The following questions pertain to development or design issues that may impact small-scale projects:

1. What challenges has your state found in trying to implement environmental document “bundling”? How have you overcome these challenges, either organizationally, legislatively, or otherwise?

The following questions pertain to contract issues that may impact small-scale projects:

1. Has your DOT used the Common Rule for procurement? Y/N/don’t know
 - What elements of state DOT procurement help streamline the process?

Definition of Common Rule {from OMB Circular A-102}

Common Rule: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. “Common” Federal Government-wide Regulation Addressed to State and Local Government Grantees. The Common Rule Preamble states the following Federalism Grant Administration Implications:

- States should be given the maximum administrative discretion possible with respect to national programs they administer
- States will expend and account for federal grant funds according to their own laws and procedures
- Local governments will administer federal “pass through” funds sub-granted from a state according to state laws and procedures.

FOCUS STATE RESOURCE AGENCY STRUCTURED INTERVIEWS

NCHRP 41-02: State Recreational Trails Program Coordinator

CONDITIONS: The questions presented are to be used in interviews with state Recreational Trails Program coordinators (Parks & Recreation Department, Recreation & Conservation, Department of Natural Resources & Conservation, etc.) regarding discussion on the administration of the Recreational Trails Program (RTP) and streamlining efforts identified by each agency.

1. Estimate the typical total length of time in years to deliver (from planning to closeout) a Recreational Trails project administered by a local agency or non-profit group.
2. How have you included nonprofit/for-profit organizations in the process?
3. Do you require accommodations for nonmotorized transportation (bikes, pedestrians) in the design of RTP projects?
Y/N
 - If “Yes,” have you found a way to implement these requirements in an efficient manner? How?
4. If there is one obstacle to streamlining delivery of small-scale RTP projects that you could remove, what would it be?
5. List one or two practices that your Agency has found most effective for streamlining delivery of small-scale RTP projects.

FOCUS STATE DOT PROGRAM OFFICE STRUCTURED INTERVIEWS

NCHRP 41-02: State DOT Design or Construction Staff

CONDITIONS: The questions presented are to be used to guide interviews with representatives from DOT Central Offices or District Office Design and Construction Engineers regarding discussion on the design, construction, and close-out phases of small-scale federal-aid projects and streamlining efforts identified by each agency.

1. Do you require accommodations for non-motorized transportation (bikes, pedestrians) in any small-scale LPA design projects? Y/N
 - If “Yes,” have you found a way to implement these requirements in an efficient manner? How?
2. What are some innovative approaches your DOT takes to helping LPAs meet Americans with Disabilities Act (ADA) accommodations in applicable small-scale projects?
3. Who at your DOT provides oversight of LPA program by helping to ensure compliance from the outset with federal requirements, such as:
 - Buy America (steel and iron products permanently incorporated into project)
 - Inclusion of FHWA 1273 in LPA contracts
 - Provisions in bid documents for change orders & claims
 - Provisions to prohibit use of convict-produced materials/labor
 - DOT Approval of Public Interest Finding for proprietary products
 - DOT Approval of Cost Effectiveness Finding for force account labor (use of LPA forces)
4. Is a consistent process implemented by your DOT to ensure timely final inspection of LPA projects? Y/N:
 - Who at your DOT does the final inspections? (You, District staff, Consultant staff)?
 - How do you decide which small-scale projects warrant a detailed final inspection and which LPA projects only need a “windshield” inspection?
5. Are independent assurance (IA) reviews conducted on small-scale projects in your state? Y/N
 - If so, how are they structured? How do you decide which LPAs or projects to target?
 - How often are they conducted?
 - How do you feel they contribute to streamlining the LPA program as a whole?
6. Does a process exist at your state DOT for validation of payment quantities on small-scale projects? Y/N
7. How often are pay quantities documented for small-scale projects?
 - Not documented
 - Daily
 - Weekly
 - Monthly
 - Quarterly
 - Annually
 - At close-out only
 - Depends on size/complexity/budget of project
 - In your estimation, does this process contribute to any streamlining of LPA project completion on the back-end?
8. What types of small-scale projects does the DOT deem that project-level quality assurance is necessary?

FOCUS STATE FHWA DIVISION OFFICE STRUCTURED INTERVIEWS

NCHRP 41-02: FHWA Division Office LPA Contact

CONDITIONS: The questions presented are to be used to guide interviews with FHWA Division Office staff responsible through collateral duties for the LPA program.

1. How many people in your Division Office are routinely involved in the LPA program?
2. How do you decide which parts of the LPA program to apply oversight on?
 - a. Is your decision criteria by project phase, project complexity, project cost, project type (specific such as HSIP/ SRTS/RTP/TE, etc., or routine federal aid) or a combination of these factors?
3. What specific actions has your Division Office taken to assist the state in administering small-scale projects more efficiently and cost effectively?
4. How do you work with DOT or MPOs to encourage successful application of federal funds on specific federal-aid programs (HSIP, SRTS, RTP, TE, etc.)?
5. Has your Division Office allowed grouping small-scale projects under a single environmental document to satisfy the NEPA process?
 - a. Through a joint project agreement (JPA) per each specific project?
6. How does your Division ensure that regulations are being interpreted correctly?

How does your Division ensure requirements are implemented only where necessary, rather than blanket (across-the-board)?

APPENDIX C

Specific Effective Practices Identified by Focus States

The specific examples for effective practices from each of the ten focus states are presented in the following summary table.

TABLE C1
SPECIFIC PRACTICES FOR EFFECTIVE DELIVERY OF SMALL-SCALE FEDERAL-AID PROJECTS IDENTIFIED BY FOCUS STATES

Effective Practice	State	Description of Practice
Resource Allocation (Risk)	DE	DelDOT insists on handling all phases of work throughout the project. This practice allows the local agencies to focus more of their efforts on the planning process.
	FL	The FHWA-FL division has organized an approach to evaluate projects that were “high risk,” to handle the large number of state ARRA projects. Attributes of “high risk” projects included (a) projects assigned to a LPA that had not done a federally funded project before, (b) the size of project cost, (c) the work type or complexity of the project (e.g., bridge replacement vs. a bike trail), and (d) projects with congressional interest.
	MN	Mn/DOT allows STIP amendments to combine two LPA projects for one approval. This practice moves the amendment process more efficiently.
	ND	FWHA-ND completed a joint review of the Recreational Trails Program with NDDOT. The collaboration resulted in a more effective LPA project application process and limited the risk of having projects result in becoming federal nonparticipating projects.
	NJ	NJDOT avoids any projects that require environmental assessments in an effort to move through the implementation process more quickly.
Funding Assignment	OR	Project batching: ODOT will send out multiple (10 to 15) project agreements to local agencies at one time with a required signing deadline. If the local agency does not meet the deadline, the project may have its funding pulled. This practice has been effective in the project agreement process.
	CA	Fund swapping: the rural counties of California have been able to use state funding instead of federal funding. This practice relieves the small-scale projects of some of the time- or resource-intensive federal regulations.
	DE	ROW donations: DelDOT requires ROW donations (of already purchased land) from the project sponsors. To streamline the delivery of the ROW phase, DelDOT will help process the required paperwork on behalf of the sponsor.
	AL	Alabama DOT uses force accounts for construction work. This allows them to pay on the basis of the time taken and the materials used to complete the project.
	MI	Michigan DOT allows the applications for projects that were not selected to receive funding for HRRP to be rolled over and considered for funding instead as a HSIP project.
	MN	Mn/DOT implements a process of submitting one application to be considered for all safety projects, regardless of the funding source. This greatly reduces the need for additional resources from both the DOT and the LPA.
	IA	Iowa DOT permits local agencies to receive money from only one federal grant program per year because five to fifteen times the number of projects are requested, as compared to the funding that is available. Also, state match rather than local match allowed in federal-aid programs to reduce the potential for state aid being tied up. Upper limit of \$750,000 on TE activities projects to help LPAs build reasonable estimates and avoid cost-overruns.
Project Selection	PA	Toll credits: This practice consists of using the collected toll credits from the state as a local funding match to aid the LPAs. By using the local dollars for design work, it facilitates the project design as closer to completion before Federal funds are distributed.
	CA	Caltrans will group projects with similar conditions (sidewalks, signal upgrades, pavement preservation, etc.) under a single item in the STIP. This allows for flexibility when a need arises to update the funding level allocated to the project in the original STIP.
	ND	Annual workshops: Once a year, NDDOT holds a 2- to 3-day workshop to discuss a “wish list” of projects for the upcoming 5 years. Local agencies aid in both training and project selection. NDDOT also organizes selection meetings with the ND Association of County Engineers.
Project Organization	PA	Construction-ready projects are selected to decrease any problems with a project in the preconstruction phase.
	FL	FDOT has developed an informational tool for LPAs known as LAPIT. The goal of this tool is to track all LPA projects in Florida in real-time. LAPIT allows for consistent record-keeping and project tracking.
	OR	Project bundling: This effective practice allows multiple projects to be bundled under one broader environmental document. This practice has caused an estimated cost savings between \$300,000 to \$500,000 and a time savings of between 8 and 10 months.

Continued on p.63

Continued from p.62

	WA	WSDOT has a certification process that allows non-certified agencies to conduct some projects through programs, such as National Scenic Byways or Safe Routes to School. This helps secure federal funds and ensures successful project completion, while making more funds available to more LPAs.
Project Delivery Management	FL	FDOT has developed a database for project management called the American Recovery and Reinvestment Act Tracking Tool. It was reported as instrumental in meeting the tight funding deadlines set by FHWA and provided efficient delivery of LPA projects funded by ARRA.
	IA	Iowa DOT has developed an online tool that stores comprehensive project, financial, and administrative data for various Federal-aid projects. The tool provides real-time status, project commitments, and project records and is reported to improve efficiency of project delivery.
	MN	Online memo writing service: The program allows LPAs to upload all information related to a specific project to an organized website portal. LPAs can access the program at any time from a remote computer, which helps to maintain organized records regardless of LPA staff turnover.
	WA	WSDOT regional offices perform detailed reviews on any contract or design plan from a non-certified agency. This allows them to delegate more responsibilities to the certified agencies to meet compliance with DBE and other federal requirements. This practice reported to help reduce the administrative burden on WSDOT.
Environmental Documents	ND, OH	The FHWA divisions in these two states have allowed programmatic categorical exclusions for certain types of work defined as low risk. Examples of types of work that fit into this agreement include roadway surface treatments, deck rehabilitation, mudjacking, fencing, signing, and rumble strips.
	MN	Mn/DOT provides the LPAs with environmental documentation for federal projects with minor impacts.
Standards and Specifications	DE	DelDOT provides LPAs with project checklists and program guidelines for TE projects.
	FL	FDOT provides LPAs with construction checklists, certification training opportunities, and simplified (less complex than FDOT) specifications for landscaping/asphalt/concrete/earthwork work items.
	ND	NDDOT provides LPAs with project delivery system reports that assist in keeping projects on track.
	WA	WSDOT provides LPAs with qualification forms and general specifications for materials such as asphalt.
Program Organization	MN	State Aid for Local Transportation (SALT) division of Mn/DOT was created to administer both federal and state funds to local governments. This division acts as liaison between Mn/DOT and the LPAs. SALT's success is based on its use of strong communication between the local governments and MNDOT.
	PA	PennDOT allows a MPO (Delaware Valley Regional Planning Commission) to administer the LPA program. This organizational strategy ensures that MPO staff that are more familiar with what is needed for LPA design process to screen potential projects seeking federal aid during the selection phase. This is reported to reduce the number of issues with poor project performance and delivery.
	CA, OH, FL, MN, OR, WA	These states provide LPA certification/qualification programs, which were reported as helping to shift more responsibility to LPAs and reduce administrative burden on the DOTs.
	FL	FDOT provides a federal regulations checklist for all certified LPAs, reported as helping to greatly reduce the occurrences of noncompliance.
	WA	WSDOT operates with a dedicated Highways & Local Programs Division that helps manage approximately 1,000 federal-aid projects on behalf of LPAs.
Manuals and Training	CA	Caltrans LPA Manual organizes each streamlining activity by categories such as: team, programming, project management, and work performed by others. The manual provides examples of each technique along with a description, benefits, and possible issues. Each section also provides a contact person at Caltrans for LPA staff to contact with inquiries about streamlining methods.
	ND, PA	These states invite consultants to participate in training sessions. Reported as increasing the potential for federal-aid projects to be completed efficiently and to avoid noncompliance.

APPENDIX D

Links to Resources Identified

More specific details on the findings contained in this synthesis report can be found online at various agency websites. A series of links to the online resources are presented in the following sections to this appendix.

Federal Highway Administration

ADHS Program Fact Sheet: <http://www.fhwa.dot.gov/safetealu/factsheets/appalachia.htm>
CMAQ Program Website: <http://www.fhwa.dot.gov/environment/cmaqpgs/>
HRRR Program Guidance Website: <http://safety.fhwa.dot.gov/safetealu/memos/memo051906.cfm>
HSIP Website: <http://safety.fhwa.dot.gov/hsip/>
LPA Reference Guides: <http://www.fhwa.dot.gov/federalaid/lpa/reference.cfm>
LPA Training Resources: <http://www.fhwa.dot.gov/federalaid/lpa/training.cfm>
LPA Website: <http://www.fhwa.dot.gov/federalaid/lpa/index.cfm>
NSB Program Website: <http://www.fhwa.dot.gov/hep/byways/>
Off-System Bridges Program Fact Sheet: <http://www.fhwa.dot.gov/safetealu/factsheets/bridge.htm>
RTP Website: <http://www.fhwa.dot.gov/environment/rectrails/>
SRTS Program Website: <http://safety.fhwa.dot.gov/saferoutes/>
TE Program Website: <http://www.fhwa.dot.gov/environment/te/>

California

Local Agency Master Agreement (Certification) Process:
http://www.dot.ca.gov/hq/LocalPrograms/lam/prog_p/p04agree.pdf
LPA Manual: <http://www.dot.ca.gov/hq/LocalPrograms/public.htm>
LPA Quality Assurance Manual: <http://www.dot.ca.gov/hq/LocalPrograms/public/QAP%20Manual.pdf>
LPA Training Program Website: <http://www.dot.ca.gov/hq/LocalPrograms/training/training.html>
LTAP Center Website: <http://www.techtransfer.berkeley.edu/>
Manual on Streamlining Techniques:
<http://www.dot.ca.gov/hq/LocalPrograms/Best%20Practices%20080902%20v2.pdf>
RTP Website: http://www.parks.ca.gov/?page_id=24324
Reference to Master Agreements: http://www.dot.ca.gov/hq/LocalPrograms/lam/prog_p/p04agree.pdf
Sample Boilerplate Contract Documents: http://www.dot.ca.gov/hq/LocalPrograms/sam_boil/sam_boil.htm
Stewardship and Oversight Agreement with FHWA:
http://www.fhwa.dot.gov/cadiv/Stewardship_Agreement/stewardship_agree.pdf

Delaware

Complete Streets Policy:
http://www.deldot.gov/information/pubs_forms/manuals/complete_streets/o06_complete_streets_policy.pdf
SRTS Program Website: http://www.deldot.gov/information/community_programs_and_services/srts/index.shtml
TE Program Guidelines: http://www.deldot.gov/information/community_programs_and_services/te/guidelines.shtml
TE Program Website: http://www.deldot.gov/information/community_programs_and_services/te/index.shtml

Florida

Accessible Sidewalks and Street Crossings – Informational Guide:
http://www.dot.state.fl.us/projectmanagementoffice/ADA/AccessibleSidewalks-Guide_012610.pdf
ARRA CBT Training: <http://wbt.dot.state.fl.us/ois/ARRA/>
American Recovery and Reinvestment Act Tracking Tool: <http://www.d6laptracker.org/arra>
LAP Certification Website: <http://www.dot.state.fl.us/projectmanagementoffice/LAP/BecomingCertified.shtm>
LAP Certification and Recertification Course: <http://wbt.dot.state.fl.us/ois/LocalAgency/default.htm>
LAP Checklist: <http://www.dot.state.fl.us/projectmanagementoffice/LAP/checklist.shtm>

LAP Manual: http://www.dot.state.fl.us/projectmanagementoffice/LAP/LAP_TOC.shtm
LAP Quick Reference Guide:
<http://www.dot.state.fl.us/projectmanagementoffice/LAP/pdfs/LAPQuickReferenceGuide.pdf>
LAP Specifications: <http://www.dot.state.fl.us/specificationsoffice/Implemented/LAP/LapSpecs/>
LTAP Center Website: <http://www.t2ctt.ce.ufl.edu/t2ctt/default.asp?SnID=1595228588>
MPO Prioritization Processes: <http://www.mpoac.org/mpos/index.shtml>
RTP Website: <http://www.dep.state.fl.us/gwt/grants/>
Stewardship and Oversight (Partnership) Agreement with FHWA:
<http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/700000005.pdf>

Iowa

Guide to Transportation Funding Programs:
http://www.iowadot.gov/pol_leg_services/Funding-Guide.pdf
Instructional Memorandums To Local Public Agencies:
http://www.iowadot.gov/local_systems/publications/im/imtoc.pdf
LPA Manual: http://www.iowadot.gov/local_systems/publications/im/lpa_ims.htm
LTAP Center Website: <http://www.intrans.iastate.edu/ltap/index.htm>
RTP Website: http://www.iowadot.gov/systems_planning/fedstate_rectrails.htm
Section 106 Procedures: see <http://www.iowadot.gov/ole/106PA&Procedures.pdf>
Stewardship and Oversight Agreement with FHWA:
<http://www.fhwa.dot.gov/federalaid/stewardship/agreements/ia.cfm>

Minnesota

Delegated Contract (Certification) Process: http://www.dot.state.mn.us/stateaid/sa_dcp.html
Lean Kaizen process:
<http://www.state.mn.us/portal/mn/jsp/common/content/include/contentitem.jsp?contentid=536918381>
http://www.lean.state.mn.us/training_and_events_calendar.htm
http://www.lean.state.mn.us/docs/February%20E-Lean_2010.pdf
LTAP Center Website: <http://www.mnltap.umn.edu/>
Project Memo Writer Tool: <http://www.pmwriter.dot.state.mn.us/>
RTP Website: http://www.dnr.state.mn.us/grants/recreation/trails_federal.html
State Aid Environmental Templates: http://www.dot.state.mn.us/stateaid/sa_enviro_templates.html
State Aid Manual: <http://www.dot.state.mn.us/stateaid/manual/sam07/index.html>
State Aid Rules: <https://www.revisor.mn.gov/rules/?id=8820>
Stewardship and Oversight Agreement with FHWA:
http://www.dot.state.mn.us/planning/program/pdf/IM30%20Stewardship%20Plan%2005-06-08_1.pdf

North Dakota

Local Government Manual: <http://www.dot.nd.gov/manuals/localgov/localgovernmentmanual.pdf>
LTAP Center Website: <http://www.ndltap.org/>
RTP Website: <http://www.parkrec.nd.gov/recreation/grants/rtp.htm>
Stewardship and Oversight Agreement with FHWA:
<http://www.fhwa.dot.gov/federalaid/stewardship/agreements/nd.cfm>

Ohio

LPA Participation Requirements Form:
<http://www.dot.state.oh.us/Divisions/TransSysDev/ProgramMgt/Projects/Documents/LPA%20Manual/2/LPA%20PARTICIPATION%20REQUIREMENTS%20CHAPTER%20-%20MAY%202008.pdf>
Locally Administered Transportation Projects Manual:
<http://www.dot.state.oh.us/Divisions/TransSysDev/ProgramMgt/Projects/Pages/ManualofProcedures.aspx>
Local-let Procedures and Guidance: <http://www.dot.state.oh.us/Divisions/TransSysDev/ProgramMgt/Projects/Pages/Local-letProceduresandDocuments.aspx>

LTAP Center Website: <http://www.dot.state.oh.us/Divisions/Quality/LTAP/Pages/default.aspx>
Ohio DOT Program Resource Guide: <http://www.dot.state.oh.us/Divisions/TransSysDev/ProgramMgt/Projects/ProgramResourceGuide/Documents/2008%20Program%20Resource%20Guide.pdf>
RTP Website: <http://www.dnr.state.oh.us/tabid/10762/default.aspx>
Stewardship and Oversight Agreement with FHWA: <http://www.fhwa.dot.gov/ohdiv/soa.pdf>

Oregon

FHWA Plans, Specifications, and Estimate Checklist for Certified Agencies:
http://www.oregon.gov/ODOT/HWY/LGS/docs/LAG_Manual_09/C11_A1.pdf
Local Agency Certification Process: <http://www.oregon.gov/ODOT/HWY/LGS/Certification.shtml>
Local Agency Guidelines Manual: http://www.oregon.gov/ODOT/HWY/LGS/lag_manual.shtml
Local Government Training Website: <http://www.oregon.gov/ODOT/HWY/LGS/training2.shtml>
Local Program Quick Reference Guide: http://www.oregon.gov/ODOT/HWY/LGS/docs/Oregon_LA_Quick_Reference_Guide.pdf
LTAP Center Website: http://www.oregon.gov/ODOT/TD/TP_T2/
Recreational Trails Program Grants Manual: http://www.oregon.gov/OPRD/GRANTS/docs/RTP/2010_RTP_Grants_Manual_draft.pdf
Stewardship and Oversight Agreement with FHWA: http://www.oregon.gov/ODOT/HWY/TECHSERV/docs/ODOT_Federal_Aid_Program_Agreement_2010.pdf

Pennsylvania

Delaware Valley Regional Planning Commission (DVRPC) ARRA Program Website:
<http://www.dvrpc.org/transportation/stimulus.htm>
DVRPC SRTS Program Website: <http://www.dvrpc.org/SafeRoutes/>
DVRPC TE Program Website: <http://www.dvrpc.org/TE/>
LPA Manual: <ftp://ftp.dot.state.pa.us/public/PubsForms/Publications/PUB%20535.pdf>
LTAP Center Website: <https://www.dot7.state.pa.us/LTAP/>
Procedures for the Administration of Locally Sponsored Projects:
<ftp://ftp.dot.state.pa.us/public/PubsForms/Publications/PUB%2039/PUB39PrintVersion.pdf>
Procedures for the Administration of Consultant Agreements:
<ftp://ftp.dot.state.pa.us/public/Bureaus/design/Consultants%20Agreements/Pub93c/Publication93CDec2006.pdf>
RTP Website: <http://www.dcnr.state.pa.us/brc/grants/rectrails.aspx>
Roadway Construction Standards: <ftp://ftp.dot.state.pa.us/public/Bureaus/design/PUB72M/PUB72COV.pdf>
Stewardship and Oversight Agreement with FHWA: <http://www.fhwa.dot.gov/padiv/stewards.pdf>

Washington State

Highways and Local Programs: <http://www.wsdot.wa.gov/LocalPrograms/default.htm>
Local Agency Certification Acceptance Program: <http://www.wsdot.wa.gov/publications/manuals/fulltext/M36-63/Lag13.pdf>
Local Agency General Special Provisions: <http://www.wsdot.wa.gov/Partners/APWA/>
Local Agency General Specification – Asphalt: <http://www.wsdot.wa.gov/LocalPrograms/LAG/HMA.htm>
Local Agency Guidelines Manual: <http://www.wsdot.wa.gov/publications/manuals/fulltext/M36-63/LAGManual.pdf>
Local Programs Training Website: <http://www.wsdot.wa.gov/LocalPrograms/Training/>
LTAP Center Website: <http://www.wsdot.wa.gov/localprograms/ltap/>
RTP Website: <http://www.rco.wa.gov/grants/rtp.shtml>
Stewardship and Oversight Agreement with FHWA: <http://www.wsdot.wa.gov/biz/construction/stewardship/finalstewshpagreemt.pdf>
STP/CMAQ report: <http://www.wsdot.wa.gov/NR/rdonlyres/2D5D51BB-1D19-43EE-AE21-784F51E9C113/0/FederalSTPReport.pdf>

Other Agencies**Indiana Department of Transportation**

LPA Project Funding Process: http://www.in.gov/indot/div/projects/LPASection/pubs/LPA_Fed_Aid_Process.pdf

Texas Department of Transportation

DBE Compliance Training: http://www.txdot.gov/business/conferences/dbe_compliance_form.htm

DBE Form: http://www.txdot.gov/txdot_library/doing_business/dbe.htm

General TxDOT manuals: http://onlinemanuals.txdot.gov/manuals/AlphaList.html#1_F

List of Master Agreement Funding Agencies: <http://www.dot.state.tx.us/OGC/cso/list.htm>

Local Government Project Procedures Manual: http://www.txdot.gov/business/governments/lgpp_manual.htm

Master Agreement Governing Local Transportation Project Advance Funding Agreements:

<http://www.txdot.gov/txdotforms/GetForm?formName=/mafa.pdf&appID=/DES&status=/reportError.jsp&configFile=WFServletConfig.xml>

TE Guide: ftp://ftp.dot.state.tx.us/pub/txdot-info/des/te_guide.pdf

TE Project Nomination Form: ftp://ftp.dot.state.tx.us/pub/txdot-info/des/nomination_example.pdf

TxDOT Training Class Descriptions: ftp://ftp.dot.state.tx.us/pub/txdot-info/cst/lgpp_training.pdf

Virginia Department of Transportation

FHWA Virginia 2007 Baseline Report:

http://www.virginiadot.org/business/resources/FHWA_Report_9-24-07_v1_3.pdf

FHWA/VDOT Process Review:

http://www.virginiadot.org/business/resources/local_assistance/VDOT_LPA_Review.pdf

Local Administration: http://www.virginiadot.org/business/vdots_local_programs_policy.asp

LAP Manual—Project Development: http://www.virginiadot.org/business/resources/local_assistance/LAD_LAP_manual_final/CH9_Project_Development.pdf

LAP Manual—Special Programs: http://www.virginiadot.org/business/resources/local_assistance/LAD_LAP_manual_final/CH5_State_funded_Projects_Special_Programs.pdf

Policy for Locally Administered Projects and Programs: http://www.virginiadot.org/business/resources/Local_Programs_DPM_Signed.pdf

Summary of 2008 Survey Responses: <http://www.virginiadot.org/business/resources/SurveyCoverSheet.pdf>

Urban Construction Initiative—Certification Program, Appendix N: http://www.virginiadot.org/business/resources/local_assistance/UCI/UCI_Guide_Update_09_final.pdf

APPENDIX E

Applications of Federal Requirements for Environmental Review

This appendix presents a table highlighting the various environmental activities that can be delegated as per the transportation authorization legislation in SAFETEA-LU Section 6005. In addition, a document provided by the FHWA that describes federal environmental laws and Executive Orders applicable to the development and review of transportation infrastructure projects is included in this Appendix.

TABLE E1
SUMMARY OF ENVIRONMENTAL AUTHORITIES ELIGIBLE FOR DELEGATION UNDER SAFETEA-LU SECTION 6005

Federal Environmental Legislation	Can Be Delegated Under SAFETEA-LU Section 6005
Clean Air Act, U.S.C. 7401-7671q	Any determinations which do not involve conformity
Noise	Compliance with the noise regulations at 23 CFR 772
Wildlife	Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531-1544, at Section 1536
	Marine Mammal Protection Act, 16 U.S.C. 1361
	Anadromous Fish Conservation Act, 16 U.S.C. 757a-757g
	Fish and Wildlife Conservation Act, 16 U.S.C. 2901-2911
	Fish and Wildlife Coordination Act, 16 U.S.C. 661-667d.
Historic and Cultural Resources	Migratory Bird Treaty Act, 16 U.S.C. 703-712
	Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f
	Archeological Resources Protection Act, 16 U.S.C. 470aa-11
	Archeological and Historic Preservation Act, 16 U.S.C. 469-469c
Social and Economic Impacts	Native American Grave Protection and Repatriation Act., 25 U.S.C. 3001-3013, only applies on federal or tribal lands
	23 U.S.C. 128
	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Analysis of social and economic effects of property acquisition, relocations of homes and businesses only. All other aspects of Uniform Act Implementation and Administration are not eligible for delegation. If land and/or improvements are to be acquired, an appraisal for the fair market value must be done and offered to the property owner.
	American Indian Religious Freedom Act, 42 U.S.C. 1996
	Farmland Protection Policy Act, 7 U.S.C. 4201-4209
Water Resources and Wetlands	Clean Water Act, 33 U.S.C. 1251-1377
	Section 404
	Section 401
	Section 319
	Coastal Barrier Resources Act, 16 U.S.C. 3501-3510
	Coastal Zone Management Act, 16 U.S.C. 1451-1465
	Land and Water Conservation Fund, 16 U.S.C. 4601-4
	Safe Drinking Water Act, 42 U.S.C. 300f-300j-6
	Rivers and Harbors Act of 1899
	Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287
	Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931
	TEA-21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133 (b)(11)
	Flood Disaster Protection Act, 42 U.S.C. 4001-4128
Marine Protection Research and Sanctuaries Act, 33 U.S.C. 1401-1445	
Water Bank Act, 16 U.S.C. 1301-1311	
Parklands	Section 4(f)
Hazardous Materials	Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601-9675
	Superfund Amendments and Reauthorization Act of 1986
	Resource Conservation and Recovery Act, 42 U.S.C. 6901-6992k
Federal Procedures	National Environmental Policy Act, 42 U.S.C. 4321-4335
Land	Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319

INTRODUCTION

Many federal environmental statutes and executive orders establish requirements applicable to the development and review of transportation infrastructure projects that receive financial support from the department of transportation (DOT). DOT strives to meet these requirements in a manner that is both expeditious and environmentally sound. This document provides a brief description of the *main* statutes and executive orders applicable to the development and review of these transportation infrastructure projects.

A. AIR QUALITY

CLEAN AIR ACT, 42 USC § 7401. This statute regulates emissions of air pollutants in order to protect human health and the environment. In general, the Clean Air Act delegates responsibility to state and local governments to prevent and control air pollution by requesting states to submit state implementation plans (SIPs) to the Environmental Protection Agency (EPA) for program approval and delegation of implementation responsibilities. SIPs are written plans that states develop to provide for attainment and maintenance of the National Ambient Air Quality Standards. If a state fails to create and implement an adequate SIP, EPA creates and implements its own SIP for that state. In 1990, Congress amended the Clean Air Act to include parts that: strengthen measures for attaining air quality standards (Title I); set forth provisions relating to mobile sources (Title II); expand the regulation of hazardous air pollutants (Title III); require substantial reductions in power plant emissions for control of acid rain (Title IV); establish operating permits for all major sources of air pollution (Title V); establish provisions for stratospheric ozone protection (Title VI) and expand enforcement powers and penalties (Title VII) [*Source*: 42 USC § 7401]. Regulations implementing the Clean Air Act may be found in 40 CFR Parts 50-99.

Transportation plans, programs and projects are required to conform to the state's air quality implementation plans that provide for attainment of the national ambient air quality standards. This requirement applies to plans, programs and projects that occur in non-attainment and maintenance areas [*Source*: 23 U.S.C. § 109(j); 42 U.S.C. § 7521(a)].

B. ENVIRONMENTAL JUSTICE

Executive Order No. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations.” This Executive Order establishes a formal federal policy on environmental justice. The Council on Environmental Quality (CEQ) has oversight of the federal government's compliance with EO 12898. CEQ has published a guidance document on environmental justice for federal agencies. In addition, all federal agencies were directed under EO 12898 to establish internal directives to ensure that the spirit of the order is reflected in the full range of their activities. The CEQ's guidance describes how analysis of environmental justice impacts must be integrated within the NEPA framework, including the scoping, public participation, analysis, alternatives and mitigation phases of NEPA analysis. The U.S. Department of Transportation's agency level order establishing procedures for compliance with Executive Order 12898 establishes requirements for integrating environmental justice into the NEPA process through analysis of environmental justice impacts and public involvement, as well as definitions of relevant terms [*Source*: Executive Order No. 12898].

C. WILDLIFE

- 1. Section 7 of the Endangered Species Act, 16 U.S.C. § 1531.** The Endangered Species Act (ESA) provides for the protection of species that are at risk of extinction throughout all or a significant portion of their range, and for the protection of ecosystems on which they depend. Generally, the U.S. Fish and Wildlife Service (FWS) coordinates ESA activities for terrestrial and freshwater species, and the National Marine Fisheries Service (NMFS) coordinates ESA activities for marine and anadromous species.

The ESA lists plant and animal species that are endangered or threatened. All listing decisions are based solely on the best scientific and commercial data available, and consideration of economic impacts during the listing process is prohibited by the Act. Under Section 7 of the ESA, all federal agencies are required to undertake programs for the conservation of endangered and threatened species. Any federal action that would jeopardize a listed species or destroy or modify its critical habitat is prohibited. Section 7 activities must be carried out in consultation with FWS or NMFS [*Source*: 16 U.S.C § 1531]. Requirements for the consultation process are described in 50 C.F.R. 402.

2. **Executive Order 13112, “Invasive Species.”** The purpose of this Executive Order is to prevent the introduction of invasive species into the natural environment and provide for their control and minimize the economic, ecological and human health impacts that invasive species may cause. The Order established an Invasive Species Council to oversee implementation of the Order, oversee federal agency activities concerning invasive species, develop an National Invasive Species Management Plan and facilitate development of a coordinated network among federal agencies to document, evaluate, and monitor impacts from invasive species on the economy, environment and human health. Each federal agency whose actions may affect the status of invasive species is directed to identify such actions and attempt to prevent the introduction of invasive species and not authorize, fund or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species. [*Source*: Executive Order 13112.]
3. **Marine Mammal Protection Act, 16 U.S.C. § 1361.** This statute establishes a federal responsibility to conserve marine mammals with management vested in both the Department of Interior and the Department of Commerce. The act created a moratorium, with certain exceptions, on the taking of marine mammals in United States waster and by United States citizens on the high seas, and on the importing of marine mammals and marine mammal products into the United States. Native Americans, Aleut and Eskimos are exempted from the moratorium on taking provided that the taking is conducted for the sake of subsistence or for the purpose of creating and selling authentic native articles of handicraft and clothing [*Source*: 16 U.S.C. § 1361]. Applicable regulations: National Oceanic and Atmospheric Administration, Department of Commerce—Civil procedures, 15 CFR Part 904; National Park Service, Department of the Interior—National park system units in Alaska, 36 CFR Part 13; United States Fish and Wildlife Service, Department of the Interior—General provisions, 50 CFR Part 10; United States Fish and Wildlife Service, Department of the Interior—Endangered and threatened wildlife and plants, 50 CFR Part 17; United States Fish and Wildlife Service, Department of the Interior—Marine mammals, 50 CFR Part 18; United States Fish and Wildlife Service, Department of the Interior—Administrative procedures for grants-in-aid (Marine Mammal Protection Act of 1972), 50 CFR Part 82; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce—Regulations governing the taking and importing of marine mammals, 50 CFR Part 216; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce—Regulations governing the taking and importing of marine mammals, 50 CFR Part 216; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce—General provisions, 50 CFR Part 217; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce—Endangered fish or wildlife, 50 CFR Part 222; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce—Authorization for commercial fisheries under Marine Mammal Protection Act of 1972, 50 CFR Part 229; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce—Whaling provisions, 50 CFR Part 230; and, Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce); Endangered Species Committee Regulations—Transfer of marine mammal management authority to states, 50 CFR Part 403.
4. **Anadromous Fish Conservation Act, 16 U.S.C. § 757a-757g.** This statute authorizes the Secretaries of the Interior and Commerce to enter into cooperative agreements with the states and other non-federal interests for conservation, development and enhancement of anadromous fish, including those in the Great Lakes, and to contribute up to 50 percent as the federal share of the cost of carrying out such agreements. Authorized are investigations, engineering and biological surveys, research, stream clearance, construction, maintenance, and operations of hatcheries and devices and structures for improving movement, feeding and spawning conditions. Also authorized is construction by the Bureau of Reclamation and the Army Corps of Engineers of water resource projects needed solely for such fish. The Service is authorized to conduct studies and make recommendations to the EPA concerning measures for eliminating or reducing pollution substances detrimental to fish and wildlife in interstate or navigable waters, or their tributaries [*Source*: 16 U.S.C. § 757a-g]. Endangered Species Committee Regulations—Anadromous fisheries conservation, development and enhancement, 50 CFR Part 401.
5. **Fish and Wildlife Conservation Act, 16 U.S.C. § 2901-2911.** This statute authorizes financial and technical assistance to the states for the development, revision, and implementation of conservation plans and programs for nongame fish and wildlife [*Source*: 16 U.S.C. § 2901-2911]. United States Fish and Wildlife Service, Department of the Interior—Rules implementing the Fish and Wildlife Conservation Act of 1980, 50 CFR Part 83.
6. **Fish and Wildlife Coordination Act, 16 U.S.C. § 661.** This statute requires consultation with the U.S. Fish and Wildlife Service (FWS) and the appropriate state wildlife agency when a project will impound, divert, channelize, or

otherwise control or modify the waters of any stream or other body of water. Generally, if a permit is required under Sections 9 or 10 of the River and Harbor Act of 1899, or Sections 402 or 404 of the Clean Water Act, the consultation requirement will apply. Permit applications will be forwarded to the FWS, which will review them according to their “Guidelines for the Review of Fish and Wildlife Aspects of Proposals in or Affecting Navigable Waterways,” published in the *Federal Register* on December 1, 1975. The FWS issued a mitigation policy in the *Federal Register* on January 23, 1981 that can be consulted when planning mitigation measures. The results of the consultation should be included in the Final EIS or EA [Sources: 33 U.S.C. § 401, 16 U.S.C. § 661].

7. **Executive Order 13186, “Responsibility of Federal Agencies to Protect Migratory Birds.”** This Executive Order directs each federal agency taking actions that have, or are like to have, a measurable effect on migratory bird populations to develop and implement, within 2 years, a Memorandum of Understanding with the Fish and Wildlife Service that shall promote the conservation of migratory bird populations. The Department of Interior was given the task to establish an interagency Council for the Conservation of Migratory Birds to oversee the implementation of the Order [Source: Executive Order 13186].
8. **Migratory Bird Treaty Act, 16 U.S.C. § 703.** The purpose of this statute is to protect the most common wild birds found in the United States by making it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird. Also covered by the act is the indirect killing of birds by destruction of their nests and eggs. The Fish and Wildlife Service reviews and comments on proposals that could kill birds, even indirectly [Source: 16 U.S.C. § 703]. The Fish and Wildlife’s implementing regulations are located at 50 CFR Part 10, 50 CFR Part 14, and 50 CFR Part 20.

D. HISTORIC AND CULTURAL RESOURCES

1. **Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f.** Section 106 of the National Historic Preservation Act, in general, requires the head of any federal agency having jurisdiction over a proposed federal or federally assisted undertaking, or having authority to license an undertaking, to take into account the effect of the undertaking on any property included in or eligible for inclusion in the National Register of Historic Places. Section 106 also requires the agency head to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertaking [Source: 16 U.S.C. § 470f]. The ACHP’s regulations implementing section 106 appear at 36 CFR Part 800.
2. **Archeological Resources Protection Act, 16 U.S.C. § 470aa-11.** This statute preserves and protects paleontological resources, historic monuments, memorials and antiquities from loss or destruction. The act applies to archeological resources on federally or Native American-owned property, establishes penalties for looting and vandalizing such archaeological sites and places protection and management responsibilities on federal agencies having jurisdiction over land on which the resources may be situated [Source: 16 U.S.C. § 470aa-11]. Regulations concerning the Archeological Resources Protection Act may be found at 43 CFR Part 7, protection of Archeological Resources and 43 CFR Part 79, Curation of Federally Owned and Administered Archeological Collections.
3. **Archeological and Historic Preservation Act, 16 U.S.C. § 469-469c.** This statute carries out the policy established by the Historic Sites Act and directs federal agencies to notify the Secretary of the Interior (National Park Service) whenever they find a federal or federally assisted, licensed, or permitted project may cause loss or destruction of significant scientific, prehistoric or archeological data. The Department of Interior and/or the federal agency may undertake a survey or data recovery [Source: 16 U.S.C. § 469-469c]. The Department of Interior’s implementing regulations can be found at 43 CFR Part 7.
4. **Native American Grave Protection and Repatriation Act (NAGPRA), 25 U.S.C. § 3001.** This statute establishes a means for American Indians, Native Hawaiians, and Native Alaskans to request the return of human remains and other cultural items presently held by federal agencies or federally assisted museums or institutions. The act also contains provisions regarding the intentional excavation and removal of, inadvertent discovery of, and illegal trafficking in Native American human remains and cultural items. All federal agencies that manage land and/or are responsible for archaeological collections from their lands or generated by their activities must comply with the act [Source: 25 U.S.C. § 3001]. The Department of the Interior’s regulations implementing NAGPRA may be found at 43 CFR 10.

5. **Executive Order No. 13007, “Indian Sacred Sites.”** This Executive Order requires federal land managing agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. It also requires agencies to develop procedures for reasonable notification of proposed actions or land management policies that may restrict access to or ceremonial use of, or adversely affect sacred sites [*Source*: Executive Order 13007].

E. SOCIAL AND ECONOMIC IMPACTS

1. **Uniform Relocation Assistance And Real Property Acquisition Policies Act Of 1970 (Uniform Act), 42 U.S.C. § 4601.** This statute establishes a policy for the fair and equitable treatment of persons displaced as a result of federal and federally assisted programs. If land is to be acquired for a federal or federally assisted program, the program’s environmental documentation should contain a description of the land to be acquired. In cases where an acquisition requires the displacement of businesses or individuals, there is a social impact that must be analyzed as part of the environmental documentation process [*Source*: 42 U.S.C. § 4601]. Federal regulations implementing the Uniform Act are contained in 49 CFR Part 24.
2. **Executive Order 13045, “Protection of Children from Environmental Health and Safety Risks.”** This Executive Order directs each agency to “ensure that its policies, programs, activities, and standards address disproportionate risks to children . . .” Also, for each regulatory action subject to the Order, agencies must conduct “an evaluation of the environmental health or safety effects of the planned regulation on children” and include “an explanation of why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the agency.” These findings are to be submitted to OMB’s Office of Information and Regulatory Affairs (OIRA) for review. In addition, the Order created a task force, co-chaired by the secretary of Health and Human Services and the EPA administrator, to make recommendations to the President on federal strategies for children’s environmental health and safety [*Source*: Executive Order 13045].
3. **Executive Order No. 13175, “Consultation and Coordination with Indian Tribal Governments.”** This Executive Order establishes regular and meaningful consultation and collaboration with Indian tribal governments in the development of regulatory practices on federal matters that significantly or uniquely affects their communities. Each agency is responsible for establishing a process to permit elected officials and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities [*Source*: Executive Order No. 13175].
4. **American Indian Religious Freedom Act, 42 U.S.C. § 1996.** This statute protects and preserves places of religious importance to American Indians, Eskimos, Aleuts, and Native Hawaiians, including access to sites, use and possession of sacred objects and the freedom to worship through ceremonials and traditional rites. This act applies to all projects that affect places of religious importance to Native Americans [*Source*: 42 U.S.C. § 1996]. Applicable regulations: Forest Service, Department of Agriculture—Protection of archaeological resources: Uniform regulations, 36 CFR Part 296; Office of the Secretary of the Interior—Protection of archaeological resources: Uniform regulations, 43 CFR Part 7; and, United States Fish and Wildlife Service, Department of the Interior—Seizure and forfeiture procedures, 50 CFR Part 12.
5. **Farmland Protection Policy Act (FPPA), 7 U.S.C. § 4201-4209.** This statute minimizes the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. Federal programs are to be administered to be compatible with state, local units of government, and private programs and policies to protect farmland. Federal agencies are required to develop and review their policies and procedures to implement the FPPA. The FPPA does not authorize the federal government to regulate the use of private or nonfederal land. Projects are subject to FPPA if they may irreversibly convert farmland directly or indirectly to nonagricultural use and are completed by a federal agency or with assistance from a federal agency [*Source*: 7 U.S.C. § 4201-4209]. Implementing regulations by the Department of Agriculture, Natural Resources Conservation Service are found at 7 CFR Part 658.

F. WATER RESOURCES AND WETLANDS

1. **Clean Water Act, 33 U.S.C. § 1251-1376.** This statute establishes the basic structure for regulating discharges of pollutants into the waters of the United States. It gives the EPA the authority to implement pollution control programs,

such as setting wastewater standards for industry. The Clean Water Act also continues requirements to set water quality standards for all contaminants in surface waters. The Act makes it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit is obtained. The act also funded construction of sewage treatment plants under the construction grants program. Section 401 requires water quality certification from the applicable state Water Resource Agency. Section 319 requires that all projects be consistent with state Non-Point Source Pollution Management programs. Section 404 requires the obtainment of a permit for dredge or fill material from the United State Corps of Engineers or state agency, as appropriate. Section 402 requires that permits for all other discharges are to be acquired from the EPA or appropriate state agency [*Source*: 33 U.S.C. §§ 1251-1376]. Applicable regulations may be found at 23 CFR 650 Subpart B, 33 CFR 209, 320-323, 325, 328, 329, and 40 CFR 121- 125, 129-131, 133, 135-136, 230-231.

2. **Section 404 of the Clean Water Act, 33 U.S.C. § 1344.** This section gives authority to the U.S. Army Corps of Engineers (USACE) to regulate discharges of dredged or fill material into waters of the United States, including wetland areas. This authority encompasses fill that occurs as a result of infrastructure development, such as a light rail line or a bus terminal. Permit applicants must demonstrate that they have attempted to avoid wetland impacts where practicable. Where impacts do occur they must be compensated by restoration or creation of wetlands [*Source*: 33 U.S.C. § 1344]. Regulations outlining USACE’s authority and general policies for implementing the program are found at 33 C.F.R. 320 and 40 C.F.R. 230.
3. **Coastal Barrier Resources Act, 16 U.S.C. § 3501.** This statute designates a protected network of undeveloped coastal barriers located on the Atlantic and Gulf coasts called the Coastal Barrier Resources System. Section 5 of this Act prohibits federal expenditures for construction of any facilities, structures, roads, bridges, airports, etc., within the system. Exceptions can be made for some activities such as the maintenance of existing channel improvements and related structures, and the maintenance, replacement, reconstruction, or repair (not expansion) of publicly operated roads or facilities which are essential links in a larger network or system. Consultation with the U.S. Department of the Interior is required. When a proposed project impacts a coastal barrier unit, the draft Environmental Impact Statement (EIS) should:
 - include a map showing the relationship of each alternative to the unit(s);
 - identify direct and indirect impacts to the unit(s), qualifying and describing the impacts as appropriate;
 - discuss the results of early coordination with the Fish and Wildlife Service, identifying any issues raised and how they were addressed; and
 - identify any alternative which (if selected) would require an exception under the Act.

Any issues identified or exceptions required for the preferred alternative should be resolved prior to its selection. This resolution is documented in the final EIS [*Source*: 16 U.S.C. § 3501].

4. **Coastal Zone Management Act, 16 U.S.C. § 1451.** This statute established a voluntary program in which, of the 35 states with coastal zones, 28 states are currently participating. These states have Department of Commerce approved state plans and receive federal money and technical assistance to administer their programs. If a transportation project will directly affect the coastal zone of any state with an approved Coastal Zone Management (CZM) Program, the environmental document must show whether the project will be consistent with the CZM Plan. The state agency managing the program, called the principal 306 agency, is usually the state Department of Natural Resources or equivalent agency. This agency should be consulted for procedures that are used to determine consistency with the CZM Plan and its opinion on whether the proposed project is consistent with the state’s program. The environmental document should present the applicant’s certification that the project is (or is not) consistent with the CZM program and the views of the state agency [*Source*: 16 U.S.C. § 1451]. Surface Transportation Board—Procedures for implementation of environmental laws, 49 CFR Part 1105.
5. **Land and Water Conservation Fund, 16 U.S.C. §§ 4601-4.** This statute provides money to federal, state, and local governments to purchase land, water and wetlands for the benefit of the public. Lands and waters purchased through the LWCF are used to:
 - Provide recreational opportunities
 - Provide clean water
 - Preserve wildlife habitat
 - Enhance scenic vistas
 - Protect archaeological and historical sites
 - Maintain the pristine nature of wilderness areas

Land is bought from landowners at fair-market value (unless the owner chooses to offer the land as a donation or at a bargain price). The Fund receives money mostly from fees paid by companies drilling offshore for oil and gas. Other funding sources include the sale of surplus federal real estate and taxes on motorboat fuel. Section 6(f) of the act contains provisions to protect federal investments and the quality of assisted resources. It discourages the casual “discard” of park and recreation facilities by ensuring changes or conversions from recreation use will bear a cost. The “anti-conversion” requirement applies to all parks and other sites that have been the subject of Land and Water grants of any type [*Source* 16 U.S.C. §§ 4601-4]. Implementing regulations: Forest Service, Department of Agriculture—Occupancy and use of developed sites and areas of concentrated public use, 36 CFR Part 291.

6. **Rivers and Harbors Act, 33 U.S.C. §403.** This statute provides for the protection of navigable waters in the United States by prohibiting the construction of any bridge, dam, dike or causeway over or in navigable waterways of the United States without Congressional approval. Administration of Section 9 has been delegated to the Coast Guard. Structures authorized by the state legislatures may be built if the affected navigable waters are totally within one state, provided that the plan is approved by the Chief of Engineers and the Secretary of the Army. Under section 10 of the Act, the building of any wharfs, piers, jetties, and other structures is prohibited without Congressional approval, and excavation or fill within navigable waters requires the approval of the Chief of Engineers [*Sources*: 33 U.S.C. § 401, 33 U.S.C. § 403]. Applicable regulations: Fishing and hunting regulations, 33 CFR Part 206; Administrative procedure with respect to Corps of Engineers, 33 CFR Part 209; Permits for structures or work in or affecting navigable waters of United States, 33 CFR Part 322; Corp of Engineers Nationwide permit program, 33 CFR 330.
7. **Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300f-300j-6.** This statute seeks to ensure public health and welfare through safe drinking water. The SDWA applies to all public drinking water systems and reservoirs and actions that may have a significant impact on an aquifer or wellhead protection area that is the sole or principal drinking water. The 1996 amendments requires states to develop and implement Source Water Assessment Programs to analyze existing and potential threats to the quality of the public drinking water throughout the state [*Source*: 42 U.S.C. § 300f-300j-6]. The EPA regulations on SDWA: National primary drinking water regulations, 40 CFR Part 141, and National primary drinking water regulations implementation, 40 CFR Part 142.
8. **Wild and Scenic Rivers Act, 16 U.S.C. §§ 1271-1287.** This statute preserves and protects wild and scenic rivers and immediate environments for the benefit of present and future generations. All streams and their adjacent land areas which are included in the National Wild and Scenic Rivers System are classified and designated in the following categories: wild river areas, scenic river areas, or recreational river areas. This statute applies to all projects that affect designated and potential wild, scenic and recreational rivers, and/or immediate environments. Project proposals and reports must be coordinated with the appropriate federal agency, either the Department of Interior or Agriculture [*Source*: 16 U.S.C. §§ 1271-1287]. Applicable regulations: Department of Agriculture—Forest Service, 36 CFR 297; Department of Interior—National Park Service, 43 CFR Part 8350.
9. **Executive Order No. 1190, “Protection of Wetlands.”** This Executive Order was created to avoid the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. The Order directs federal agencies to avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harms to wetlands that may result from such use. In making this finding, the agency may take into account economic, environmental and other pertinent factors [*Source*: Executive Order No. 11990]. *Preservation of the Nation’s Wetlands*, U.S. DOT Order 5660.1A sets forth the U.S. Department of Transportation (DOT) policy for interpreting Executive Order 11990. The order requires that transportation facilities and projects should be planned, constructed, and operated to assure the protection, preservation, and enhancement of the nation’s wetlands to the fullest extent practicable, and establishes procedures for implementation of the policy [*Source*: U.S. DOT Order 5660.1A].
10. **Executive Order No. 11998, “Floodplain Management.”** This Executive Order emphasizes the importance of floodplains and directs federal agencies to avoid conducting, allowing or supporting actions on a floodplain. When contemplating a mass transportation project, maps of the Federal Insurance Administration should be consulted to determine if the proposed project site is located within the 100-year floodplain. Flood Insurance Rate Maps (FIRMs) are available for review at local zoning or planning commission offices. If the proposed project is located within a floodplain, a detailed analysis should be included in the environmental document, as specified in U.S. Department of Transportation Order 5650.2, “Floodplain Management and Protection.” The analysis should discuss any risk to, or resulting from, the action, the impacts on natural and beneficial floodplain values, the degree to which the action provides direct or

indirect support for development in the floodplain and measures to minimize harm or to restore or preserve the natural and beneficial floodplain values affected by the project [*Sources*: Executive Order No. 1198 and U.S. Department of Transportation Order 5650.2].

- 11. Emergency Wetlands Resources Act, 16 U.S.C. § 3921, 3931.** This statute promotes the conservation of wetlands in the United States in order to maintain the public benefits they provide. The statute requires the preparation of a national wetlands priority conservation plan that provides priority with respect to federal and state acquisition and also provides direction for the national wetlands inventory. This statute also authorized the purchase of wetlands from Land and Water Conservation Fund monies. It required the Secretary to establish a National Wetlands Priority Conservation Plan, required the states to include wetlands in their Comprehensive Outdoor Recreation Plans, and transferred to the Migratory Bird Conservation Fund amounts equal to the import duties on arms and ammunition.

The Act extended the Wetlands Loan Act authorization through 1988, and forgave the previous advances under the Act. It also required the Secretary to report to Congress on wetlands loss, including an analysis of the role of federal programs and policies in inducing such losses. In addition, it directed the Secretary, through the Service, to continue the National Wetlands Inventory; to complete by September 30, 1998, mapping of the contiguous United States; to produce, as soon as practicable, maps of Alaska and other noncontiguous portions of the United States; and to produce, by September 30, 1990, and at ten-year intervals thereafter, reports to update and improve in the September 1982, “Status and Trends of Wetlands and Deepwater Habitat in the Conterminous United States, 1950s to 1970s.” The Fish and Wildlife Service coordinates this statute [*Source*: 16 U.S.C. § 3921, 3931].

- 12. Intermodal Surface Transportation Efficiency Act of 1991: Wetlands Mitigation Banks- Sec. 1006-1007. 23 U.S.C. §§ 103(i)(13), 133(b)(11).** The Wetlands Mitigation Banks purpose is to mitigate wetlands impacts directly associated with projects funded through the National Highway System and STP, by participating in wetland mitigation banks, restoration, enhancement and creation of wetlands authorized under the Water Resources Development Act and through contributions to statewide and regional efforts. It applies to federally undertaken, financed, or assisted construction, and improvements, or with impacts on wetlands. Participants must evaluate and mitigate impacts on wetlands and a specific finding regarding wetlands is required in the final environmental document [*Sources*: 23 U.S.C. §§ 103(i)(13), 133(b)(11)]. Implementing regulations are found at 23 CFR Parts 771, 777.

- 13. Flood Disaster Protection Act 42 U.S.C. §§ 4001-4128.** The Flood Disaster Protection Act mandates flood insurance for all federally backed mortgages and mortgages and loans obtained through federally insured and regulated financial institutions. In addition, disaster assistance grants (public assistance) are not available to local governments not participating in the program (individual property owners need not have flood insurance to be eligible for individual and family grants, however). The Act requires any federally assisted acquisition or construction project to avoid, or the design to be consistent with, FEMA-identified flood-hazard areas [*Source*: 42 U.S.C. §§ 4001-4128]. Applicable regulations 23 CFR 771, 44 CFR 59-62, 64-68, 70-71, 75-77.

- 14. Marine Protection Research and Sanctuaries Act 33 U.S.C. §§ 1401-1445.** The purpose of this statute is to prevent “unregulated dumping of material into the oceans, coastal, and other waters” that endanger “human health, welfare, and amenities, and the marine environment, ecological systems and economic potentialities.” Moreover, the transportation and dumping of radioactive, chemical, or biological substances is forbidden. This Act also includes Title III, known as the National Marine Sanctuaries Act, which charged the Secretary of the Department of Commerce to identify, designate, and manage marine sites based on conservational, ecological, recreational, historical, aesthetic, scientific or educational value within significant national ocean and Great Lake waters [*Source*: 33 U.S.C. §§ 1401-1445]. Applicable regulations are found at 33 CFR Part 320, 330 and 40 CFR Parts 220-225, 227-228, 230-231.

- 15. Water Bank Act 16 U.S.C. §§ 1301-1311.** The Water Bank Act’s purpose is to preserve, restore and improve wetlands of the nation. This Act applies to any agreements with landowners and operators in important migratory waterfowl nesting and breeding areas. The Act authorized the Secretary of Agriculture, after coordination with the Secretary of Interior, to enter into 10-year contracts with landowners to preserve wetlands and retire adjoining agricultural lands and directs the Secretary of Agriculture to reexamine payment rates every 5 years after 1980, and the amount to be expended in any one state in any calendar year is limited to not more than 15 percent of the funds appropriated [*Source*: 16 U.S.C. §§ 1301-1311]. The Department of Agriculture’s implementing regulations are found at 7 CFR 752.

G. PARKLANDS

Section 4(f) of the Department of Transportation Act, 49 U.S.C. §303(b)-303(c). Title 49 of the United States Code, section 303(b), requires the Secretary of Transportation to cooperate and consult with the Secretaries of Interior, Housing and Urban Development, and Agriculture, along with the states in developing plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities. Section 303(c) in general provides that the Secretary may not approve a transportation program or project requiring the use of a public park, recreation area, wildlife refuge, or significant historic site unless there is no prudent or feasible alternative and the program or project includes all possible planning to minimize harm to property [*Source*: 49 U.S.C. §303(b)-303(c)]. Implementing regulations: Federal Highway Administration—Environmental impact and related procedures, 23 CFR Part 771.

H. HAZARDOUS MATERIALS

- 1. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601.** The CERCLA was created to provide for liability, compensation, cleanup and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites. CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986. CERCLA applies to any project that may deal with land containing a hazardous substance [*Source*: 49 U.S.C. § 9601]. 40 CFR 300 provides the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. 43 CFR 11 supplements the procedures established under 40 CFR part 300 for the identification, investigation, study, and response to a discharge of oil or release of a hazardous substance, and it provides a procedure by which a natural resource trustee can determine compensation for injuries to natural resources that have not been nor are expected to be addressed by response actions conducted pursuant to the NCP.
- 2. Superfund Amendments and Reauthorization Act (SARA), Public Law No. 99-499.** This statute amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) on October 17, 1986. The amendments include: stressing the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites; requiring Superfund actions to consider the standards and requirements found in other state and federal environmental laws and regulations; providing new enforcement authorities and settlement tools; increasing state involvement in every phase of the Superfund program; increasing the focus on human health problems posed by hazardous waste sites; encouraging greater citizen participation in making decisions on how sites should be cleaned up; and increasing the size of the trust fund to \$8.5 billion. SARA also required EPA to revise the Hazard Ranking System to ensure that it accurately assessed the relative degree of risk to human health and the environment posed by uncontrolled hazardous waste sites that may be placed on the National Priorities List [*Source*: Public Law No. 99-499].
- 3. Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901.** This statute regulates the generation, treatment, storage, transportation, and disposal of solid hazardous waste. RCRA also sets forth a framework for the management of non-hazardous wastes. RCRA focuses only on active and future facilities and does not address abandoned or historical sites. Subtitle I establishes a regulatory program that prevents, detects and cleans up releases from underground storage tank systems containing petroleum or hazardous substances [*Source*: 42 U.S.C. § 6901]. 40 CFR 260-271 establishes the standards and procedures the Environmental Protection Agency uses in implementing the RCRA.
- 4. Toxic Substances Control Act, 15 U.S.C. § 2601.** This statute empowers the EPA to track the industrial chemicals currently produced or imported into the United States. EPA can require the reporting or testing of those chemicals that it deems may pose an environmental or human-health hazard. EPA can also ban the manufacture and import of those chemicals that pose an unreasonable risk [*Source*: 15 U.S.C. § 2601]. EPA's implementing regulations: Procedures governing testing consent agreements and test rules, 40 CFR Part 790-792; Provisional test guidelines, 40 CFR Part 795; Chemical fate testing guidelines, 40 CFR Part 796; Environmental effects testing guidelines, 40 CFR Part 797; Health effects testing guidelines, 40 CFR Part 798; and, Identification of specific chemical substance and mixture testing requirements, 40 CFR Part 799.
- 5. Federal Insecticide, Fungicide and Rodenticide Act 7 U.S.C. § 136.** The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) controls the application of pesticides to provide greater protection to people and the environment. The primary focus of FIFRA was to provide federal control of pesticide distribution, sale, and use. EPA was given

authority under FIFRA not only to study the consequences of pesticide usage but also to require users (farmers, utility companies, and others) to register when purchasing pesticides. Through later amendments to the law, users also must take exams for certification as applicators of pesticides. All pesticides used in the U.S. must be registered (licensed) by EPA. Registration assures that pesticides will be properly labeled and that if in accordance with specifications, will not cause unreasonable harm to the environment [*Source*: 7 U.S.C. § 136]. The EPA's implementing regulations are found at 40 CFR Parts 152-171.

I. FEDERAL PROCEDURES

1. **National Environmental Policy Act (NEPA), 42 U.S.C. § 4321-4335.** This statute established a national policy for protection of the environment. The statute includes three major goals: (1) it sets national environmental policy; (2) it establishes a basis for environmental impact statements (EIS); and (3) it created the Council on Environmental Quality (CEQ). NEPA requires that, to the extent possible, the policies, regulations, and laws of the federal government be interpreted and administered in accordance with the protection goals of the law. It also requires federal agencies to use an interdisciplinary approach in planning and decision making for actions that impact the environment. Finally, NEPA requires the preparation of an EIS on all major federal actions significantly affecting the human environment [*Source*: 42 U.S.C. § 4321-4335]. The Council on Environmental Quality (CEQ) issued regulations for implementing the procedural aspects of NEPA (40 CFR Part 1500 -1508). Shortly following the regulations CEQ issued guidance, commonly referred to as "Forty Questions and Answers on the CEQ Regulations." Other applicable regulations are 23 CFR 771-772 and Executive Order 11514 as amended by Executive Order 11991 on NEPA responsibilities.
2. **Pollution Prevention Act, 42 U.S.C. § 13101.** This statute focuses industry, government and public attention on reducing the amount of pollution through cost-effective changes in production, operation and raw materials use. The Act promotes using practices that increase efficiency in the use of energy, water, or other natural resources and protect the resource base through conservation, including recycling, source reduction and sustainable agriculture. The Act also created pollution prevention state grants to be awarded to promote the use of source reduction techniques by businesses [*Source*: 42 U.S.C. § 13101]. Applicable regulations are found at 40 CFR 35.340, 48 CFR 23.702 and 48 CFR 52.223-5.
3. **49 U.S.C. § 47101.** This statute establishes the National Transportation Policy, stating that it is the goal of the United States to develop a national intermodal transportation system and that all forms of transportation will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development. This statute also notes that it is in the public interest to reduce noncompatible land uses around airports and place a priority on efforts to mitigate noise around airports. The statute directs the Department of Transportation (DOT) to cooperate with state and local officials in developing airport plans and programs that are based on overall transportation needs and that such programs shall be developed considering long-range land-use plans and overall social, economic, environmental, system performance, and energy conservation objectives. Finally, the statute directs DOT to consult with the Secretary of the Interior and the Administrator of the EPA about any project included in a project grant application involving the location of an airport or runway, or a major runway extension that may have a significant effect on natural resources or the environment [*Source*: 49 U.S.C. §47101]. Implementing regulations: Federal Aviation Administration—Airport noise compatibility planning, 14 CFR Part 150; Federal Aviation Administration—state block grant pilot program, 14 CFR Part 156.
4. **Executive Order 12088, "Federal Compliance with Pollution Control Standards."** This Executive Order requires the head of each executive agency to ensure that all necessary actions are taken for the prevention, control and abatement of environmental pollution with respect to federal facilities and activities under the control of the agency. Each executive agency is responsible for cooperating with the Administrator of the EPA, and state, interstate and local agencies in the prevention, control and abatement of environmental pollution and consulting with aforementioned parties concerning the best techniques and methods available to do so. If the Administrator of the EPA, or the appropriate state, interstate or local agency notifies an executive agency that it is in violation of a pollution control standard, the executive agency is required to consult with the notifying agency and provide for its approval a plan to achieve and maintain compliance with the pollution control standard. If the Administrator of the EPA cannot resolve conflicts regard such violations, the Administrator shall request the Director of the Office of Management and Budget to resolve the conflict [*Source*: Executive Order 12088].

5. **Executive Order 12373, “Intergovernmental Review of Federal Programs.”** This Executive Order directs federal agencies to provide opportunities for consultation by elected officials of those states and local governments that would provide the non-federal funds for, or that would be directly affected by, proposed federal financial assistance or direct federal development. In effect, this Order allows federal agencies to rely on state and local processes for state and local coordination and review of proposed federal financial assistance. The Office of Management and Budget (OMB) maintains a list of official state entities designated by the states to review and coordinate proposed federal financial assistance and direct federal development [*Source*: Executive Order 12373].
6. **Executive Order No. 13274, “Environmental Stewardship and Transportation Infrastructure Project Reviews.”** This Executive Order was enacted to enhance environmental stewardship and streamline environmental review of transportation infrastructure projects. The Executive Order establishes an interagency Transportation Infrastructure Streamlining Task Force to promote streamlining and environmental stewardship in transportation projects [*Source*: Executive Order No. 13274].
7. **Executive Order 11593, “Protection and Enhancement of the Cultural Environment.”** This Executive Order tasks federal agencies to survey all lands under their ownership or control and nominate to the *National Register of Historic Places* all properties that appear to qualify. It also requires agencies to inadvertently destroy such properties prior to completing their inventories. This order was codified as part of the 1980 amendments to the National Historic Preservation Act [*Sources*: Executive Order 11593, National Historic Preservation Act 16 USC § 470].
8. **Sikes Act, 16 U.S.C. § 670a.** This statute requires the Secretary of Defense to carry out a program to provide for the conservation and rehabilitation of natural resources on military installations. To facilitate the program, the Secretary of each military department shall prepare and implement an integrated natural resources management plan for each military installation in the United States under the jurisdiction of the Secretary, unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate. The Secretary of a military department shall prepare each integrated natural resources management plan for which the Secretary is responsible in cooperation with the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, and the head of each appropriate state fish and wildlife agency for the state in which the military installation concerned is located [*Source*: 16 U.S.C. 670a]. Office of the Secretary of Defense-Natural Resources Management Program, 32 CFR Part 190.

J. LAND

1. **Landscaping and Scenic Enhancement (Wildflowers) 23 U.S.C. § 319.** The Landscaping and Scenic Enhancement Act empowers the Secretary of Transportation to approve as a part of the construction of federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways. Section 130 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 amended 23 U.S.C. § 319 by adding a requirement that native wildflower seeds or seedlings or both be planted as part of any landscaping project undertaken on the federal-aid highway system. At least one-quarter of one percent of funds expended for a landscaping project must be used to plant native wildflowers on that project. This provision requires every landscaping project to include the planting of native wildflowers unless a waiver has been granted [*Source*: 23 U.S.C. § 319]. Implementing regulations may be found at 23 CFR Parts 650, 655, 662, and 752.
2. **Highway Beautification Act 23 U.S.C. §§ 131, 136, and 319.** The Highway Beautification Act’s purpose is to provide effective control of outdoor advertising and junkyards, to protect the public investment, to promote the safety and recreational values of public travel and preserve natural beauty. The Act also provides landscapes and roadside development reasonably necessary to accommodate the traveling public. This Act applies to interstate and primary systems, as primary system existed on June 1, 1991, and the National Highway System [*Sources*: 23 U.S.C. §§ 131, 136, and 319]. Implementing regulations may be found at 23 CFR Parts 750-752.
3. **National Trails System Act 16 U.S.C. §§ 1241-1249.** The National Trails System Act made it federal policy to recognize and promote trails by providing financial assistance, support of volunteers, coordination with states, and other authorities. As a result, 8 national scenic trails (NSTs) and 15 national historic trails (NHTs) have been established by

law (and are administered by the National Park Service, the USDA Forest Service, and the Bureau of Land Management, depending on the trail); over 800 national recreation trails have been recognized by the Secretaries of Agriculture and Interior; and 2 side-and-connecting trails have also been certified. In addition, other federal statutes support and fund trails through programs such as FHWA's Recreational Trails Program and Transportation Enhancements programs, HUD block grants, and the NPS Rivers, Trails, and Conservation Assistance Program [*Sources*: 16 U.S.C. §§ 1241-1249]. Implementing regulations round at 36 CFR 251 and 43 CFR 8350. See also, the National Recreational Trails Fund Act of the Intermodal Surface Transportation Efficiency Act of 1991, 16 U.S.C. § 1261, which established the program to allocate funds to states to provide and maintain recreational trail and trail-related projects.

APPENDIX F

Applications of Federal Requirements for Contract Administration

TABLE F1
SUMMARY OF FEDERAL REQUIREMENTS FOR NHS, NON-NHS, AND SERVICE CONTRACTS

SUBJECT	USC	CFR	OTHER LAWS	Applicability			REMARKS
				Construction Contracts		Non-Highway Construction or "Service Contracts"	
				NHS	Non-NHS		
Prohibition Against Use of Local Hiring Preferences (FHWA-1273 - Sec 1-6)		635.117(b)		Yes	Yes	No	
Prohibition Against the Use of Convict Labor (FHWA-1273 - Sec 1-6)	23 USC 114(b)	23CFR 635.117(a)		Yes	Yes**	No	**Prohibition only applies to projects on Federal-aid highways
Nondiscrimination (FHWA-1273 - Sec II)	23USC 140, 23 USC 324, 49 USC 322, 42 USC 12101-12213, 42 USC 3601-3619	23 CFR 200, 23 CFR 230D, 23 CFR 635.17 28 CFR 35 29 CFR 1630 41 CFR 60 49 CFR 21, 23 28 CFR 50.3 49 CFR 25	*The Civil Rights Act of 1964, Title VI *The Age Discrimination and Employment Act of 1967 *The Age Discrimination of 1975 *The American Disabilities Act of 1990	Yes	Yes	Yes	All contracts and subcontracts of \$10,000 or more
Non-segregated Facilities (FHWA-1273 - Sec III)		23 CFR 633A 41 CFR 60.1.8	Title VI	Yes	Yes	Yes	All contracts and subcontracts of \$10,000 or more
Payment of Predetermined Minimum Wage (FHWA-1273 - Sec IV)	23 USC 113, 40 USC 276 (a) & (c)	23 CFR 635, 309(f), 29 CFR 1, 3, 5	Davis-Bacon Act Copeland Anti-Kickback Act	Yes	**	**	**All Construction contracts on a Federal-aid Highway exceeding \$2,000
Statements and Payrolls (FHWA-1273 - Sec V)	40 USC 276 (a) & (c), 18 USC 874	23 CFR 635.118 29 CFR 3, 5	Davis-Bacon Act Copeland Anti-Kickback Act	Yes	**	**	**Same as above
Record of Material, Supplies and Labor (FHWA 47) (FHWA-1273 - Sec VI)		23 CFR 635.126		**Yes	No	No	**Applies to NHS projects > \$ 1M (excl. FA, Beaut, RR etc.)
Subletting or Assigning the Contract (FHWA-1273 - Sec VII)		23 CFR 635.116		Yes	No	No	
Safety: Accident Prevention (OSHA compliance) (FHWA-1273 - Sec VIII)	40 USC 333	23 CFR 635.108 29 CFR 1926	OSHA	Yes	Yes	Yes	All construction projects
False Statements Concerning Highway Projects (FHWA-1273 - Sec IX)	18 USC 1020	23 CFR 633A, 23 CFR 635.119		Yes	Yes	Yes	All construction projects
Implementation of the Clean Air Act and Federal Water Pollution Control Act (FHWA-1273 - Sec X)	33 USC 1251 42 USC 1857	23 CFR 633A 40 CFR 15		Yes	Yes	Yes	All contracts and subcontracts of \$100,000 or more
Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion (FHWA-1273 - Sec X1)		23 CFR 635.112(g) 49 CFR 29		Yes	Yes	Yes	Contracts and subcontracts of \$100,000 or more
Certification Regarding the Use of Contract Funds for Lobbying (FHWA-1273 - Sec X11)	49 USC 322A	23 CFR 635.112(g) 49 CFR 20 49 CFR 29		Yes	Yes	Yes	Contracts and subcontracts exceeding \$100,000
Appalachian Contract Employment Preference	40 USC Appendix 201	23 CFR 633B	Appalachian Regional Development Act	**	**	**	Only APD funded contracts
Buy America	STAA Section 165 ISTEIA Section 1041(a) & 1048 (b)	23 CFR 635.410		Yes	Yes	**Yes	**All construction projects funded under Title 23
Disadvantaged Business Enterprise	23 USC 140(b)	23 CFR 200 & 230B, C, D 49 CFR Part 26 (DBE) 49 CFR Part 21 (Title V1)		**Yes	**Yes	**Yes	**Applicable as necessary to meet State DBE program goals
Indian Preference on Federal-aid Projects (Labor & Employment)	23 USC 140 42 USC 2000e-2i	23 CFR 635.117		**	**	**	**Any project meeting "guidance criteria (see text)
Non-Collusion Certification	23 USC 112	23 CFR 635.112(f)		Yes	Yes	No	
On-the-Job Training	23 USC 140(a) & (b)	23 CFR 230A		Yes	**	**	**Projects designated by STA in setting State goals
Standardized Changed Conditions Contract Clauses	23 USC 112(e)	23 CFR 635.109		Yes	Yes	No	
Drug - Free Workplace		49 CFR 29		**	**	**	DFW certification applies to direct recipients (not construction contractors)
Publicly Owned Equipment		23 CFR 635.106	OMB Circular A-87	Yes	Yes	No	

Contractor Purchased Equipment for State Ownership	23 USC 302	23 CFR 140 49 CFR Part 18 49 CFR Section 18.3		Yes	Yes	No	
Equipment Rental Rates		48 CFR Part 31	OMB Circular A-87 FAPG NS 23 CFR 635.120	Yes	Yes	No	
Foreign Contractor and Supplier Restriction		49 CFR 30		Yes	Yes	No	
Prohibition Against Convict Produced Materials	23 USC 114(b)(2)	23 CFR 635.417		Yes	**	No	** Prohibition only applies to projects on Federal-aid highways
Patented / Proprietary Products	23 USC 112	23 CFR 635.411		Yes	Yes	No	
State Preference	23 USC 112	23 CFR 635.409		Yes	Yes	No	
State Owned / Furnished/ Designated Materials	23 USC 112	23 CFR 635.407		Yes	Yes	No	
Public Agencies in Competition with the Private Sector	23 USC 112	23 CFR 635.112(e)		Yes	Yes	No	
Salvage Credits		49 CFR 18.36		Yes	Yes	No	
Warranty		23 CFR 635.413		Yes	No	No	
Alternate Bids		23 CFR 635.411(b)		Yes	No	No	
Incentive / Disincentive Clauses		23 CFR 635.127(d,f)		Yes	No	No	
Standard Specifications and Plans		23 CFR 630B		Yes	No	No	
Engineer's Estimate		23 CFR 630B		Yes	No	No	
Method of Construction (low bid for construction contracts)	23 USC 112(a) & (b)	23 CFR 635.104 49 CFR 18.36		Yes	Yes	No	
Owner Force Account / Cost Effective Justification		23 CFR 635B		Yes	Yes	No	
Bonding and Prequalification		23 CFR 635.110		Yes	Yes**	No	**See limitations in text
Advertising for Bids	23 USC 112	23 CFR 635.112(d) (e) (f) (g) (h), 49 CFR 18.36		Yes	**	No	**See limitations in text
Bid Opening and Tabulation		23 CFR 635.113(a)		Yes	**	No	**See Text
Bid Analysis and Award of Contract	23 USC 112	23 CFR 635.114		Yes	**	No	**See Text
Contract Time		23 CFR 635.121		Yes	No	No	
Change Orders		23 CFR 635.120-121		Yes	No	No	
Claims		23 CFR 635.124		Yes	No	No	
Liquidated Damages		23 CFR 635.127		Yes	No	No	
Progress Payments		23 CFR 635.122		Yes	No	No	
Project Supervision and Staffing	23 USC 114 & 302	23 CFR 635.105		Yes	Yes	No	
Subcontracting		23 CFR 635.116		Yes	No	No	
Suspension and Debarment		49 CFR 29		Yes	Yes	Yes	
Termination of Contracts		23 CFR 635.125		Yes	No	No	
Audits	23 USC 112(b)(2) (c)	49 CFR 18.26; and 48 CFR 31, Federal Acquisitions Regulations	OMB Circular A-133	Yes	Yes	Yes	
Records Retention		49 CFR 18		Yes	Yes	Yes	

*Service contracts are generally contracts which do not conform with the definition of "construction" in 23 USC 101(a)(3) and are not considered to be engineering service contracts subject to 23 CFR 172. Certain intelligent transportation system projects may be considered to be service contracts if they do not "... directly facilitate and control traffic flow" (excerpt from the definition of "construction").

*Non-highway construction contracts may include Transportation Enhancement Projects which are not located on highway right-of-way and are not linked to a Federal-aid highway project (i.e. the project would not exist without another Federal-aid project). Examples include bicycle trails, historic preservation, railroad station rehabilitation projects, etc. (See Mr. Ptak's November 12, 1996 memo.)

[Source: *Contract Administration Core Curriculum Participant's Manual and Reference Guide (2006)*].

TABLE F2
PROCUREMENT OPTIONS FOR FEDERAL-AID, CONSTRUCTION, AND SERVICE CONTRACTS

(1)	(2)	(3)	(4)	(5)
	US DOT's Adoption of the Common Rule (Non-construction/ Non-engineering)	Construction Contracts	Engineering Service Contracts	Special Experimental Project No. 14 (SEP-14)
Reference	49 CFR 18	23 USC 112 (b)(1) 23 CFR 635	23 USC 112 (b)(2) 23 CFR 172	23 USC 307
Basis for contract award	State Procedures for procurement	Lowest Responsive Bidder	Qualifications Based Selection	Experimental
Definitions	49 CFR 18.3	23 USC 101(a) - "construction"	23 USC 112 (b)(2)	None
Types of Projects	Service contracts, equipment purchases, limited software development and other services that do not meet the definitions of design or construction	Traditional highway construction	Traditional engineering and architectural services	Non-traditional projects (design-build, best value, life cycle cost bidding, etc.)
Exceptions/Applicability Limitations	1) 49 CFR 18.36(j) requires competitive bidding for highway construction grants using 23 CFR 635A (column 3) 2) 49 CFR 18.36(t) requires qualifications based selection for architectural or engineering services using Brooks Act requirements (column 4)	1) For Transportation Enhancement projects off the highway ROW, 49 CFR 18 applies (col #2) 2) Deviations from competitive bidding requirements should be evaluated experimentally under SEP-14 (column 5)		

[Source: "Construction: Contract Administration, Procurements Options Summary (2007)"].

APPENDIX G

SAMPLE DOCUMENTS THAT SUPPORT STREAMLINING

California

Sampled Section from LPA Quality Assurance Manual

Delaware

Complete Streets Policy

Joint Project Agreement between City of Dover and DelDOT

LPA Project Checklist

TE Program Guidelines

Florida

ARRA Tracker Tool

LAP Certification Process

LAP Certification Training Agenda

LAP Construction Checklist

Local Agency Program Information Tool (LAPIT) - Draft

Local Agency Specification Landscaping – Section 580

Iowa

Sampled Sections from Microsoft Access Database for Iowa Clean Air Attainment Program (includes CMAQ), NSB, SRTS, and TE programs

Supplemental Agreement for Qualifying Locally Procured Federal-aid Contracts

Minnesota

Programmatic Categorical Exclusion Approval Agreement

Environmental Documentation for Federal Projects with Minor Impacts

North Dakota

Project Delivery System (PDS) report

Ohio

Participation Requirements Review Form

LPA Project Evaluation Form

Oregon

Plans, Specifications, and Estimate Checklist for Certified Agencies

Sampled Section from Local Governments Quick Reference Guide

Pennsylvania

Community Transportation Initiative Reimbursement Agreement - Construction

Design Manual Bicycle/Pedestrian Checklist

Publication 526 - Municipal-Sponsor Guidance Pamphlet

Washington

Local Agency General Specification – Asphalt

Qualification Form for LPAs

California Department of Transportation

Sampled Section from LPA Quality Assurance Manual

CALIFORNIA DEPARTMENT OF TRANSPORTATION



Quality Assurance Program (QAP) Manual
for Use by Local Agencies

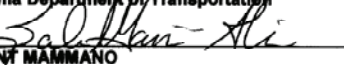
This manual provides quality assurance guidelines for materials used in Federal-aid projects off the State Highway System.

APPROVED BY:



DENIX D. ANBIAH
Chief
Division of Local Assistance
California Department of Transportation

01/06/09
Date



VINCENT MAMMIANO
Acting California Division Administrator
Federal Highway Administration

1/09/09
Date

December 2008
Division of Local Assistance

Note: Quality Assurance Programs should be reviewed and updated every five years or more frequently.

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Quality Assurance Program (QAP) Manual for Use by Local Agencies

1.0 INTRODUCTION

A Quality Assurance Program (QAP) consists of an Acceptance Program and an Independent Assurance (IA) Program that will provide assurance that the materials and workmanship incorporated into a construction project are in conformance with the contract specifications. A QAP should be updated as needed, and at least once every five years.

When transportation projects are constructed on the National Highway System (NHS), it is required by federal regulations that each State Transportation Department (STD) has a QAP that meets federal requirements.

There are no federal QAP regulations for local agency administered Federal-aid projects off the NHS. However, to ensure that a local agency is a good steward of public funds and to ensure that the materials and workmanship incorporated in a construction project are in conformance with the contract specifications, the use of a QAP is essential. Consequently, Caltrans has included the requirement in the Local Assistance Procedures Manual that every local agency receiving funds for a Federal-aid transportation project must have a QAP. This manual provides guidelines that local agencies can use to develop a QAP for all Federal-aid projects off the State Highway System (SHS) which would include agency transportation projects off the NHS and the essential connecting roads on the NHS that are off the SHS.

2.0 STATE AND LOCAL AGENCY PROJECTS ON THE NHS

When local agencies need assistance concerning Federal-aid projects on the SHS, they are encouraged to contact their Caltrans District Local Assistance Engineer (DLAE) for guidance.

2.1 THE NATIONAL HIGHWAY SYSTEM (NHS)

In California, the NHS consists of approximately 7,500 miles of roadways on the SHS, all roadways on the Interstate System, and 120 miles of essential connecting (city or county) roads off the SHS. For the locations of California roadways on the NHS, refer to the following website:

<http://www.fhwa.dot.gov/planning/nhs/index.html>

2.2 CODE OF FEDERAL REGULATIONS TITLE 23, PART 637 FOR PROJECTS ON THE NHS

The Code of Federal Regulations (Title 23, Section 637.205), defines the general policy for quality assurance programs on the NHS. It reads:



“Each State Transportation Department (STD) shall develop a quality assurance program which will assure that the materials and workmanship incorporated into each Federal-aid highway construction project on the NHS are in conformity with the requirements of the approved plans and specifications, including approved changes.”

Appendix A contains the entire text of Part 637, including the “Guide Letter of Certification by State Engineer” required for transportation projects on the NHS.

2.3 QAP REQUIREMENTS FOR PROJECTS ON THE SHS

In California, the STD (Caltrans) has determined that California test (CT) methods will be used to meet the QAP requirements.

2.3.1 QAP DOCUMENTS

These QAP documents are to be used:

- The California Department of Transportation (Caltrans) Construction Manual
- The Caltrans Independent Assurance (IA) Manual

The Caltrans Construction Manual provides the frequency of acceptance testing and outlines the acceptance testing program. The Caltrans IA Manual details the Caltrans Independent Assurance program to be followed that has been approved by FHWA.

These manuals are available at the following websites:

http://www.dot.ca.gov/hq/construc/manual2001/chapter6/chp6_1.pdf
<http://www.dot.ca.gov/hq/esc/Translab/IAPMasterList/2005%20IA%20Manual.pdf>

2.3.2 PLANS AND SPECIFICATIONS

Caltrans and local agency projects on the SHS are required to use Caltrans approved plans and specifications.

2.3.3 TEST METHODS

On Caltrans and local agency projects on the SHS, CT methods are required to be followed. All CT methods are available at the following website:

<http://www.dot.ca.gov/hq/esc/ctms/index.html>

2.4 TRANSPORTATION PROJECTS ON THE NHS, BUT OFF THE SHS

2.4.1 QAP DOCUMENTS

For projects on the NHS but off the SHS, federal requirements mandate a QAP. The local agency may adopt the information contained in this manual for their QAP as outlined in Section 3, or follow the Caltrans QAP documents outlined in Section 2.3. The QAP in Section 3 consists of:

- An acceptance testing program
- An independent assurance program

An example of a simple QAP that can be used by a local agency is shown in Appendix Y.



2.4.2 PLANS AND SPECIFICATIONS

For local agencies with Federal-aid projects on the NHS, but off the SHS, approved plans and specifications shall be one of the following:

- Plans and specifications based upon a nationally-recognized standard (i.e., AASHTO, ASTM, etc.)
- Caltrans Standard Plans and Specifications
- Greenbook Standard Plans and Specifications

2.4.3 TEST METHODS

To receive Federal-aid funding for local agency administered projects off the SHS but on the NHS, local agencies are required to use test methods based upon a national standard or CT methods. Examples of national standards include:

- American Society for Testing and Materials (ASTM)
- American Association of State Highway and Transportation Officials (AASHTO)

It is beneficial if local agencies decide which testing standards are best suited for transportation projects in their geographical area. Local agencies should consider selecting the testing standards predominantly used by the professional groups in their geographical area. A list of testing standards is located in Appendix C.

2.5 CALTRANS INDEPENDENT ASSURANCE PROGRAM

Per the Caltrans IA Manual, IA services are provided by Caltrans IA staff for all locally-administered projects on the NHS or SHS, when CT methods are used. It should be noted that Caltrans will not perform IA services for these projects when ASTM or AASHTO standards are used to test the construction materials. When CT methods are used for local agency administered projects on the SHS or NHS, typical IA services performed by Caltrans include:

- Qualifying samplers and testers
- Accrediting laboratories
- Providing equipment calibration verification



3.0 LOCAL AGENCY TRANSPORTATION PROJECTS OFF THE NHS

For local agency Federal-aid transportation projects off the NHS, a QAP is required by the Caltrans Local Assistance Procedures Manual and is recommended by FHWA. The local agency has flexibility on how to develop and implement their QAP. It is recommended that ASTM standards, AASHTO standards, the Greenbook and/or Caltrans standards be used for the local agency's QAP.

3.1 DEVELOPING A QAP USING CT METHODS

- Caltrans QAP – Local agencies may use the Caltrans QAP documents outlined previously in Section 2.3.
- QAP Developed by the Local Agency – Chapter 16 of the Local Assistance Procedures Manual and this manual provide QAP guidelines using CT methods that will assist local agencies in developing a QAP for projects off the NHS. An example of a simple QAP that can be used by a local agency is shown in Appendix Y.
- When local agencies use CT methods, and construct one or more projects on the SHS or NHS each year, Caltrans is required to provide IA services for those local agency projects. After the samplers and testers are qualified and laboratories are accredited by Caltrans, they can then be used on other local agency projects while the accreditation and qualifications are still valid.
- If the local agency does not have a current project on the SHS or NHS, the local agency must make its own arrangements for IA services.

3.2 RECOMMENDED GUIDELINES FOR DEVELOPING A QAP

For local agencies that do not use the Caltrans QAP documents outlined previously in Section 2.3, it is recommended that they develop their own QAP that includes as a minimum:

- **Acceptance Testing** - sampling and testing to determine the degree of compliance with contract requirements. This includes:
 - a) **Testing Frequency Tables** – construction sampling and acceptance testing should be outlined in a frequency table. An example of a frequency table is shown in Appendix D.
 - b) **Qualifying testing laboratories and acceptance samplers and testers through an independent assurance program.**
 - c) **A testing laboratory tied to a nationally known proficiency (or correlation) testing program or the Caltrans Reference Sample Program.** Proficiency testing programs are explained in Appendix B.
 - d) **Thorough acceptance testing documentation.** This is explained in detail in Section 4. "Maintaining Acceptance Testing Records and Materials Documentation."



- **Independent Assurance Program** – procedures to verify that acceptance testing is being performed correctly by qualified testers and laboratories. These include, but are not limited to:
 - a) Verifying that equipment used for acceptance testing is properly calibrated and in good working condition. Records of equipment calibrations should be kept with the equipment.
 - b) Witnessing sampling and testing by the acceptance tester.
 - c) Performing corroboration testing between the acceptance tester and independent assurance personnel.
 - d) A written procedure for dispute resolution.

Section 5, “Developing an Independent Assurance Program” provides further guidelines and recommendations in developing a local agency IA program.

- **Testing of Manufactured materials** - procedures for inspecting, accepting and testing manufactured and prefabricated materials either by source inspection, job inspection, or certificate of compliance.
- **QAP approval** - The QAP shall be approved by the Public Works Director. A non-registered Public Works Director must delegate the approval to a staff engineer if such individual is appropriately registered. If no registered staff engineer is available, the delegation can be made to a registered consultant engineer retained by the agency. Copies of the QAP shall be kept on file for review; one copy shall be submitted to the Caltrans District Local Assistance Engineer.

4.0 MAINTAINING ACCEPTANCE TESTING RECORDS AND MATERIALS DOCUMENTATION

Local agencies shall maintain accurate acceptance testing records during the construction of their Federal-aid projects. It is the responsibility of the Resident Engineer to keep all acceptance testing records current. After the completion of each transportation project, all materials records should be stored at a convenient location, with easy access, for a minimum of three years after final project voucher.

To assist the Resident Engineer, a check list of acceptance sampling and testing items is shown in Appendix E. During an FHWA or Caltrans process review, the Resident Engineer is usually asked to present the following items:

- Local Agency Quality Assurance Program
- A log summary of acceptance tests (Appendix H)
- Individual acceptance test records (Appendix G)
- Certificates of Compliance (Appendix J.1, J.2)
- Documentation of Qualified Testing Personnel and Testing Laboratories
- Materials Certification signed at the completion of the project (Appendix K)

See Appendix F for a list of the construction materials accepted by a Certificate of Compliance. Appendices G, H, J.1, J.2 and K are examples of acceptance testing records that should be maintained by the Resident Engineer.

Delaware Department of Transportation

Complete Streets Policy

**REQUEST FOR
POLICY IMPLEMENT**

STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

P.I. NUMBER: O-6

Complete Streets Policy

References: Executive Order Number 6

Proposed Complete Street Act of 2009

Revised: N/A

Primary Responsibility:
Director: Transportation
Solution

TABLE OF CONTENTS

Title of Policy

- Purpose**
- Objectives**
- Applicability**
- Responsibility and Implementation**
- Exemptions**
- Waivers**
- Justification**
- Effective Date**

Purpose

To ensure that the Delaware Department of Transportation (DelDOT) system modifications are routinely planned, designed, constructed, operated and maintained in a

way that enables safe and efficient access for all users. The result should be a system for all users that is comprehensive, integrated, connected, safe, and efficient allowing users to choose among different transportation modes, both motorized and non-motorized.

Objectives

1. To define and implement changes to the project development process that will value all transportation modes during the project scoping phase and enhance currently used design practices through updates to DelDOT subdivision and design manuals, design memoranda, and policies.
2. To define roles and responsibilities through all phases of a project and implement strategies that will improve safety and convenience for all transit riders, pedestrians, bicyclists and motorists using the Delaware transportation system.
3. To define an Exemption Process.
4. To define a Waiver Process.

Applicability

1. All projects in the state right-of-way that are considered road reconstruction, widens the pavement width, or allows for the inclusion of facilities for all users, shall consider all transportation modes and accommodate accordingly; facility type shall be based on the project location and the needs of the community.
2. System maintenance projects are designed to keep what the State already owns in a good state of repair and are usually maintenance/pavement rehabilitation projects and require limited design and no right-of-way acquisition. While it is not the specific intent of these projects to expand existing facilities, opportunities to provide and improve safety for other modes shall be explored during the project development stage.

Responsibility and Implementation

1. Planning, Maintenance & Operations, Transportation Solutions and Delaware Transit Corporation (DTC), as well as any professional services (consultants) working for DelDOT will have the responsibility for implementation of this policy.
2. Planning, in coordination with each applicable division, will be responsible for developing a Complete Streets Implementation Plan for DelDOT programs and projects. The implementation plan will have specific actions for each division, and be designed in a consistent and compatible format. The implementation plan should be adopted within twelve months of the effective date of this policy and include an annual review process.
3. Effectiveness of this policy may be reviewed from time to time at the request of the Secretary, the affected divisions within DelDOT, or the traveling public.

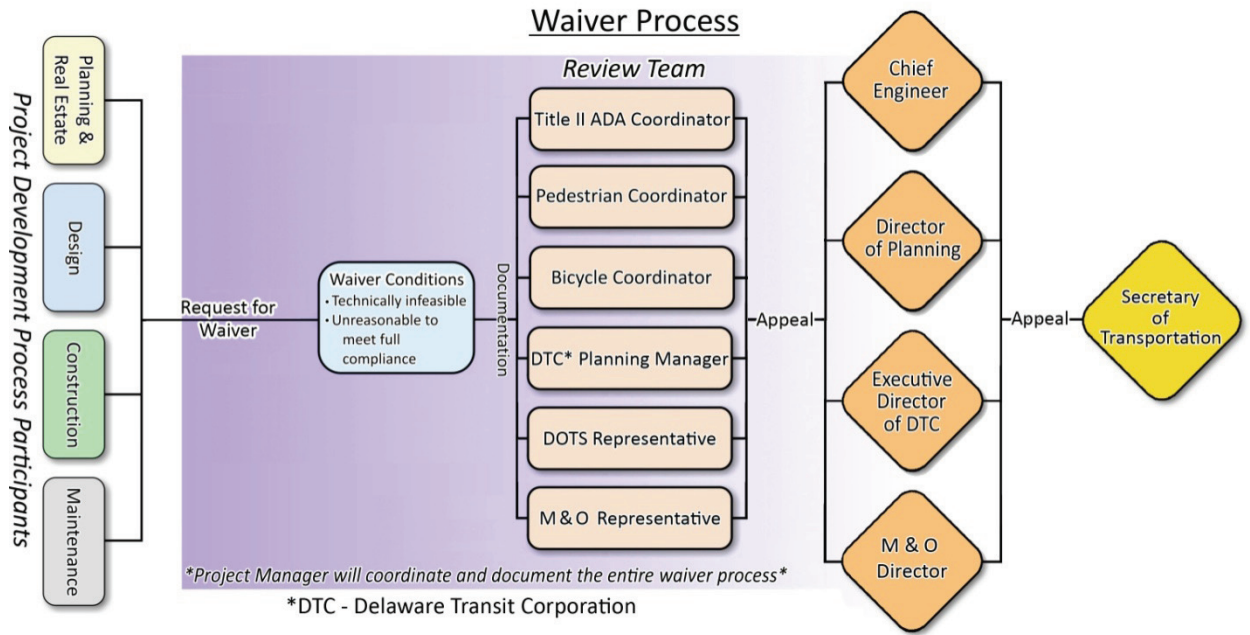
Exemptions

Justification and documentation exists for a roadway project to be exempt from the requirements of this policy based upon one of the following circumstances:

1. Alteration and maintenance projects on an affected roadway that prohibits by law use of the roadway by specific users. (Example I-95). New construction would be exempt for facilities within the right-of-way.
2. If it is determined that a reasonable and equivalent alternative already exists for certain users or is programmed in the CTP/TIP as a separate project as determined by representatives of appropriate modes. (Example: transit planner representing bus service identifies project for new bus stop already programmed).
3. Ordinary maintenance activities designed to keep transportation facilities in serviceable condition that does not interfere with existing facilities for longer than the time needed to perform maintenance.
4. As of the effective date of this policy, projects that have been submitted by the applicant as Semi-Final or more advanced plans are exempt.

Waivers

It is recognized, in a built environment, that complexities and challenges exists and there is a need to avoid or mitigate impacts to natural and cultural resources. There may also be right-of-way and financial constraints associated with individual projects. In an effort to reconcile these constraints, DelDOT will include a waiver process, with appropriate time constraints, in each division implementation plan. The general waiver process concept is shown in the diagram below:



Every effort should be made to identify constraints early in the project scoping phase. Therefore, Complete Street Waivers shall be initiated no later than the Semi-Final design phase of all projects.

Justification

Complete Streets Defined

The term ‘Complete Street’ means a roadway that accommodates all travelers, particularly public transit users, bicyclists, pedestrians (including individuals of all ages and individuals with mobility, sensory, neurological, or hidden disabilities), and motorists, to enable all travelers to use the roadway safely and efficiently. (HR 1443 IH)

Creating complete streets means planning, designing, constructing, maintaining and operating streets and all directly related components for motorized and non-motorized modes of travel, as appropriate for the area. The most basic element of a complete streets policy is that it ensures that roads are planned and built to serve all users.

National Movement

The proposed Federal Complete Streets Act of 2009 defines effective complete streets policies that are flexible enough to use in daily transportation planning practice. It directs state Departments of Transportation (DOTs) and Metropolitan Planning Organizations (MPOs) to adopt such policies within two years of enactment and applies the policies to upcoming federally funded transportation projects.

Delaware Accomplishments

DelDOT has been working towards a transportation system that allows users to choose between various modes. In fact, even though the term “Complete Streets” is relatively new, many DelDOT projects have been planned, designed, and built as such.

DelDOT has adopted a Statewide Bicycle Plan that authorizes DelDOT to plan and establish bikeways across the state for the use, enjoyment and participation of the public in non-motorized transportation. DelDOT is also currently working on a Statewide Pedestrian Action Plan that will ensure all pedestrian facilities are built to current ADA standards. The plan also includes a statewide sidewalk inventory that will identify gaps in the pedestrian network and enable DelDOT to create a prioritization plan for sidewalk installation. Additionally, pedestrian signals with countdown modules and accessible pedestrian signals are being installed throughout the state. DTC has completed a statewide bus stop inventory and is currently working on a bus stop policy with the goal of enhancing accessibility, reliability, and customer convenience.

Executive Order Number 6

On April 24, 2009, Governor Jack A. Markell signed into effect Executive Order No. 6. This Executive Order directed that a Statewide Complete Streets Policy be delivered to the Governor by September, 2009. This step toward creating a transportation system in Delaware that provides facilities for biking, walking, and transit, can increase safety, reduce traffic congestion and improve air quality.

VIII. *Effective Date*

This policy shall become effective 30 day(s) after signature by the Secretary, or, if applicable, upon compliance with the regulatory process required by the Administrative Procedures Act (29 Del.C. Ch. 101).

Delaware Department of Transportation

Joint Project Agreement between City of Dover and DelDOT

January 27, 2010

Mr. Tony DePrima, City Manager
City of Dover
The Plaza
P O Box 475
Dover DE 19903-0475

**RE: State Contract No. 28-042-01, F.A.P. No. ESTP-A999(108)
Wyoming Mill Road Realignment**

Dear Mr. DePrima:

This is to serve as an Agreement (AGREEMENT) between the Delaware Department of Transportation (DelDOT) and the City of Dover for the above-reference project.

This project, hereinafter referred to as the PROJECT, consists of the design, preparation of contract documents and the construction of the Wyoming Mill Road Realignment Project. The overall project will realign Wyoming Mill Road beginning approximately 1500 linear feet south of Hazletville Road to intersect with Westover Drive. Improvements will also be done on Hazletville Road in an easterly direction to Electric Avenue and westerly approximately 500 linear feet.

The realignment will include bicycle and pedestrian facilities, an open drainage system, signalization and miscellaneous improvements to the right-of-way on Hazletville Road, in an effort to improve pedestrian connections between communities, businesses, schools, and recreational destinations and transit service.

This is a City of Dover project, with DelDOT responsible for making sure that they comply with all applicable federal rules.

- I. In accordance with this AGREEMENT, DelDOT shall:
 - A. Under an open-end agreement, provide consultant services for the preparation of contract plans, specifications and estimates (PS&E) that meet DelDOT requirements. All design fees will be included as part of the project budget.
 - B. Advertise, award and administer the construction of the PROJECT, including but not

Wyoming Mill Road Realignment
January 27, 2010
Page 2 of 4

limited to construction engineering, construction inspection, materials testing and certification in accordance with federal and state requirements.

- C. On behalf of the City of Dover, using project funds, DelDOT will acquire any right-of-way necessary for the project.
- D. Apply for and obtain, prior to advertising all permits required by federal, state, and local authorities.
- E. Prepare and provide written documentation that all environmental and historical studies and documentation required by federal and state authorities have been prepared and approved.
- F. Coordinate with all utility companies within the project limits to determine conflicts with the proposed construction, required utility adjustments and relocations and obtain a relocation schedule. The approved relocation schedule will be included in the Special Provisions for the PROJECT. Reimbursable utility costs will be included in the PROJECT cost.

II. In accordance with this AGREEMENT, the City of Dover shall:

- A. Utilize the federal funding awarded for this PROJECT in the amount of ~~\$2,500,000~~.
- B. Donate all SPONSOR/CO-SPONSOR owned right-of-way necessary to construct the PROJECT as set forth in the plans and specifications for the PROJECT. This shall include temporary construction easements, permanent easements and other forms of acquisition as reflected on the right-of-way plans for this PROJECT. By signature of this AGREEMENT, the SPONSOR/CO-SPONSOR grants permission to DelDOT and the selected contractor the right to trespass on SPONSOR/CO-SPONSOR maintained or owned property in order to construct improvements as set forth in the plans and specifications for this PROJECT. Specifically, the SPONSOR, in this case, the City of Wilmington agrees to donate the required property rights (Temporary Construction Easements) as indicated for this PROJECT, State Contract No. 28-042-01, F.A.P. No. ESTP-A999(108) for the duration of construction of the PROJECT. _____ (initial).
- C. Provide timely review and comment/approval of the PROJECT construction plans, specifications and estimates.
- D. Utilize the funding provided for the PROJECT for the stated purpose only and not be redirected by the for any other purpose.
- E. ~~Be responsible for the maintenance of the PROJECT upon completion~~

Wyoming Mill Road Realignment

January 27, 2010

Page 3 of 4

III. Under this AGREEMENT, the following General Conditions shall apply to the parties:

- A. Upon completion and acceptance of the PROJECT, less any contract warranty periods by DelDOT, DelDOT will make a final accounting of project costs. The parties will make final settlement hereto within 60 days of written notice of the findings of the final accounting.
- B. DelDOT, shall cause to have its contractors indemnify and save harmless itself and the City of Dover from and against all claims, demands and causes of actions of every kind and character arising in favor of the contractors' employees or third party on account of personal injuries or death or damages to property, which may arise out of the exercise of this AGREEMENT

Please indicate your concurrence with these provisions by signing on the appropriate line

Wyoming Mill Road Realignment
January 27, 2010
Page 4 of 4

and return the five (5) signed originals to my attention. If you have any questions or concerns, please contact me at (302)760-2178

Sincerely,

Jeff Niezgoda
Planning Supervisor, Planning

APPROVED as to Form for DelDOT:

Frederick Schranck
Deputy Attorney General

Date

APPROVAL for the City of Dover:

Signature Above Printed Name and Title

Date

APPROVAL for the CO-SPONSOR:

Signature Above Printed Name and Title

Date

APPROVAL for DelDOT:

Ralph Reeb
Director of Planning

Date

ATTEST for DelDOT:

Martha Dobson
Director of Technology and Support Services

Date

Delaware Department of Transportation

LPA Project Checklist

Project Check List
Contract # 28-200-04
Title - Baynard Boulevard

Utility Statement Drafted - December 14, 2009
Utility Statement Executed - December 23, 2009
Environmental Statement - January 15, 2010
Traffic Statement - March 11, 2010
SHPO Letter from DelDOT - September 28, 2009
SHPO Approval - January 27, 2010
Timing Statement -
Specifications - January 28, 2010
Public Workshop - September 10, 2009
Right-of-Way Cert -

Delaware Department of Transportation

TE Program Guidelines

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION ENHANCEMENTS PROGRAM
2006 Program Guidelines

Introduction

The goal of the Transportation Enhancements (TE) Program is to provide the funding needed to support the development and implementation of a variety of non-traditional projects that highlight the cultural, aesthetic, and environmental aspects of the transportation system.

The TE Program was established under the federal Intermodal Transportation Efficiency Act (ISTEA) of 1991, reauthorized through the Transportation Equity Act for the 21st Century (TEA-21) in 1998, and was reauthorized again through the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in 2005. Under the TE Program, states are required to use at least 10 percent of their federal Surface Transportation Program (STP) funds for TE projects. The TE program makes funds available for eligible projects on a **reimbursement** basis; these funds are **not administered as grants**. All federal TE projects must meet the following three criteria:

- The project must have a relationship to surface transportation;
- The project must be dedicated to public use; and,
- The project must fit into at least one of the twelve activities listed below.

Eligible Activities

1. Bicycle and pedestrian facilities;
2. Safety and educational activities for bicyclists and pedestrians;
3. Acquisition of scenic easements, and scenic or historic sites;
4. Scenic or historic highway programs, including the provision of tourist and welcome center facilities;
5. Landscaping and other beautification;
6. Historic preservation;
7. Preservation of abandoned railway corridors, including conversions for use as bicycle or pedestrian trails;
8. Control or removal of outdoor advertising;
9. Rehabilitation and operation of historic transportation buildings, structures, or facilities, including historic railroad facilities and canals;
10. Archeological planning and research;
11. Mitigation of water pollution due to highway runoff or reduction of vehicle-caused wildlife mortality; and,
12. Establishment of transportation museums.



The Delaware Department of Transportation (DelDOT) TE Program builds on the federal program in two very important ways. First, DelDOT uses greater than 10 percent of its STP funds and adds a significant amount of state funds to support the Program. Second, although all projects funded under the Program must fall into one or more of the above-referenced activities, DelDOT will focus on projects that support local economic development efforts and increase the quality of Delawareans' lives.

Project Nomination Requirements

All county and municipal governments, other state agencies, and private non-profit organizations are eligible sponsors. DelDOT will arrange a meeting with all potential project sponsors on site to discuss project limits and constraints and to develop concepts and cost estimates.

Project Selection and Prioritization

Proposals for TE projects will be accepted continually and evaluated as quickly as possible. DelDOT will give all applicants a written answer. Any proposed project using federal funds will be shared with the relevant Metropolitan Planning Organizations.

Project Development

DelDOT will determine whether a project will succeed best by having either DelDOT or the sponsor act as the administrator. We anticipate most will be the former. DelDOT-administered projects will require us to work closely with the sponsor to undertake every aspect of design, advertisement, construction, and inspection. All DelDOT-administered projects, both within and outside of DelDOT's right-of-way (ROW), will proceed in accordance with the required plan format and standards. Sponsor-administered projects will require the sponsoring agency to carry out these activities on their own behalf, with oversight and assistance from DelDOT. All sponsor-administered projects, both inside and outside of DelDOT's ROW, must follow the sponsor's plan format and standards, and comply with all federal and state laws.

Project Funding

Individual TE projects may be funded up to \$1,000,000. There is no limit on the number of projects for which a sponsor can submit proposals. However, DelDOT will strive to balance both geography and funding levels between the very best applications.

Match Requirements

Although the Federal Highway Administration requires a 20 percent match for TE Funding eligibility, DelDOT will insure this over the course of the entire Program rather than on an individual project basis. By doing this, DelDOT can help a greater number of smaller applicants, as detailed below:

Project Cost Estimate	Required Match
< \$1,000,000.00	20%
< \$900,000.00	18%
< \$800,000.00	16%
< \$700,000.00	14%
< \$600,000.00	12%
< \$500,000.00	10%
< \$400,000.00	8%
< \$300,000.00	6%
< \$200,000.00	4%
< \$100,000.00	2%

Eligible matching funds can come from several sources. **All matching funds must be accurately committed and documented by DelDOT and the sponsor, before the project is awarded. Eligible match includes:**

- Appraised value of private land (donated ROW or property related to the project),
- Design services,
- Construction or construction inspection services,
- Materials,
- Private cash,
- Funds from other federal (not other US DOT funds) or state agencies, and
- Community Transportation Funds (CTF) provided that they are used on public property.

Program Inquires

DelDOT welcomes all inquiries. We are available to answer questions, attend meetings, and assist potential project sponsors in developing project nominations. Please send inquires to:

Jeff Niezgoda
 Planning Supervisor
 VOICE: (302) 760-2178
 FAX: (302) 739-2251

Delaware Department of Transportation
 P.O. Box 778
 Dover, DE 19903

**Florida Department of Transportation
ARRA Tracker Tool**

Welcome to the Agency User Manual for the FDOT District 6 American Recovery & Reinvestment Act Tracking Tool, or ARRA Tracker. To access the tool go to:

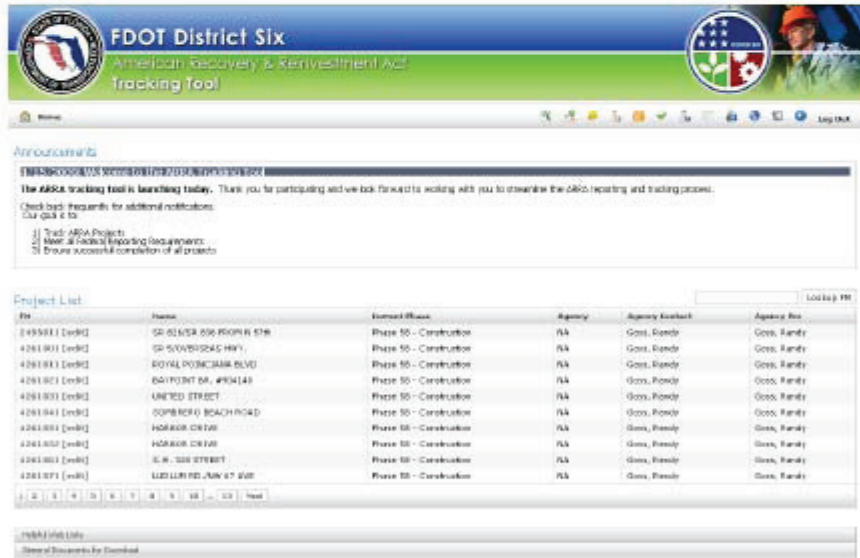
<http://www.d6lapracker.org/arra/>

You'll be greeted with the page below:



Just put in the user name and password provided to you by FDOT to continue.

Once logged in you'll be brought to the Project List:



To continue either search for a specific project using the Lookup FM search bar on the top right or just select the FM off the list on the left hand side.

Once you've selected your project you'll be taken to the project page:

FDOT District Six
American Recovery & Reinvestment Act
Tracking Tool

Home > Work Program Overview > Phase 28 - Construction > Phase 28 - 002

DP NUMBER: 249822
 PROJECT NAME:
 DEPARTMENT:
 PROJECT LOCATION:

DOT PROJ. COST PR. ID=200912, PH. ID=180611, PH. ID=080111
 SC. PROJ. SCOPED TO (L)ACT, RICH TO (L)ACTS, COST CENTER=PH
 PLANING# 200904 BLD, AEN#08 030 AS PROJ. INT, DOT PROJ. LUS#F
 THIS PROJECT CONTAINS ALL PH & PH PH. ENTER INTERCHANGE#
 24 32 (P. 100) (R)7+R00, SPO#=(0001) (T)CP, SPO#=(0710) (M)0
 26 05=ALL, DT. 001, SPO#=MOT, 2009=0409, 10=9999-C, AGO, RUCD.

PHASE	FUND CODE	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	SUBTOTAL
0000		\$	\$	\$	\$	\$	\$	\$

- Fax: 249822
- Name: SR 200/CS 236 ROADWAY
- Class of Action: Single Class of Action
- Current Phase: Phase 28 - Construction
- Road Type:
- Agency: NA
- Agency Contact: Glenn, Randy
- Agency Fax: 249822
- Contractor/Consultant: NA
- Contract #:
- Federal Aid #:
- Advertisement Date: 4/14/2009
- Award Date: 4/22/2009
- BID Date: 4/15/2009

Edit Delete

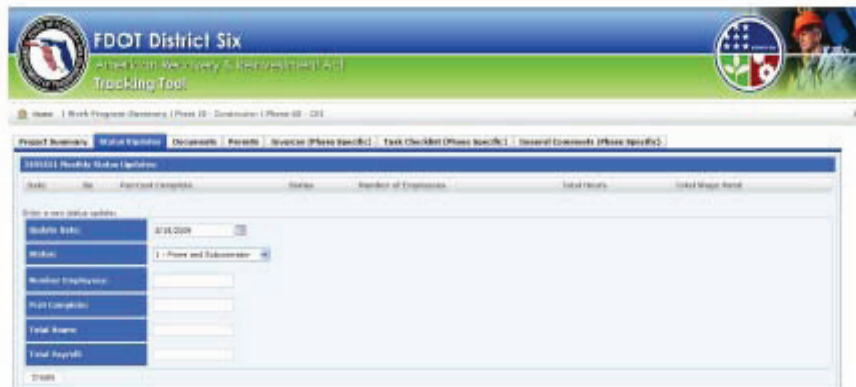
From here you'll see basic information about the project and its funding. The project information page contains basic project and funding information as well as a map of the project if it has been mapped. It will also display the current phase, which can be accessed by clicking on the phase in question on the top menu bar.

Clicking on any phase will take you to the information for the phase, but since comments and documents can only be added to the current phase, let's go there:



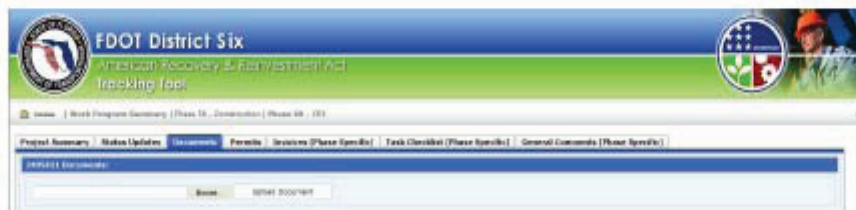
As you can see the phase information screen shows more detailed information about the project in this phase and a new menu bar which will take you to the various sub screens for the project, including such things as documents for the project, permits or tasks that need to be completed.

This first tab is the Status Update tab:



The Status Update tab shows the monthly status updates for this phase in the project. As you can see it keeps track of how far along the phase is, the status, the number of employees, the total hours spent working and the total wage cost.

The second tab is the Documents tab:



The Documents tab shows all the documents uploaded for the phase. Those with the proper permissions will be able to upload new documents or delete existing ones.

The third tab is the Permits tab:

The screenshot shows the 'Permits' tab in the FDOT District Six American Recovery & Reinvestment Act Tracking Tool. The interface includes a navigation bar with tabs for Project Summary, Status Updates, Documents, Permits, Invoices (Phase Specific), Task Checklist (Phase Specific), and General Comments (Phase Specific). The main content area is titled 'PERMITS Information' and features a table with columns: Phase ID, Species, Task, Plan Date, Job Date, Exp. Date, and Close Date. Below the table is a form with the following fields: Permit Type (dropdown menu), Permit Number, Application Number, Species Code, Expiration Date, and Closing Date. At the bottom, there are buttons for 'Upload Permit Document (Optional)' and 'Save'.

The Permits tab is used for tracking all the permits assigned to the phase. From here you can track when permits were applied for, when they were issued, when they expire and when they are closed.

The fourth tab is the Invoices tab:

The screenshot shows the 'Invoices' tab in the FDOT District Six American Recovery & Reinvestment Act Tracking Tool. The interface includes a navigation bar with tabs for Project Summary, Status Updates, Documents, Permits, Invoices (Phase Specific), Task Checklist (Phase Specific), and General Comments (Phase Specific). The main content area is titled 'INVOICES Information' and features a table with columns: Invoice ID, Date Prepared, Date Submitted, Date Approved, Amount, Invoice Package, and Submitted Status. Below the table is a form with the following fields: Invoice Number, Date Prepared, Date Submitted, Date Approved, Invoice Package (dropdown menu), Approved Amount (Calculated), Approved Status, and Amount. At the bottom, there are buttons for 'Upload Invoice Package' and 'Save'.

The Invoices tab helps keep track of the invoices associated with the phase. From this screen you can track when the invoice was submitted, whether or not it was approved and when, how much it was for, and include a document associated with it. Invoices are phase specific.

The fifth tab is the Task Checklist tab:



The Task Checklist tab keeps track of all the tasks associated with a phase. Tasks can be issued a target date and be checked off when completed. Inline comments can also be added to clarify information about the task.

The final tab is the General Comments tab:



The General Comments tab allows you to post comments about the phase and read other comments posted. This is just a location to keep track of centralized information about the phase for the project.

Florida Department of Transportation

LAP Certification Process



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
DeLand, FL 32720-6834

STEPHANIE C. KOPELOUSOS
SECRETARY

December 15, 2009

Mr. Robert F. DeWitt, PE
Construction Engineer
City of Daytona Beach
P. O. Box 2451
Daytona Beach, Florida 32115-2451

Dear Mr. DeWitt:

SUBJECT: LOCAL AGENCY PROGRAM (LAP) RE-CERTIFICATION

The City of Daytona Beach is now re-certified pursuant to Title 23 - United States Code, and Section 334.044(7), Florida Statutes, to develop and to accomplish the following in administering Federal-aid projects:

1. Planning
2. Design
3. Railroad, Utility, Consultant, and Technical Services Agreements
4. Environmental Documentation
5. Bid and Award
6. Right-of-Way Documentation
7. Consultant Selection
8. Construction Administration

The Federal Highway Administration and the Department retain the approval authority or oversight responsibility for the following:

1. Authorization of Funds
2. Determination of Environmental Class of Action
(NEPA - National Environmental Policy Act)
3. Right-of-Way Certification
4. Plans, Specifications, and Estimates
5. Final Inspection
6. Equal Employment Opportunity Program
7. Disadvantaged Business Enterprises
8. Force Account (Performing Work Using City's Employees)

www.dot.state.fl.us

Mr. Robert F. DeWitt, PE
Page 2
December 15, 2009

Enclosed is an executed copy of the **LOCAL AGENCY CERTIFICATION QUALIFICATION AGREEMENT**. This document identifies the approval authorities and conditions for the various project functions.

Congratulations, and the Department looks forward to working with the City of Daytona Beach on future projects.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Moscoso". The signature is fluid and cursive, with the first name "Tom" and last name "Moscoso" clearly distinguishable.

Thomas Moscoso
District 5 LAP Administrator

enclosure

cc: Roosevelt Petithomme
Vince Vacchiano

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY CERTIFICATION QUALIFICATION AGREEMENT

525-010-33
 PRODUCTION SUPPORT
 03/09
 Page 1 of 3

LOCAL AGENCY City of Daytona Beach

The noted Local Agency hereby agrees to comply with the following requirements when developing all projects on and off the Federal-aid Highway System:

1. The *Local Agency Program (LAP) Manual* and all policies and guidelines promulgated by the State of Florida Department of Transportation (Department) which accomplish the policies and objectives set forth in Title 23, U.S.C., Highways and the Regulations issued pursuant thereto.
2. The overall approval authorities and conditions will be as follows:
 - a. The project design will be reviewed and approved by the following State of Florida registered Professional Engineer (s).
Construction Engineer
 Position Title (s) Only
 - b. The hearing's findings (if required) will be reviewed and approved by the following official(s).
N/A
 Position Title(s) Only
 - c. The contract plans, specifications, and estimate of cost will be reviewed and approved by the following State of Florida registered Professional Engineer (s).
Construction Engineer
 Position Title (s) Only
 - d. Agreements will be signed by the following responsible local official(s).
 - (1) Railroad N/A
 Position Title (s) Only
 - (2) Utility N/A
 Position Title (s) Only
 - (3) Consultant N/A
 Position Title (s) Only
 - (4) Technical Services City Architect and Construction Engineer
 Position Title (s) Only
 - e. The award of contract will be signed by the following responsible official.
Mayor
 Position Title (s) Only

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY CERTIFICATION QUALIFICATION AGREEMENT

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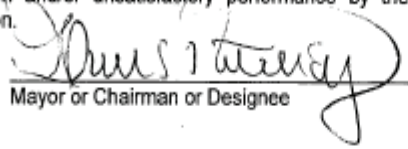
- f. The following person or persons will be the Disadvantage Business Enterprise (DBE) Liaison Officer, Title VI Officer, Equal Employment Opportunity(EEO)/Affirmative Action Officer, and Americans with Disabilities Act (ADA) Coordinator.
 One person may serve in all four positions or a separate person in each position.

<u>Betty Goodman</u>	<u>Assistant City Manager</u>	<u>Goodmanb@CODB.US</u>
Name	Position Title	Contact Information
<u>SAME AS ABOVE</u>		
Name	Position Title	Contact Information
<u>SAME AS ABOVE</u>		
Name	Position Title	Contact Information
<u>SAME AS ABOVE</u>		
Name	Position Title	Contact Information

- g. All projects will be designed and constructed in accordance with the requirements of the *LAP Manual*.
 h. The Contract Administration will be supervised by the following State of Florida registered Professional Engineer.

Construction Engineer
 Position Title Only

- i. Construction Administration and Material Sampling and Testing will be accomplished in accordance with the requirements of the *LAP Manual*.
- The Local Agency agrees that it has the means to provide adequate expertise and will have support staff available to perform the functions being subdelegated. The support staff may include consultant or State services.
 - The Local Agency agrees to submit the names of the approving authorities noted in Section 2 above with each project prospectus.
 - All projects under Local Agency Certification shall be available for review by the Federal Highway Administration (FHWA) and the Department at any time. All project documents shall be retained and available for inspection during the plan development and construction stages and for a three-year period following acceptance of the project by FHWA.
 - The Department's District LAP Administrator's approval of the Local Agency Certification may be rescinded at any time upon request by the Local Agency or if in the Department's District LAP Administrator's opinion, it is necessary to do so. The rescission may be applied to all or part of the functional areas or projects approved in the Local Agency Certification.
 - The Local Agency must receive a Recertification of Qualification after a period of three years of inactivity or at the discretion of the Department's District LAP Administrator. Failure to receive a Recertification of Qualification and/or unsatisfactory performance by the Local Agency will result in a Decertification of Qualification.


 Mayor or Chairman or Designee

12/10/09
 Date

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY CERTIFICATION QUALIFICATION AGREEMENT

525-010-33
PRODUCTION SUPPORT
03/09
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STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

The Local Agency is certified in the following functional areas: Planning Environmental Documentation

Design Consultant Selection Bid and Award Project Construction Administration

Right of Way Documentation

Approved By:

Thomas Moscoso
District Secretary or Designee

12-14-09
Date

DS LAP ADMINISTRATOR

Florida Department of Transportation**Local Agency Program Certification Training Agenda**DRAFT LOCAL AGENCY PROGRAM (LAP) TRAINING AGENDA
July 13, 2010

Morning Sessions		
8:00 – 8:30 AM	8:00 – 8:30	Registration
8:30 – 10:00 AM	8:30 – 8:40 AM	Welcome and Introductions – Stacy Miller and Gerry O'Reilly, FDOT District Four
	8:40 – 8:50 AM	Stewardship and Oversight Responsibilities, Monica Gourdine, FHWA Florida Division
	8:50 – 10:00 AM	Title VI Program – Nondiscrimination Agreement and Local Agencies – Charlotte Thomas, FDOT Central Office; Carey Shepherd, FHWA Florida Division; and Megan Francis, U.S. DOT OIG
10:00 – 10:15 AM	Morning Break	
10:15 – 11:45 AM	10:15 – 10:45 AM	District Four LAP Overview – Leslie Wetherell and Barbara Handrahan, FDOT District Four
	10:45 – 11:15 AM	Environmental Review and NEPA Documentation Process – Ann Broadwell and/or environmental management staff, FDOT District Four
	11:15 – 11:45 AM	Local Agency Right of Way Requirements – Susan Day and/or right of way staff, FDOT District Four Right of Way Office and Brian Telfair, FHWA Florida Division
11:45 – 12:45 PM	Lunch Break	
Afternoon Sessions		
1:00 – 3:00 PM	1:00 – 1:45 PM	ADA and Design Requirements LAP Projects – Dean Perkins and Frank Sullivan, FDOT Central Office
	1:45 – 2:00 PM	Drainage Requirements - Francis Lewis, FDOT District Four
	2:00 – 2:30 PM	Specification Requirements for LAP Projects – Duane Brautigam, FDOT Central Office
	2:30 – 3:00 PM	Contract Administration and Materials Certification – Roosevelt Petithomme, FDOT Central Office
3:00 – 3:15 PM	Afternoon Break	
3:15 – 4:15 PM	3:15 – 4:00 PM	Contract Compliance Overview and Commercially – Usefully Function, Marty Anderson, FDOT District Four; Erica Miller, FDOT Central Office
	4:00 – 4:15 PM	Training Wrap Up

Florida Department of Transportation

LAP Construction Checklist

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
FEDERAL REQUIREMENTS LAP CHECKLIST FOR ADMINISTRATIVE OPERATIONS

525-010-43
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 01/09
 Page 1 of 4

Local Agency: The City of Daytona Beach County: Volusia Municipality: The City of Daytona Beach

Requirement	Reference	NHS/SHS <input type="checkbox"/>	Non-NHS/SHS <input checked="" type="checkbox"/>	Non-NHS/Non-SHS <input type="checkbox"/>	Non-Federal-Aid Highway/Non-SHS <input type="checkbox"/>	Local Agency Responsibility	District Monitoring Responsibilities	Reference	Local Agency Initial	(FDOT) District Initial
1a. Advertising for Bids	23 CFR 635.112(d)(e)(f)(g)(h), 49 CFR 18.36	Yes	Yes	Yes	Yes	<p>The Local Agency shall advertise authorized projects a minimum of 3 weeks and make available approved plans and specifications to bidders during the advertising period.</p> <p>Approval shall be obtained by the Local Agency prior to issuing any addenda which contains a major change to the approved plans or specifications during the advertising period.</p> <p>The Local Agency shall develop a process specifically for Design Build projects that includes the solicitation for proposals including the submission, modification, revision and withdrawal of proposals.</p>	Review Local Agency procedures, guidelines, policies, etc.	City's Purchasing Department performs the advertising for bids.		
2a. Bid Opening and Tabulation	23 CFR 635.113(a)	Yes	Yes	Yes	Yes	<p>The Local Agency shall publicly open and announce either item by item or by total amount all bids received in accordance with the terms of the advertisement. Any bid received and not read aloud, shall have the name of the bidder and the reason for not reading the bid aloud publicly announced at the letting.</p> <p>The Local Agency shall forward Tabulations of bids certified by a responsible official to FDOT. The tabulation shall show: (1) Bid item details for at least the low three acceptable bids and (2) The total amounts of all other acceptable bids.</p> <p>The Local Agency shall develop a process specifically for Design Build projects that includes the handling of proposals and information.</p>	Review Local Agency procedures, guidelines, policies, etc.	City's Purchasing Agent publicly opens and reads aloud the bids.		

Requirement	Reference	NHS/ SHS <input type="checkbox"/>	Non- NHS/ SHS <input checked="" type="checkbox"/>	Non- NHS/ Non- SHS <input type="checkbox"/>	Non- Federal- Aid Highway/ Non-SHS <input type="checkbox"/>	Local Agency Responsibility	District Monitoring Responsibilities	Reference	Local Agency Initial	(FDOT) District Initial
3a. Bid Analysis and Award of Contract	23 CFR 635.114	Yes	Yes	Yes	Yes	<p>The Local Agency shall examine the unit bid prices of the apparent low bid for reasonable conformance with the engineer's estimate. A written process should be in place for documenting the analysis of bids, determining unbalanced and non-responsive bids, identification of non-responsive bidders and the Local Agency's award/reject recommendation.</p> <p>The Local Agency shall award contracts solely on the basis of the lowest responsive bid submitted by a bidder meeting the criteria of responsibility with the prior approval of FDOT.</p> <p>The Local Agency shall develop a process specifically for Design Build projects that includes the review and evaluation of proposals and the method of announcing the successful proposal.</p>	Review Local Agency procedures, guidelines, policies, etc.	<p>City's Engineering Division performs check of all bid tabulation to check for math errors.</p> <p>Engineering to prepare City Commission Agenda for award of the bid.</p>	A	DM
4a. Contract time	23 CFR 635.121	Yes	No	No	No	Provide procedures to be used. May use section 1.2.7 of FDOT CPAM as guide.	Review Local Agency procedures, guidelines, policies, etc.	60 days Noted in the bid section.	N/A	DM
5a. Engineer's Estimate	23 CFR 630B	Yes	No	No	No	If the project is on the NHS the Local Agency must follow FDOT's method of estimating.	Review documents to make sure a valid estimate was done for NHS projects.	\$719,920	N/A	DM
6a. Project Supervision and Staffing	23 CFR 635.105	Yes	Yes	Yes	Yes	Outline procedures to ensure compliance with plans and specifications. Must have a full time employee in responsible charge of the project (name and title)	Review Local Agency procedures, guidelines, policies, etc.	Jim Hanis, City Architect Bob DeWitt, P.E. Construction Engineer	*	DM

Requirement	Reference	NHS/ SHS <input type="checkbox"/>	Non- NHS/ SHS <input checked="" type="checkbox"/>	Non- NHS/ Non- SHS <input type="checkbox"/>	Non- Federal- Aid Highway/ Non-SHS <input type="checkbox"/>	Local Agency Responsibility	District Monitoring Responsibilities	Reference	Local Agency Initial	(FDOT) District Initial
7a. Warranty clauses	23 CFR 635.413	Yes	No	No	No	Provide FDOT with procedures to be used and include FDOT approved procedures in bid documents.	Review Local Agency procedures, guidelines, policies, etc.	Provided in Section 01740		

Florida Department of Transportation

Local Agency Program Information Tool (LAPIT) - Draft

LAPIT - SCAT
Sub-recipient Compliance Assessment Tool
Florida Department of Transportation

Home Help

HOME

About the Sub-Recipient Americans with Disabilities Act Compliance Assessment

Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, and related Federal and State statutes and regulations prohibit discrimination based upon race, color, national origin, sex, religion, age, disability and family status in all programs, services and activities of public entities, in most cases whether or not they receive Federal Highway Administration (FHWA) funding. Moreover, 23 CFR Part 200 and 49 CFR Parts 27 and 28 mandate the Florida Department of Transportation (FDOT) to conduct periodic reviews of cities, counties, planning agencies and other sub-recipients of public funds to ensure they are in compliance with nondiscrimination requirements. FDOT has developed this assessment as a means of determining sub-recipient compliance; helping sub-recipients understand their nondiscrimination responsibilities; and assisting FDOT in delivering training and technical assistance.

LAPIT - SCAT
Sub-recipient Compliance Assessment Tool
Florida Department of Transportation

Home Help

TITLE VI ASSESSMENT FOR CITY OF DORAL

Assessment Responses

Completed On: 5/24/2010 2:48 PM

- Who is the Title VI contact person for your agency?
Name: Francisco M Gonzalez
Title: Transportation Engineer
E-mail Address: francisco.gonzalez@cityofdoral.com
Phone Number: 3055936740
- Does this person accept complaints from the public? Yes
If No, please include title, e-mail and telephone number for each person who does so.

Florida Department of Transportation**Local Agency Specification Landscaping – Section 580****SECTION 580
LANDSCAPE INSTALLATION****580-1 Description.**

Plant trees and shrubs of the species, size, and quality indicated in the plans.

The Engineer reserves the right to adjust the number and location of any of the designated types and species to be used at any of the locations shown, in order to provide for any unanticipated effects which might become apparent after the substantial completion of other phases of the project, or for other causes.

580-2 Materials.**580-2.1 Plants:**

580-2.1.1 Authority for Nomenclature; Species, etc.: For the designated authority in the identification of all plant material, refer to two publications of L.H. Bailey: "Hortus III" and "Manual of Cultivated Plants," and ensure that all specimens are true to type, name, etc., as described therein. For the standard nomenclature, refer to the publication of the American Joint Committee on Horticultural Nomenclature, "Standardized Plant Names."

580-2.1.2 Grade Standards and Conformity with Type and Species: Only use nursery grown plant material except where specified as Collected Material. Use nursery grown plant material that complies with all required inspection, grading standards, and plant regulations in accordance with the latest edition of the Florida Department of Agriculture's "Grades and Standards for Nursery Plants".

Except where a lesser grade might be specifically specified in the plans, ensure that the minimum grade for all trees and shrubs is Florida No. 1. Ensure that all plants are the proper size and grade at the time of delivery to the site, throughout the project construction period and during any designated plant establishment period.

Ensure that plant materials are true to type and species and that any plant materials not specifically covered in Florida Department of Agriculture's "Grades and Standards for Nursery Plants" conform in type and species with the standards and designations in general acceptance by Florida nurseries.

Ensure that plant materials are shipped with tags stating the botanical and common name of the plant.

580-2.1.3 Inspection and Transporting: Move nursery stock in accordance with all Federal and State regulations therefor, and accompany each shipment with the required inspection certificates for filing with the Engineer.

580-2.2 Water: Water used in landscaping operations may be obtained from any approved source. Ensure that water is free of any substance which might be detrimental to plant growth.

The use of effluent water is subject to approval and must meet all Federal, State and Local requirements.

580-3 Specific Requirements for the Various Plant Designations.

580-3.1 Balled-and-Burlapped Plants (B&B), and Wired Balled-and-Burlapped (WB & B):

580-3.1.1 General: Properly protect the root ball of these plants until planting them. The Engineer may reject any plant which shows evidence of having been mishandled.

Set the B&B and WB&B plants then remove the top 2/3 of all wire, rope, and binding surrounding the plant. Remove the burlap from the top 4 inches [100 mm] of the root ball. Do not disturb the root ball in any way. Bare root material is not allowed for substitution.

At least 90 days before digging out B & B and WB & B plants, root-prune those 1 1/2 inches [38 mm] or greater in diameter and certify such fact on accompanying invoices.

580-3.1.2 Provisions for Wiring: For plants grown in soil of a loose texture, which does not readily adhere to the root system (and especially in the case of large plants or trees), the Engineer may require WB & B plants. For WB & B plants, before removing the plant from the excavated hole, place sound hog wire around the burlapped ball, and loop and tension it until the tightened wire netting substantially packages the burlapped ball such as to prevent disturbing of the loose soil around the roots during handling.

580-3.2 Container-Grown Plants (CG): The Engineer will not accept any CG plants with roots which have become pot-bound or for which the top system is too large for the size of the container. Fully cut and open all containers in a manner that will not damage the root system. Do not remove CG plants from the container until immediately before planting to prevent damage to the root system.

580-3.3 Collected Plants (Trees and Shrubs) (C): Use C plants which have a root ball according to "Florida Grades and Standards for Nursery Plants". Do not plant any C plant before the Engineer's inspection and acceptance at the planting site.

580-3.4 Collected Plants (Herbaceous) (HC): The root mass and vegetative portions of collected herbaceous plants shall be as large as the specified container-grown equivalent. Do not plant any collected plant before inspection and acceptance by the Engineer.

580-3.5 Specimen Plants (Special Grade): When Specimen (or Special Grade) plants are required, label them as such on the plant list, and tag the plant to be furnished.

580-3.6 Palms: Wrap the roots of all plants of the palm species before transporting, except if they are CG plants and ensure that they have an adequate root ball structure and mass for healthy transplantation as defined in "Florida Grades and Standards for Nursery Plants".

The Engineer will not require burlapping if the palm is carefully dug from marl or heavy soil that adheres to the roots and retains its shape without crumbling. During transporting and after arrival, carefully protect root balls of palms from wind and exposure to the sun. Muck grown palms are not allowed. After delivery to the job site, if not planting the palm within 24 hours, cover the root ball with a moist material. Plant all palms within 48 hours of delivery to the site.

Move sabal and coconut palms in accordance with the “Florida Grades and Standards for Nursery Plants.”

580-3.7 Substitution of Container-Grown (CG) Plants: With the Engineer’s approval, the Contractor may substitute CG plants for any other root classification types, if he has met all other requirements of the Contract Documents.

580-4 Planting Requirements.

580-4.1 Layout: Prior to any excavation or planting, mark all planting beds and individual locations of palms, trees, large shrubs and proposed art and architectural structures, as shown in the plans, on the ground with a common bright orange colored spray paint, or with other approved methods, within the project limits. Obtain the Engineer’s approval and make necessary utility clearance requests.

580-4.2 Excavation of Plant Holes: Excavate plant holes after an area around the plant three times the size of the root ball has been tilled to a depth of the root ball. Ensure that the plant hole is made in the center of the tilled area only to the depth of the plant root ball.

Where excess material has been excavated from the plant hole, use the excavated material to backfill to proper level.

580-4.3 Setting of Plants: Center plants in the hole. Lower the plant into the hole so that it rests on a prepared hole bottom such that the roots are level with, or slightly above, the level of their previous growth and so oriented such as to present the best appearance.

Backfill with native soil, unless otherwise specified on the plans. Firmly rod and water-in the backfill so that no air pockets remain. Apply a sufficient quantity of water immediately upon planting to thoroughly moisten all of the backfilled earth. Keep plants in a moistened condition for the duration of the planting period.

When so directed, form a water ring 6 inches [150 mm] in width to make a water collecting basin with an inside diameter equal to the diameter of the excavated hole. Maintain the water ring in an acceptable condition.

580-4.4 Special Bed Preparation: Where multiple or mass plantings are to be made in extended bedding areas, and the plans specify Special Bed Preparation, prepare the planting beds as follows:

Remove all vegetation from within the area of the planting bed and excavate the surface soil to a depth of 6 inches [150 mm]. Backfill the excavated area with peat, sand, finish soil layer material or other material to the elevation of the original surface. Till the entire area to provide a loose, friable mixture to a depth of at least 8 inches [200 mm]. Level the bed only slightly above the adjacent ground level. Then mulch the entire bedding area, in accordance with 580-8.

580-5 Staking and Guying.

580-5.1 General: When specified in the plans, or as directed by the Engineer, stake plants in accordance with the following.

Use wide plastic, rubber or other flexible strapping materials to support the tree to stakes or ground anchors that will give as the tree moves in any direction up to 30 degrees. Do

not use rope or wire through a hose. Use guy chords, hose or any other thin bracing or anchorage material which has a minimum 12 inches [300 mm] length of high visibility flagging tape secured to guys, midway between the tree and stakes for safety.

Stake trees larger than 1 inch [25 mm] diameter and smaller than 2 inches [50 mm] diameter with a 2 by 2 inch [50 by 50 mm] stake, set at least 2 feet [0.6 m] in the ground and extending to the crown of the plant. Firmly fasten the plant to the stake with flexible strapping materials as noted above.

580-5.2 Trees of 2 to 3 1/2 inches [50 to 90 mm] Caliper: Stake all trees, other than palm trees, larger than 2 inches [50 mm] caliper and smaller than 3 1/2 inches [90 mm] caliper with two 2 by 4 inch [50 by 100 mm] stakes, 8 feet [2.4 m] long, set 2 feet [0.6 m] in the ground. Place the tree midway between the stakes and hold it firmly in place by flexible strapping materials as noted above.

580-5.3 Large Trees: Guy all trees, other than palm trees, larger than 3 1/2 inches [90 mm] caliper, from at least three points, with flexible strapping materials as noted above.

Anchor flexible strapping to 2 by 4 by 24 inch [50 by 100 by 600 mm] stakes, driven into the ground such that the top of the stake is at least 3 inches [75 mm] below the finished ground.

580-5.4 Special Requirements for Palm Trees: Brace palms which are to be staked with three 2 by 4 inch [50 by 100 mm] wood braces, toe-nailed to cleats which are securely banded at two points to the palm, at a point one third the height of the trunk. Pad the trunk with five layers of burlap under the cleats. Place braces approximately 120 degrees apart and secure them underground by 2 by 4 by 12 inch [50 by 100 by 300 mm] stake pads.

580-6 Tree Protection and Root Barriers.

Install tree barricades when called for in the Contract Documents or by the Engineer to protect existing trees from damage during project construction. Place barricades at the drip line of the tree foliage or as far from the base of the tree trunk as possible. Barricades shall be able to withstand bumps by heavy equipment and trucks. Maintain barricades in good condition.

When called for in the Contract Documents, install root barriers or fabrics in accordance with the details shown.

580-7 Pruning.

Prune all broken or damaged roots and limbs in accordance with established arboriculture practices. When pruning is completed ensure that all remaining wood is alive. Do not reduce the size or quality of the plant below the minimum specified.

580-8 Mulching.

Uniformly apply mulch material, consisting of wood chips (no Cypress Mulch is allowed), pine straw, compost, or other suitable material approved by the Engineer, to a minimum loose thickness of 3 inches [75 mm] over the entire area of the backfilled hole or bed within two days after the planting. Maintain the mulch continuously in place until the time of final inspection.

580-9 Disposal of Surplus Materials and Debris.

Dispose of surplus excavated material from plant holes by scattering or otherwise as might be directed so that it is not readily visible or conspicuous to the passing motorist or pedestrian.

Remove all debris and other objectionable material from the site and clean up the entire area and leave it in neat condition.

580-10 Contractor's Responsibility for Condition of the Plantings.

Ensure that the plants are kept watered, that the staking and guying is kept adjusted as necessary, that all planting areas and beds are kept free of weeds and undesirable plant growth and that the plants are maintained so that they are healthy, vigorous, and undamaged at the time of acceptance.

580-11 Plant Establishment Period.

If the Contract Documents designate a Plant Establishment Period, assume responsibility for the proper maintenance, survival and condition of all landscape items during such period at no additional cost.

580-12 Method of Measurement.

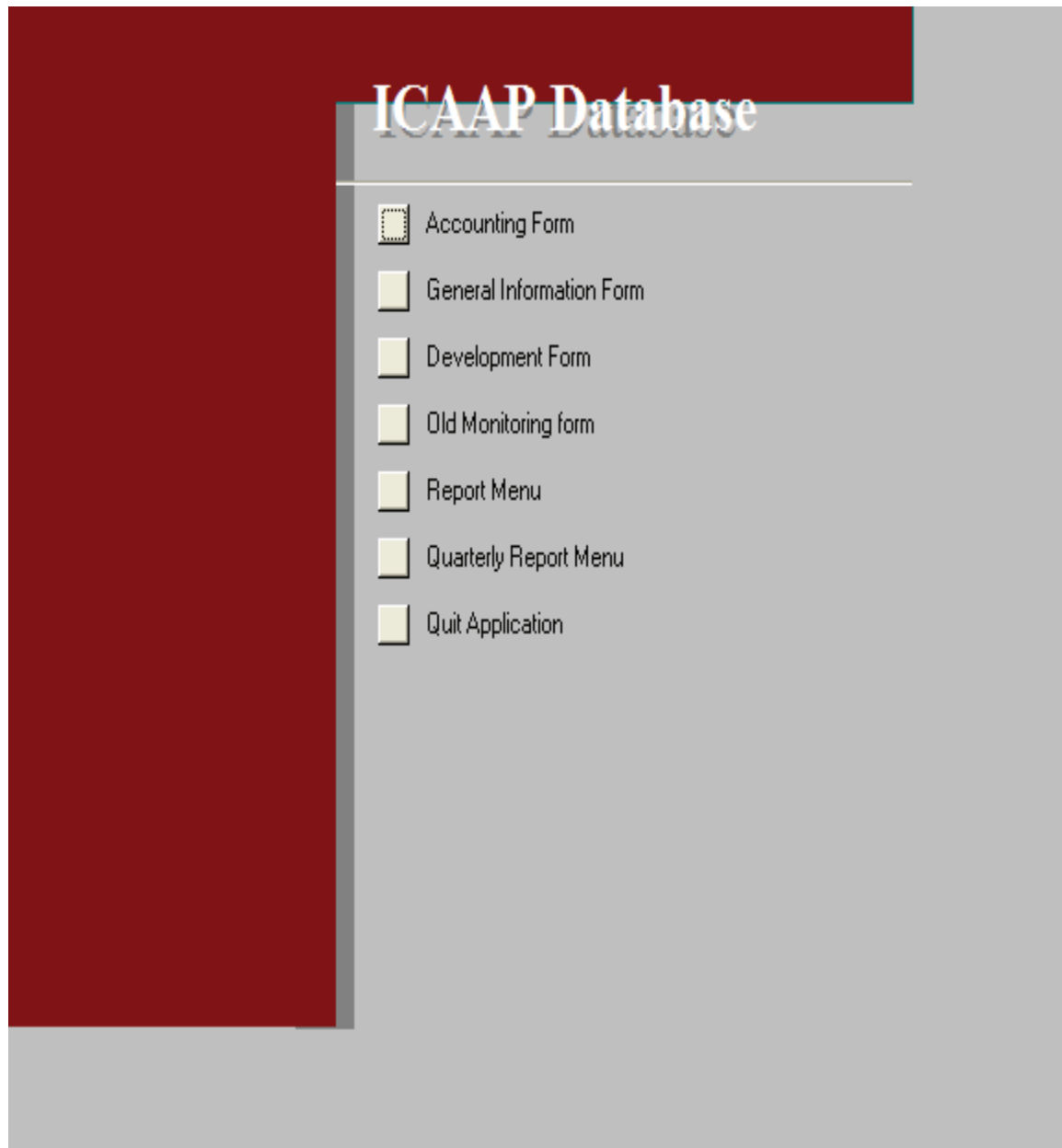
The quantities to be paid for will be the items shown in the plans, completed and accepted.

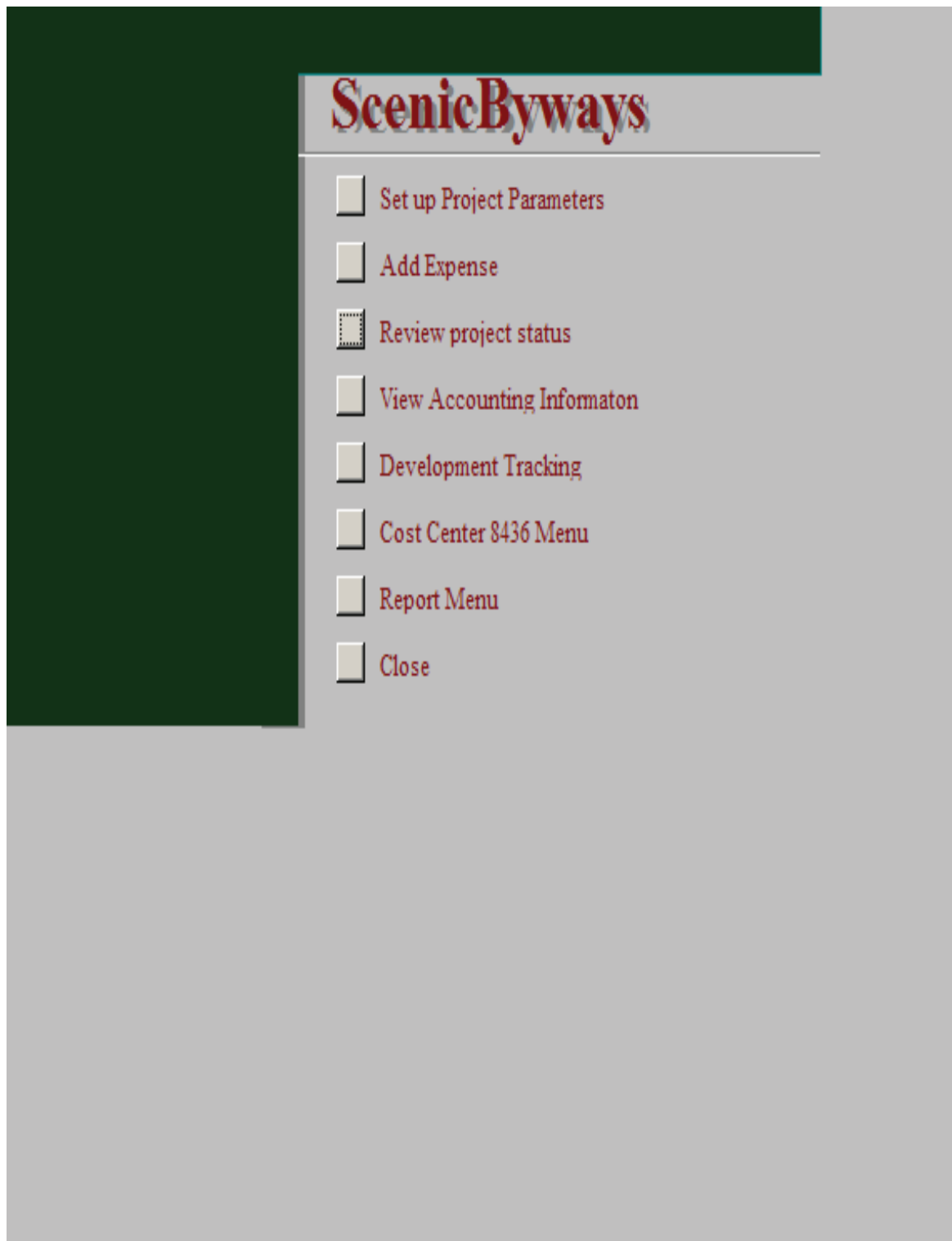
580-13 Basis of Payment.

Prices and payments will be full compensation for all work specified in this Section.

Iowa Department of Transportation

Sampled sections from Microsoft Access Database for Iowa Clean Air Attainment Program (includes CMAQ), NSB, SRTS, and TE programs





Scenic By-ways Projects

Project Name:
Scenic Byway:

Sponsor:
Developed by:

Description:

Project Manager:

Project Number:
Acct Proj #
Fed. Proj #

Agreement Number:
Notes:

Agreement Sign Date:

Agreement Completion Date:

	Description	Federal Grant Amt	In-kind Match	State/Local Match	
Work Plan Item # 1	Construction	\$183,200.00	\$0.00	\$45,800.00	Closed on Federal System? <input type="text" value="N"/>
Work Plan Item # 2		\$0.00	\$0.00	\$0.00	
Work Plan Item # 3		\$0.00	\$0.00	\$0.00	
Work Plan Item # 4		\$0.00	\$0.00	\$0.00	
Work Plan Item # 5		\$0.00	\$0.00	\$0.00	
Work Plan Item # 6		\$0.00	\$0.00	\$0.00	
Work Plan Item # 7		\$0.00	\$0.00	\$0.00	
Work Plan Item # 8		\$0.00	\$0.00	\$0.00	
Work Plan Item # 9		\$0.00	\$0.00	\$0.00	
Work Plan Item # 10		\$0.00	\$0.00	\$0.00	
Work Plan Item # 11		\$0.00	\$0.00	\$0.00	
Work Plan Item # 12		\$0.00	\$0.00	\$0.00	
Work Plan Item # 13		\$0.00	\$0.00	\$0.00	
				Total Cost:	\$229,000.00
		\$183,200.00	\$0.00	\$45,800.00	
				% Match	20%

EXPENSES

Find Record

Close Form

Record an 8436 Expense

Project Name:

Voucher by Work Item

By Voucher #

Payee: <input type="text" value="Decision Data, Inc"/>		Accounting Proj #: <input type="text" value="9001SCBY004"/>		Work Item <input type="text" value="1"/>				
Inkind Match	Local/State Match	Fed Reimburse	Tot. Expense	Voucher #	Voucher Amt	Voucher Date	Cost center	Contract No
\$0.00	\$0.00	\$9,544.50	\$9,544.50	451601	\$9,544.50	10/21/2002	631000	05521
Note: <input type="text" value="Addendum #2 to project 90-01-SCBY-004"/>								

Payee: <input type="text" value="Decision Data, Inc"/>		Accounting Proj #: <input type="text" value="9001SCBY004"/>		Work Item <input type="text" value="1"/>				
Inkind Match	Local/State Match	Fed Reimburse	Tot. Expense	Voucher #	Voucher Amt	Voucher Date	Cost center	Contract No
\$0.00	\$0.00	\$18,241.94	\$18,241.94	505238	\$18,241.94	1/29/2003	631000	05521
Note: <input type="text" value="Addendum #2 to Project 90-01-SCBY-004"/>								

Total Paid: \$161,324.02 Add Record

Record: 1 of 12 No Filter

Each expense must be recorded by Work Plan Item Number so that costs will be broken down by item. A voucher could be issued that would cover multiple work items so a voucher number may be repeated as necessary.

Work Plan Item # 1	Addendum #2 Contract 05521	\$138,456.00
Work Plan Item # 2	Addendum#3 Contract 06089	\$49,887.10
Work Plan Item # 3		\$0.00
Work Plan Item # 4		\$0.00
Work Plan Item # 5		\$0.00
Work Plan Item # 6		\$0.00
Work Plan Item # 7		\$0.00
Work Plan Item # 8		\$0.00
Work Plan Item # 9		\$0.00
Work Plan Item # 10		\$0.00
Work Plan Item # 11		\$0.00
Work Plan Item # 12		\$0.00
Work Plan Item # 13		\$0.00

Record: 1 of 67 Unfiltered

If no expense has been recorded, no record will be returned.

Scenic Byway Project Review

Project Name:

		Fed Grant Amts	Expended Amts	Remaining Funds	In-Kind Match	In-Kind Reported	State/Local Match	State/Local Match
Work Plan Item # 1	Addendum #2 Contract 05521	\$138,456.00	\$101,617.58	\$36,838	\$0.00	\$0.00	\$0.00	\$0.00
Work Plan Item # 2	Addendum#3 Contract 06089	\$49,887.10	\$40,501.10	\$9,386.00	\$0.00	\$0.00	\$0.00	\$0.00
Work Plan Item # 3		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Work Plan Item # 4		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Work Plan Item # 5		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Work Plan Item # 6		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Work Plan Item # 7		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Work Plan Item # 8		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Work Plan Item # 9		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Work Plan Item # 10		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Work Plan Item # 11		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Work Plan Item # 12		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Work Plan Item # 13		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$188,343.10	\$142,118.68	\$46,224.42	\$0.00	\$0.00	\$0.00	\$0.00

Federal Complete:

KEY:
 At time of award
 Actual \$ Reported
 Calculation

\$4,050.11- Retainage -Final Invoice for all Services on Supplement 1 to Addendum #3, done on 7/22/05. Contract #5521A created with \$25847.09 to reimburse Voucher #2. Invoice #1 was not Final as noted before.

SCENIC BYWAYS
ACCOUNTING DATA
Save Record

1994 - Loess Hills: Planning and development of byway program

Sponsor: Golden Hills Resource Conservation and Development Developed by: District Office

Project No: SBIA-1994(1)--2T-00 Is Project Work Complete? Y/N: N Project Manager: Margaret Roetman

Fed. Project No: SB-1994-IA-1 Construction Done:

Acct. Project #: 2T001994001 Is Project Cancelled? N Description of Project:

Agreement #: Acct. System complete? N

Agreement Date: Federal Complete? Y/N: Y

Fed Award: \$19,600.00 Federal Complete Date:

Paid To Date: \$19,600.00 In Final Audit? N Notes: \$19,600

Remaining Amt: \$0.00

Est. Total Cost of Project: \$24,500.00

Revised Total Cost of Project: \$0.00

% Match: 80.00%

Acct Project No	DATE	VOUCHER	AMOUNT	Cost Center	Contract	Fed Costs
2T001994001	1/11/2010		\$19,600.00	611000		\$19,600.00
2T001994001						

Paid to Date: \$19,600.00
Fed Costs: \$19,600.00

Record: 1 of 2 No Filter Search

Delete Record
Add Record
Close Form

Red=Calculated field

cord: 1 of 67 Unfiltered Search

Project Number:	9001SCBY004	Developed by:	District	Grantor:	
Project Name:	Evaluation of 2003 Scenic Byway Projects	Agreement Number:	90-01-SCBY-0	Proposed Letting Date:	
Sponsor:	Iowa D.O.T	Current STIP Year:		Letting Amt	\$0.00
Project Manager:	Troy Siefert	Stip Amount:	\$0.00	Trail Length:	
App. Rec/Approved:		FHWA Auth. Req by IDOT:		LPA Req Conc in Award of Bid:	
Concept Statement Requested:		FHWA Auth. Rec by IDOT:		Pre A Check Signed and Sent:	
		FHWA Auth. Notice Sent to LPA:		Exec. Cont. Received:	
Concept Statement Received:		CSP Draft Ag Sent to LPA:		Notif. of Cont. Doc. Acc.:	
		LL Sup Ag Sent to IDOT::		Final Plans Received:	
TPMS Setup complete:		LL Sup Ag Ex Sent to LPA:		TPMS Update Complete:	
In-Kind Request Received (IA)		LPA Req To Ad Received:		Choose one ---->	Sent To Contracts:
In-Kind Response Sent (IA):		App to Ad for Bids Sent:			Local Letting:
Agreement sent:		Copy of Local Ad Rec:		1391 Sent:	
NEPA Approval Requested:		CSP Ex Ag Sent to LPA:		Final Reimb Req. Received:	
NEPA Approval Received:		CSP Ex Ag Received:		Post A Checklist Signed & Sent	
Local Letting Req. Received		Preliminary Plans Received (IA)		Reimbursement Process Started:	9/27/2004
Local Let. Sup. to LPA:		Preliminary Plans Sent (IA):		Reimbursement Process Ended:	
SS Req. Rec. From LPA (IA)		PDC Requested		Final Project Audit:	
SS Public Int. Finding To LPA:		PDC Received		PSS- Project Scheduling System:	
CSP Req. to:		PDC to ROW		Project Closed (FED):	N
CSP Approval to begin Neg:		PDC Approved by ROW:		Site Photos XP	Site Photos w/2000
Agreement Received/Executed:	4/8/2003	Check Plans Received:		Close Form	
Agreement Exec. Trans. LPA:		Check Plans/Review Sent:		Accounting	
CSP Draft Ag CE Req FHWA Re					
Description		Notes		Late Start Date:	
Evaluation of 2003 Scenic Byway Projects		\$4,050.11- Retainage -Final Invoice for all Services on Supplement 1 to Addendum #3, done on 7/22/05. Contract #5521A created with \$25847.09 to reimburse Voucher #2. Invoice #1 was not Final as noted before.			
				Working Days:	
				Completion Date:	
Project Complete:		N	Cancelled/Withdrawn:	N	

Scenic Byways Report Menu

Scenic Byways Reports

SB-IA-5630(604)--2T-78

ZT00IA06001

River Bluffs Scenic Byway

Update Year File

Cost Center 8436 Reports

2008

Safe Routes to School Database

Open Form

Infrastructure General Project Form

Open Form

Infrastructure Project Development Form

Report

Infrastructure Development Report

Open Form

Accounting Form

Open Form

Noninfrastructure General Project Form

Open Form

Noninfrastructure Project Development Form









Report

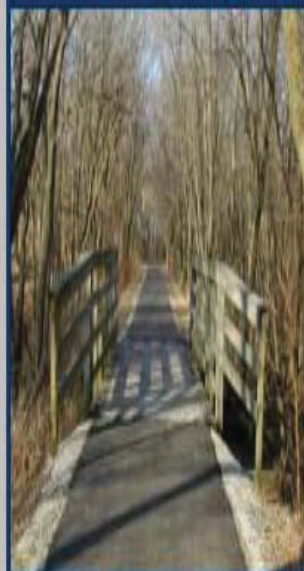
Noninfrastructure Development Report

Quit App



Transportation Enhancement Database

-  Landscaping Menu
-  New Project Form
-  General Project Info. (Modes, Fed. Class)
-  Letting Form
-  Accounting Form
-  Development Form
-  Report Menu
-  Exit Application



Iowa Department of Transportation

Supplemental Agreement for Qualifying Locally Procured Federal-aid Contracts

Attachment C to I.M. 3.720
April 12, 2007**Supplemental Agreement**
For Qualifying Locally Procured Federal-Aid Contracts

Recipient: _____

Project Number: _____

Original Agreement No: _____

This is a supplemental agreement between _____ (hereinafter referred to as Recipient) and the Iowa Department of Transportation (hereinafter referred to as the Iowa DOT).

Pursuant to the terms of the original agreement, and subject to the conditions and requirements set forth in Instructional Memorandum (I.M.) [3.720](#), Local Letting Process – Federal-aid, the Iowa DOT agrees to allow the Recipient to locally procure a construction contract or contracts for this project or portions of the project.

The Federal regulations that apply to a project vary significantly depending on the funding source and whether the project is located on or off the right-of-way of a public highway or street. Accordingly, the requirements are addressed separately below.

Requirements for all Projects

The Recipient shall procure all construction contracts according to the requirements listed in paragraphs 1 through 3 below:

1. The Recipient shall comply with all laws, administrative rules and procedures for public purchasing and contracting as applicable to political subdivisions of the State of Iowa. Procurement shall be accomplished by competitive quotes or competitive bids, unless some other cost effective method, such as the use of Recipient local forces, is proposed by the Recipient and approved by the Iowa DOT.
2. Prior to awarding a locally procured Federal-aid contract, the Recipient shall: (a) follow the procedures listed in I.M. 3.720, [Attachment A](#) – Pre-Award Checklist and Certification, and (b) complete, sign and return this checklist and certification to the Iowa DOT.
3. Prior to requesting final reimbursement for a locally procured Federal-aid contract, the Recipient shall: (a) follow the procedures listed in I.M. 3.720, [Attachment B](#) – Post-Award Checklist and Certification, and (b) complete, sign and return this checklist and certification to the Iowa DOT.

Additional Requirements for Selected Projects

If any part of the contract work is physically located within the boundaries of a public highway or street right-of-way, or if any part of the contract work will be reimbursed with Safe Routes to School (SRTS) program funds, the Recipient shall procure the construction contract(s) according to the following requirements, which are in addition to those listed in the paragraphs above.

4. The Recipient shall procure the contract(s) by means of sealed bids as specified in I.M. 3.720, Attachment A – Pre-Award Checklist and Certification, unless some other means of accomplishing the work, such as force account, can be shown to be more cost effective. Before procuring the work by any other means than competitive bidding, the Recipient shall request and receive Iowa DOT approval, in accordance with the procedures outlined in [I.M. 3.810](#), Federal-aid Construction by Local Agency Forces.
5. As required by [23 CFR 635.117\(a\)](#), if any part of the project work is located within the right-of-way of a Federal-aid highway, or if any part of the contract work will be reimbursed with SRTS funds, the Recipient shall not use convict labor for construction, unless it is labor performed by convicts who are on parole, supervised release, or probation.
6. As required by [23 CFR 635.117\(b\)](#), the Recipient shall not impose procedures or requirements which will operate to discriminate against the employment of labor from any other state, possession or territory of the United States.

Attachment C to I.M. 3.720
April 12, 2007

7. The Recipient shall not use publicly owned equipment in construction work to be reimbursed with Federal-aid, unless use of such equipment is shown to be cost-effective. If the recipient desires to use publicly owned equipment, either as part of force account work or as a rental to the contractor, the requirements of [23 CFR 635.106](#) must be met. The Recipient shall also request and receive Iowa DOT approval for such use, as specified by [I.M. 3.760](#), Public Interest Findings.
8. If the construction contract requires the contractor to purchase equipment, and ownership of such equipment will be transferred to Recipient at the end of the project, Federal-aid participation in the costs of such equipment will be limited to the portion of the amortized equipment cost that is directly attributable to the time the equipment is used on the project. The initial cost of the equipment shall be amortized over the useful life of the equipment. "Equipment" shall be as defined in [49 CFR 16.3](#).
9. As required by [23 CFR 635.409](#), the Recipient shall not impose any requirement or enforce any procedure which operates to require the use of, or provides a price differential in favor of, articles or materials produced within the State of Iowa. This policy also applies to materials of foreign origin, except as otherwise permitted by Federal law (such as the Buy America provisions).
10. As required by [23 CFR 635.112\(e\)](#), no public agency shall be allowed to bid in competition or enter into subcontracts with private contractors. However, this restriction does not preclude the Recipient from performing highway construction work on a force account basis, subject to the requirements set forth in [I.M. 3.810](#), Federal-aid Construction by Local Agency Forces.
11. As required by [23 CFR 635.110](#), the Recipient shall not implement procedures or requirements for bonding, insurance, prequalification, qualification, or licensing which restricts competition or prevents submission or consideration of a bid by a responsible contractor.
12. As required by [23 CFR 635.105](#), the Recipient agrees that it has adequate staff and is suitably equipped to satisfactorily complete the project work. A full-time employee of the Recipient shall have responsible charge of the project. Responsible charge means that the employee is: aware of the day-to-day operations of the project; involved with decisions regarding change orders; aware of the qualifications, assignments, and performance of the consultant staff; and visiting the project site on a frequency that is appropriate for the size and complexity of the project.

In witness whereof, each of the parties hereto has executed this Supplemental Agreement as of the date shown opposite its signature below.

RECIPIENT:

Signature: _____ Date: _____, 20____

Name: _____ Title: _____

IOWA DEPARTMENT OF TRANSPORTATION:

Signature: _____ Date: _____, 20____

Name: _____ Office: _____

Minnesota Department of Transportation**Programmatic Categorical Exclusion Approval Agreement**

PROGRAMMATIC CATEGORICAL EXCLUSION APPROVAL AGREEMENT
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION
AND
THE MINNESOTA DEPARTMENT OF TRANSPORTATION

The Federal Highway Administration, Minnesota Division, hereinafter FHWA, and the Minnesota Department of Transportation, hereinafter MnDOT, have developed this programmatic agreement to describe the policy and procedures for environmental processing of certain "Categorical Exclusion" (CE) actions as defined in section 23 CFR 771.117 which are normally found to have no significant social, economic, and environmental effects. MnDOT will act in place of the FHWA in determining that federal environmental requirements are met on the types of categorical exclusion actions identified in this agreement.

The FHWA hereby concurs in advance, on a programmatic basis, with MnDOT's determination that those types of actions satisfying conditions and criteria in attachment "B" will not result in significant environmental impacts, either individually or cumulatively, and are therefore categorical exclusions and satisfy the requirements of Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations". These actions will not require individual documentation submitted to the FHWA. Examples of these actions are in 23 CFR Part 771.117(c) and Attachment "A".

PROCESS - Where MnDOT determines the action may be processed as described in this Agreement, the determination shall be appropriately documented. "Documentation" as referred to in this agreement is the appropriate engineering and environmental documentation required for a federally funded highway project.

MnDOT shall notify the FHWA that CE concurrence for the project was programmatically approved in accordance with this Agreement at the time authorization to proceed using Federal funds is requested.

Documentation will be retained and accessible to authorized representatives of the FHWA and MnDOT for a minimum of 3 years following submittal of the final project voucher. Electronic files meeting Federal and State requirements may eventually replace "hard copy".

AGREEMENT REVISIONS - This Agreement may be modified by mutual consent at any time. Attachments may be revised by mutual consent of the Division Administrator of the FHWA and the Commissioner of the Minnesota Department of Transportation or designate.

AGREEMENT TERMINATION - This Agreement may be terminated in writing by FHWA or MnDOT at any time.

APPROVAL OF AGREEMENT

The undersigned have reviewed this Agreement and determined that it complies with the laws, regulations, and policies applicable to the FHWA and MnDOT.

Accordingly, it is hereby approved and becomes effective on the last date noted below.

2/9/98

Date

James N. Denn

Commissioner

Minnesota Department of Transportation

2/18/98

Date

Alan R. Steger

Division Administrator

Federal Highway Administration

ATTACHMENT "A"

In addition to the actions covered under 23 CFR 771.117(c), the following actions that meet the criteria and conditions in Attachment "B" shall be processed by MnDOT under this programmatic categorical exclusion approval agreement:

1. Pavement resurfacing, restoration, or rehabilitation.
- *2. Junkyard screening.
- *3. Erosion and water pollution control work.
4. Acquisition and/or preservation of minor amounts of abandoned railroad right of way.
5. Architectural planning, research, and site investigations.
6. Anti-skid treatments.
7. Curb/gutter repairs or construction.
8. Repair or construction of sidewalks, ramps, or handrails as required by the Americans with Disabilities Act.
9. Mechanical, electrical, lighting or traffic signal work.
- *10. Traffic detours.
11. Surfacing existing unpaved roadway or bikeways.
12. Impact attenuator and glare screen installation.
13. Retaining wall restoration, fencing, guardrail installation or replacement, intermittent resurfacing, restoration or replacement of drainage structures.
14. Shoulder resurfacing, restoration, or rehabilitation
15. Installation of turn lanes at roadway intersections.
16. Change of driveway/access configuration.
17. Upgrading safety features.
18. Traffic demand management activities (such as ramp metering and high occupancy vehicle ramp bypasses).
19. Improvements to existing waysides and scenic overlooks.
20. Disposal of excess right of way.
- *21. Bridge rehabilitation, deck replacement or painting.
- *22. Bridge replacement on existing alignment with minor impacts associated with placement of fill material.
- *23. Railroad crossing work outside of existing right of way.
- *24. Reconstruction and/or widening of roadway on existing alignment with **NO** additional through lanes, continuous turn lanes, or auxiliary lanes.

* ACTION WITH HIGHER POTENTIAL FOR ENVIRONMENTAL IMPACTS

1/30/98

ATTACHMENT "B"

SECTION 4(f) or 6(f): The action does not use Section 4(f) property; OR the Negative Declaration/4(f) statement by the FHWA dated May 23, 1977 for bikeway/walkways applies to the action.

HISTORIC / ARCHAEOLOGICAL: The provisions of the National Historic Preservation Act have been satisfied by no involvement as per the "Programmatic Agreement between FHWA, MnDOT, the Advisory Council on Historic Preservation and the Minnesota State Historic Preservation Officer regarding implementation of the Federal Aid Highway Program in Minnesota"; OR the action does not occur within any areas of effect on properties eligible for, or listed on, the National Register of Historic Places as concurred by the Minnesota State Historic Preservation Officer's opinion.

THREATENED OR ENDANGERED SPECIES: The action does not affect species or critical habitat protected by the Endangered Species Act; OR does not adversely affect species or critical habitat as per written correspondence with the United States Fish and Wildlife Service.

RIGHT OF WAY: The action requires no or minor amounts of new right of way or temporary easement, minor access change, no relocations, and has low risk of hazardous materials involvement.

FARMLAND: The action will not involve the acquisition of farmland; OR form AD-1006 of the Farmland Protection Policy Act has been completed and provided to the Natural Resources Conservation Service.

SECTION 404: The action does not involve placement of fill into Waters of the United States (33 CFR 328); OR a NATIONWIDE 404 Permit applies.

FLOODPLAINS: The action does not encroach into a floodplain; OR the impact is not significant (Executive Order 11988; Federal Aid Policy Guide section 650.105.q).

WETLANDS: The action does not impact or encroach into wetlands; OR documentation is available demonstrating compliance with the requirements of Executive Order 11990 and USDOT Order 5660.1A.7.g.

NOISE: The action is not a type I action in accordance with Section 772 of the Federal Aid Policy Guide and will not significantly impact noise levels.

AIR: The action will not significantly impact air quality.

PUBLIC CONTROVERSY: The action is not controversial.

1/30/98

Minnesota Department of Transportation

Environmental Documentation for Federal Projects with Minor Impacts



STATE AID FOR LOCAL TRANSPORTATION

Feb 2010

Environmental Documentation for Federal Projects with Minor Impacts Page 1 of 2

SP(s) _____ MN Proj. No(s): _____

Project Location: (see attached project location map) _____

Project Purpose and Need: _____

Project Type: check all that apply¹

- Pavement Markings²
- Rumble Stripes
- Rumble Strips
- Signing Installation²
- Guardrail Installation
- Shoulder paving (No widening)
- Lighting
- Engineering Studies
- SRTS Education/Enforcement

Project Manager

Name: _____

Title: _____

Address: _____

Address2: _____

Phone: _____

Email: _____

¹ Any other type of work will require a project memo² Project will be designed in accordance with the MMUTCD**Estimated project costs**

Federal amount \$ _____

Federal amount other \$ _____ (Enter Funding Type Here)

Other funds \$ _____ (Enter Funding Type Here)

Total Project cost \$ _____

Project is listed in the Select STIP Year State Transportation Improvement Program in year Year as Sequence number _____.

Desired date to begin work: Month/Year.**Method of Execution of work.**

- County/City will let construction work for competitive bids.
- County/City will purchase materials under a competitive process and install with their own forces (**NO** federal reimbursement for installation costs).
- County/City will hire a consultant to perform an engineering study.

Environmental Impacts: Check appropriate boxes**Section 106 (Cultural Resources)**

- No Historic Properties are affected (see attached letter)
(No Adverse Effect or Adverse Effect will require a project memo)

Endangered Species

- Project is in a county which has no federal threatened and endangered species
- Project will have no impact on federal threatened or endangered species (see attached letter)



Federal Action Determination Statement

Based on the environmental study in accordance with 23 CFR 771.117, it is determined that the proposed improvement is a Class II Action (categorical exclusion) anticipated to have no foreseeable change on the quality of the human environment.

Recommended:

County Engineer

Date

Reviewed and Recommended

District State Aid Engineer

Date

Approved

Director, State Aid for Local Transportation

Date

North Dakota Department of Transportation

Project Delivery System (PDS) Report

02/09/2010

NDDOT RIMS HIGHWAY PROJECTS - MILESTONE
PDS REPORT

DT3-266-AA PAGE 1
REQUESTED BY: SYLSAVI

BID OPENING: FEB 19,2010 - PLANS COMPLETE: DEC 18,2009

PDS PROJECT T LOCATION	PCN IMPROVEMENT TYPES	TYPES OF WORK	FWHA INVOLV	COMMENTS
S IM-SU-8-094(055)348 FARGO I-94 AND 45TH STR INTERCHANGE DESIGN 2	16216 STRUCTURES	STRUCTURAL AND INCID PCC PAVEMENT SIGNALS STRUCTURAL AND INCID	FULL	HAVE CAT EX DESIGN 100% BRIDGE 100% TRAFFIC 100% STORM DRAIN 100% R/W 100% WORK ZONE SAFETY & MOBILITY NOT NEEDED NO 404 PERMIT NEEDED CPM AMENDMENT AT CITY 12/21/09; SENT REVISED CPM 1/27/10

BID OPENING: FEB 19,2010 - PLANS COMPLETE: DEC 25,2009

S SNH-4-083(069)159 NEAR JCT 37 N TO 0.6 MI N MAX-SB DESIGN 3	949 STRUCTURAL OVERLAY	HOT BITUMINOUS SURFA	FULL	HAVE CAT EX DESIGN 100% TRAFFIC 100% BRIDGE 100%
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U STM-SNH-1-083(071)064 STERLING RAILROAD SEPARATION DESIGN 2	15510 STRUCTURES	STRUCTURAL AND INCID	LIMIT	HAVE CAT EX DESIGN 100% BRIDGE 100% TRAFFIC 100% NO 404 PERMIT NEEDED
U STM-SNH-1-083(078)064 * STERLING RAILROAD SEPARATION DESIGN 2	16426 STRUCTURES	SURCHARGE	LIMIT	HAVE CAT EX DESIGN 100% ROADWAY HYDRAULICS 100% NO 404 PERMIT NEEDED R/W 88% CERTIFIED W/EXCEPTION BORROW 100% NEED RR R/W EASEMENT

S IM-STI-1-094(096)153 T W ND 1806 INTR TO GRANT MARSH BR E/W DESIGN 2	16335 MINOR REHABILITATION	HOT BITUMINOUS SURFA MICRO-SURFACING BIKEWAY/WALKWAY HOT BITUMINOUS SURFA MILLING HOT BITUMINOUS SURFA LIGHTING CPR	FULL	HAVE CAT EX DESIGN 100% TRAFFIC 100% BRIDGE 100% ROADWAY HYDRAULICS 100% NO 404 PERMIT NEEDED CPM AGREEMENT AT CITY 12/14/09
U SIM-1-194(003)000 * E MIDWAY INTERCHANGE TO START 810-EW DESIGN 2	16762 MINOR REHABILITATION	HOT BITUMINOUS SURFA	LIMIT	HAVE CAT EX DESIGN 100% TRAFFIC 100% BRIDGE 100% NO 404 PERMIT NEEDED
U S-NHU-1-810(016)000 * START OF 810 TO WASHINGTON ST EB/WB DESIGN 2	16848 MINOR REHABILITATION	MILLING HOT BITUMINOUS SURFA	FULL	HAVE CAT EX DESIGN 100% TRAFFIC 100% BRIDGE 100% CPM AGREEMENT AT CITY 12/14/09; REVISED CPM AGR SENT 1/27/10 NO 404 PERMIT NEEDED
SIM-1-094(109)156 * GRANT MARSH BR E TO E BIS INTR-EB/WB DESIGN 2	17105 PREVENTIVE MAINTENAN	CPR	LIMIT	ECL 100% DESIGN 100% BRIDGE 100%

02/09/2010

NDDOT RIMS HIGHWAY PROJECTS - MILESTONE
PDS REPORT

DT3-266-AA PAGE 2
REQUESTED BY: SYLSAVI

BID OPENING: FEB 19,2010 - PLANS COMPLETE: DEC 25,2009

PDS PROJECT T LOCATION	PCN IMPROVEMENT TYPES	TYPES OF WORK	FHWA INVOLV	COMMENTS
U SHE-1-094(117)153 * MANDAN AVE TO E MIDWAY INTERCHANGE DESIGN-TRAFFIC	17507 SAFETY	LIGHTING	LIMIT	HAVE CAT EX TRAFFIC 100% NO 404 PERMIT NEEDED
S CBI-IM-6-029(075)129 S OF MD 15 TO NEAR 32ND AVE-SB DESIGN 3	17036 NEW/RECONSTRUCTION	PCC PAVEMENT	FULL	HAVE CAT EX DESIGN 100% BRIDGE 100% ROADWAY HYDRAULICS 100% FLOODPLAIN PERMIT RECEIVED 11/17/09 TRAFFIC 100% 404 PERMIT RECEIVED 11/25/09
S SS-7-008(017)156 T STANLEY-MAIN ST(RR AVE-6TH AVE SE) BROSZ ENGR	17179 NEW/RECONSTRUCTION	CURB & GUTTER HOT BITUMINOUS SURFA STORM SEWER SIDEWALKS & DRIVEWAY LIGHTING	LIMIT	HAVE CAT EX DESIGN 100% NO 404 NEEDED R/W 100% CPM AGREEMENT AT CITY
SS-7-008(014)155 * CITY OF STANLEY BROSZ ENGR	13988 PREVENTIVE MAINTENAN	DRAINAGE IMPROVEMENT	LIMIT	HAVE CAT EX DESIGN 100% NO 404 PERMIT NEEDED R/W 100% CPM AGREEMENT AT CITY
SHE-SIM-2-094(094)260 I-94 SE JAMESTOWN INTERCHANGE DESIGN 1	17342 SAFETY STRUCTURES	RAMP REVISIONS STRUCTURAL AND INCID	LIMIT	HAVE CAT EX DESIGN 100% BRIDGE 100% SIGNING 100% 404 PERMIT RCVD 7/6/09 R/W 100% HAVE ENSF AGREEMENT; HAVE RRNW AGREEMENT
SNH-SHE-3-002(115)278 HEPTY REST AREA TURN LANES OLSSON ASSOCIATES	18027 SAFETY	LIGHTING	PARTL	ECL 100% DESIGN 100%
BID OPENING: MAR 26,2010 - PLANS COMPLETE: JAN 29,2010				
T SNH-4-005(023)125 MOHALL-MAIN ST(RR AVE TO 5TH AVE SE) ACKERMAN/ESTVOLD	17180 NEW/RECONSTRUCTION	GRADE HOT BITUMINOUS SURFA STORM SEWER SIDEWALKS & DRIVEWAY LIGHTING	LIMIT	HAVE CAT EX DESIGN 100% PE AGREEMENT COMPLETE R/W AUTHORIZATION RCVD 8/18/09 R/W PLATS COMPLETED 7/27/09 R/W 100% NO 404 PERMIT NEEDED

02/09/2010

NDDOT RIMS HIGHWAY PROJECTS - MILESTONE
PDS REPORT

DT3-266-AA PAGE 3
REQUESTED BY: SYLSAVI

BID OPENING: MAR 26,2010 - PLANS COMPLETE: JAN 29,2010

PDS PROJECT	PCN IMPROVEMENT TYPES	TYPES OF WORK	FHWA INVOLV	COMMENTS
T LOCATION				
CPU-4-005(028)125 * MOHALL-MAIN ST(RR AVE TO 5TH AV SE) ACKERMAN/ESTVOLD	18219 MUNICIPAL	WATERMAIN SANITARY SEWER	PARTL	HAVE CAT EX DESIGN 100%
SS-6-045(001)000 T COOPERSTOWN HOUSTON ENGR CPU-0020(001) * COOPERSTOWN - BURREL AVE	17182 SAFETY	LIGHTING	LIMIT	CAT EX BY DEFINITION DESIGN 100%
SNH-7-002(088)064 T JCT OF ND 40 E TO 9 MI E OF STANLEY DISTRICT SNH-7-002(097)053 * RAY E TO RP 54 - EB DISTRICT SNH-7-002(104)036 * 13 MI N OF WILLISTON-3 MI W JCT 52 DISTRICT	17664 PREVENTIVE MAINTENAN 18606 PREVENTIVE MAINTENAN	SLURRY SEAL	LIMIT PARTL	ECL 100% DESIGN 100% ECL 100% DESIGN 100%
CER-2-987(034)038 T JNSTWN 4TH AV NW(US 281-FAIRGROUNDS) INTERSTATE ENGR	18539 EMERGENCY REPAIRS	AGGREGATE BASE RESTORATION	LIMIT	ECL 100% DESIGN 100% CPM AGREEMENT AT CITY 1/25/10
CER-2-987(035)039 * JNSTWN 2ND ST SW(8TH-2ND AVE SW) INTERSTATE ENGR	18540 EMERGENCY REPAIRS	AGGREGATE BASE RESTORATION	PARTL	ECL 100% DESIGN 100% CPM AGREEMENT AT CITY 1/25/10
CER-2-987(036)040 * JNSTWN 1ST ST W(8TH-2ND AVE SW) INTERSTATE ENGR	18541 EMERGENCY REPAIRS	AGGREGATE BASE RESTORATION	PARTL	ECL 100% DESIGN 100% CPM AGREEMENT AT CITY 1/25/10
CER-2-987(037)041 * COUNTRY CLUB AV(E BUS LP-27TH AV SE) INTERSTATE ENGR	18544 EMERGENCY REPAIRS	AGGREGATE BASE RESTORATION	PARTL	ECL 100% DESIGN 100% CPM AGREEMENT AT CITY 1/25/10
BID OPENING: APR 16,2010 - PLANS COMPLETE: FEB 19,2009				
S NHU-4-002(077)147 T MINOT US 2 & 13TH STREET SE KLJ	16874 NEW/RECONSTRUCTION	INTERSECTION IMPROVE FULL	HAVE CAT EX	DESIGN 96% SURVEY RECEIVED 5/27/08-UPDATED 9/11/08 FINAL PLAN REVIEW MEETING 1/13/10 HELD 404 PERMIT RECEIVED 11/6/09; MODIFICATION SENT 1/12/10 FLOODPLAIN PERMIT RECEIVED 10/28/0 CPM AGREEMENT AT CITY 1/29/10

Participation Requirements Review Form

LPA Local-let Participation Requirement Review Form

Local Public Agency (LPA)

Project Name

Upon receipt of an LPA's initial request to use the Local-let process, the LPA will be required to complete and submit this LPA Local-let Participation Requirements Review Form. The District Office shall thoroughly review and evaluate the contents of this submittal as evidence of the LPA's qualifications and ability to administer the project. Failure by the LPA to demonstrate a satisfactory status for any of these prerequisites shall result in the District denying the LPA the privilege of administering the delivery of a Local-let project.

1. The LPA agrees to adhere to the Ohio Department of Transportation (ODOT) Locally Administered Transportation Projects Manual of Procedures.
2. The LPA's Person in Responsible Charge accepts the following responsibilities:
 - a. Ensure that all applicable Federal and State regulations are followed on the project and have the responsibility, authority and resources to manage it effectively.
 - b. Serve as agency contact for issues or inquiries concerning the project.
 - c. Be familiar with project progress, involved in decisions that require change orders, and visit the project on a frequency that is commensurate with the magnitude and complexity of the project.

Person in Responsible Charge:

--

Current Roles and Responsibilities within LPA:

--

Statement of Qualifications:

--

3. Identify the LPA Designee to serve as the Construction Project Engineer (CPE), or if the CPE will be provided through contracted consultant services:

--

4. The LPA must have previously delivered and maintained successful capital improvement projects of a similar size, nature and complexity.

Project Name:	ODOT PID:	Letting Agency	Amount::	Funding Sources:
	If Applicable		\$	
Scope:				
Issues / Comments:				

Project Name:	ODOT PID:	Letting Agency	Amount::	Funding Sources:	
	If Applicable		\$		
Scope:					
Project Name:	ODOT PID:	Letting Agency	Amount::	Funding Sources:	Complete Date:
Issues / Comments:	If Applicable		\$		
Scope:					

Issues / Comments:

5. Indicate for what project phases the LPA expects to contract consultant services. If function is performed by LPA staff, indicate the LPA Designee(s) responsible and date of applicable qualifications:

Environmental:	
Design:	
PS&E (Including Bid Document)	
Right-of-Way	
Construction Administration & Inspection	
Sampling and Testing	

Note: Prequalification does not ensure that the LPA will be permitted by the ODOT District to perform the task on its' own behalf.

6. The LPA has established and documented practices for each of the following project administration responsibilities, even if provided through consultant services. The LPA must indicate LPA support staff responsible for the management of these processes. Written processes should be attached separately to this form, or documented in the space provided (field will expand).

- a. Consultant Services Evaluation and Selection (If Federal / State funds involved):

<u>LPA Designee(s):</u>
<u>Process Description / Designee Responsibilities:</u>

- b. Consultant Services Management:

<u>LPA Designee(s):</u>
<u>Process Description / Designee Responsibilities:</u>

- c. Right-of-Way Design and Acquisition

<u>LPA Designee(s):</u>
<u>Process Description / Designee Responsibilities:</u>

- d. Environmental:

<u>LPA Designee(s):</u>
<u>Process Description / Designee Responsibilities:</u>

- e. Change Order Process:

<u>LPA Designee(s):</u>
<u>Process Description / Designee Responsibilities:</u>

- f. Dispute Resolution / Claims Management Process

<u>LPA Designee(s):</u>
<u>Process Description / Designee Responsibilities:</u>

g. Finance, Accounting and Record Keeping:

<u>LPA Designee(s):</u>
<u>Process Description / Designee Responsibilities:</u>

h. Disadvantaged Business Enterprise (DBE) compliance:

<u>LPA Designee(s):</u>
<u>Process Description / Designee Responsibilities:</u>

i. Davis-Bacon and/or State Prevailing Wages Compliance:

<u>LPA Designee(s):</u>
<u>Process Description / Designee Responsibilities:</u>

j. Maintenance of Project Files:

<u>LPA Designee(s):</u>
<u>Process Description / Designee Responsibilities:</u>

7. The LPA must not be under fiscal watch or fiscal emergency for its most recently completed fiscal year. In the event the entity is emerging from fiscal watch or fiscal emergency, the entity must be able to clearly demonstrate that it has adequate financial resources to fund matching and/or cost overruns on the project. The LPA must submit a copy of its most recently completed audit and management letter. Both documents must support the entity's ability to fiscally handle and administer the project. There should be no material or significant issues related to prior or current ODOT projects, by the entity as a whole, which would provide doubt regarding the LPA's ability to administer an LPA project

8. The LPA has established authority in place for executing the project, and must be willing to provide a copy of approved legislation that provides the mayor, county engineer or other designated local official with clear authority to enter into a project agreement with ODOT.

Signature:

(LPA Person in Responsible Charge)

Date

Ohio

LPA Project Evaluation Form

LPA Local-let Project Evaluation Review Form

LPA:	PID #:
Project Name:	Primary Work Type:

At the completion of each Local-let project, the District shall evaluate and document the LPA’s project management and delivery performance, as related to each phase throughout project development. Unsatisfactory or negligent performance in the management of a Local-let project can result in the denial of future requests by the LPA to utilize the Local-let process. All determinations require a comment. Completed forms must be copied to ODOT Office of Local Projects.

District LPA Team	Determination	Required Comments
LPA Coordinator: X _____	Satisfactory	Comments:
	Satisfactory, with recommendations	
	Unsatisfactory	
District Environmental Coordinator: X _____	Satisfactory	Comments:
	Satisfactory, with recommendations	
	Unsatisfactory	
District Real Estate Administrator: X _____	Satisfactory	Comments:
	Satisfactory, with recommendations	
	Unsatisfactory	
District Construction Monitor: X _____	Satisfactory	Comments:
	Satisfactory, with recommendations	
	Unsatisfactory	
District EEO / Prevailing Wage Monitor: X _____	Satisfactory	Comments:
	Satisfactory, with recommendations	
	Unsatisfactory	
Other(s):	Satisfactory	Comments:

X _____	Satisfactory, with recommendations	
X _____	Unsatisfactory	

cc: Office of Local Projects

LPA Local-let Project Evaluation Review Form

LPA: <u>City of Lima</u>	PID#: <u>80457</u>
Project Name: <u>AL-65/01-5.69/15.52</u>	Primary Work Type: <u>Resurfacing</u>

At the completion of each Local-let project, the District shall evaluate and document the LPA's project management and delivery performance, as related to each phase throughout project development. Unsatisfactory or negligent performance in the management of a Local-let project can result in the denial of future requests by the LPA to utilize the Local-let process. All determinations require a comment. Completed forms must be copied to ODOT Office of Local Projects.

District LPA Team	Determination	Required Comments
LPA Coordinator: <i>[Signature]</i>	Satisfactory <input checked="" type="checkbox"/>	Comments: <i>Delivered on time. City took on a paving project that ODOT planned for routes in the ebrps limits. Simple plans w/ success.</i>
	Satisfactory, with recommendations	
	Unsatisfactory	
District Environmental Coordinator: <i>[Signature]</i>	Satisfactory <input checked="" type="checkbox"/>	Comments: <i>This project was CE Exempt requiring minimal Environmental review.</i>
	Satisfactory, with recommendations	
	Unsatisfactory	
District Real Estate Administrator: <i>[Signature]</i>	Satisfactory <input checked="" type="checkbox"/>	Comments: <i>No additional right-of-way was required for this resurfacing project. Certified on time.</i>
	Satisfactory, with recommendations	
	Unsatisfactory	
District Construction Monitor: <i>[Signature]</i>	Satisfactory <input checked="" type="checkbox"/>	Comments: <i>THE END RESULTS COMPARED FAVORABLY WITH SIMILAR PROJECTS ADMINISTERED BY ODOT FORCES</i>
	Satisfactory, with recommendations	
	Unsatisfactory	
District BEO/Prevailing Wage Monitor: <i>[Signature]</i>	Satisfactory	Comments: <i>develop policies and procedures to improve department payroll deposit check list.</i>
	Satisfactory, with recommendations	
	Unsatisfactory	
Other(s): X _____ X _____	Satisfactory	Comments:
	Satisfactory, with recommendations	
	Unsatisfactory	

cc: Office of Local Projects
 City of Lima
 Ruby Grapner (Local-let files)

Oregon Department of Transportation

Plans, Specifications, and Estimate Checklist for Certified Agencies

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SECTION C

CERTIFIED AGENCY

Chapter 11 – Appendix

FHWA PS&E Submittal Checklist

Key number: _____ ODOT Region: _____ Local Agency: _____

Project title: _____

(Project title on plan cover sheet MUST MATCH the title used within the special provisions)

Federal Aid # _____ IGA# _____

Local Agency Information: (Name of PM and Certification coordinator)

Changes in Project Scope: (what's different from the original prospectus at the time of STIP programming)

This PS&E package is being submitted for obligation of federal CON funds, advertisement authorization and competitive design-bid-build procurement. The bid opening is currently scheduled for _____. Advertisement length _____

PS&E submittals that are late, incomplete, or that contain errors deemed likely to affect successful procurement or constructability to FHWA Requirements may be returned for correction and scheduled to a later bid date.

FHWA Oversight Status: *<select one>* (If unknown, call your Local Agency Liaison)

Type of work: *(Should match title sheet)* _____

Class of work: *(From special provision description of work page)* _____

1. Total Estimated construction cost = TE \$ _____ as of _____
("Grand Total" from estimate) *Date*

2. Programmed CON Funding = PCS \$ _____ as of _____
"Construction Phase; CURRENT EST" from PCS) *Date*

A. STATEMENT OF PROJECT READINESS *<check one>*

- ALL project requirements and deliverables required by the certification and project supplemental agreements and/or listed on this checklist have been satisfied, and all required PS&E deliverables are attached hereto.
- Specific project requirements and/or deliverables remain outstanding and are indicated as not complete on the checklist. The attached signed Exception Letter(s) explains each outstanding item and include a resolution plan(s) and the expected resolution date(s). Unless explicitly stated in the exception letter the project is assumed to be approved for FHWA funding obligation request and projects is not to be advertised until Notice to Proceed (NTP) is given from ODOT.

PS&E Submittal Prepared by: _____ Date _____ Phone _____
 (Local Agency Project Manager)

QC Technical sufficiency by: _____

FINAL PS&E SUBMITTAL CHECKLIST

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(Local Agency Certification Coordinator)

Date

Phone

Funding and QA checked by: _____
(ODOT Liaison)

Date

Phone

FINAL PS&E SUBMITTAL CHECKLIST

NOTES:

1. Items marked "NO" in the "Completed?" column of Sections 2-8 will require ODOT approval for advertisement. Sample exception requests are provided on the OPL web site. FHWA approval may also be required to move to advertisement.
2. Items not identified for PS&E delivery but applicable for complete project archival are to be documented as "on-file." This means all relevant information is to be documented within the project master file and available for audit.
3. POR=Professional of Record.
4. For definition of acronyms used below see OPL web site.

1. FHWA Requirements	FORMAT	Completed?			Notes
		YES	NO	N/A	
a. Has FHWA/ODOT approved any related STIP changes?	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mandatory (i.e. function and/or scope)
b. If project is NEPA Class 1 or Class 3, has EA or EIS been completed? (mark NA if project is Class 2)	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mandatory
c. Have all elements of form <u>"FHWA Required Documentation to complete the Environmental Process for Class 2 Projects" (aka "CE Minimums")</u> been satisfied? (mark NA if project is Class 1 or Class 3)	Provide PDF copy with signatures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mandatory
d. Have required FHWA Public Interest Findings (PIF) been submitted and approved for any Patented, Proprietary, Sole Source, or Salvage Materials Requests? <i>Pre-approval required by OPL Unit manager.</i>	Provide approved copies with PS&E submittal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mandatory
e. Have any needed <i>Buy America</i> waivers been granted by FHWA?	Provide copies with PS&E submittal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mandatory

2. Design Documentation	FORMAT	Completed?			Notes
		YES	NO	N/A	
a. Title sheet with Federal ID#, plan sheet index <i>Note: Project title on cover sheet MUST match the title used within the special provisions section 00130.05. and STIP</i>	Signed by POR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Federal-aid project number, • Location sketch (Vicinity Map), • Title of project, • Length of project, • Plan sheet index, • Applicable standard plans, • Provision for approving official(s) signature(s) and date(s), and • Scale(s).

FINAL PS&E SUBMITTAL CHECKLIST

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b. Have all required Design Exceptions been approved by the ODOT State Roadway Engineer and FHWA (if required)? <i>Status available on the Roadway Engineering Design Exception site http://egov.oregon.gov/ODOT/HWY/ENGSERVICES/design_exception_s.shtml</i>	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are Final Design Plans stamped and signed complete?	Submit POR signed plans. Four paper copies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. <i>Note: Full size (22"x34") Mylars will be scanned and archived per ODOT Bridge Section requirements and returned to the project team for addition of as constructed details prior to re-submittal to ODOT.</i>	POR signed <u>full size</u> mylars + two paper 11x17 copies. Three paper copies if FFO.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Note: Send One paper copy of bridge plans to Steve Turtle in Salem Transportation Building 3 rd floor. And contact Don Newkirk in the Bridge Section at 503-986-3307 regarding the Mylars.
e. Have all referenced Standard Drawings been verified to be the required current version?	Included in drawing index, plan sheet LA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f. Have ALL Final Signal Plans been signed by the State Traffic Engineer (when required – see notes)?	Signatures on items 2.c as required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any installation of traffic control devices on or adjacent to State facilities requires the approval of the State Traffic Engineer or State's Region Traffic Engineer as described in the ODOT Traffic Signal Policy and Guidelines and the ODOT Traffic Manual.
g. Are all required Technical reports such as; hydraulics, pavement, geotechnical and traffic, complete and available for PM and/or contractor review if needed?	On-file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
h. If required, is the pre-construction access management plan or strategies complete?	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Note = ODOT Highway Access only
i. Has the Official Project Access List been approved by the TCM and the RAME as required by ODOT's PD-03 and PD-03 (A)?	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Note = ODOT Highway Access only
j. Mobility Considerations Project Checklist - Available in Highway Mobility Operations Manual or online at: http://www.oregon.gov/ODOT/HWY/docs/mobchecklistfill.pdf TMP required if any "Impact on Mobility" boxes marked.	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Note = ODOT Highway Access only

FINAL PS&E SUBMITTAL CHECKLIST

3. Intergovernmental Agreements	FORMAT	Completed?			Notes
		YES	NO	N/A	
k. Have all required Intergovernmental Agreements (IGA) been signed by all parties (fully executed)? <i>IGA status available from your agreements specialist or the IGA database located at http://rssa.odot.state.or.us/cfi/agreements/index.cfm</i>	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
l. Have all required IGA advance deposits been received by the Highway Program Office?	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

4. Special Provisions	FORMAT	Completed?			Notes
		YES	NO	N/A	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
m. Verify that there are no changes made to the approved Part 00100 – General Conditions or other legal changes in any other Parts (00200 – 03000) (i.e. Warranties, Incentive/Disincentives, Liquidated Damages)?	Submit POR, signed specs. Four paper copies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FHWA does not allow Project warranties.
n. Are applicable DBE/MWESB target sheets included? <i>Information from ODOT Civil Rights office.</i>	If yes <u>must</u> be in special provisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
o. Are applicable OJT provisions included? <i>Information from ODOT Civil Rights office.</i>	If yes <u>must</u> be in special provisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
p. If required, has Mandatory Pre-bid been scheduled? <i>Requires one extra advertisement week for pre-bid meeting.</i>	If yes <u>must</u> be in special provisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
q. Are “Buy America” provisions included?	If FHWA project <u>must</u> be in special provisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
r. Are FHWA section 1273s included?	If FHWA project <u>must</u> be in special provisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

FINAL PS&E SUBMITTAL CHECKLIST

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5. Estimate and Construction Schedule	FORMAT	Completed?			Instructions to LAL
		YES	NO	N/A	
s. Has the Cost Estimate been completed in Excel? <i>Submit electronic files in ODOT format via Region Liaison</i>	Submit paper and electronic copy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1) Local agency submits PS&E est. to LAL 2) LAL submits est. with contract obligation request to HWY program office 3) LAL submits est. and construction schedule to office of Civil Rights 4) Send the following items to FHWA: <ul style="list-style-type: none"> • ROW cert • DBE letter • NEPA final closeout • HPO sends estimate • Copy of this checklist
t. Have all anticipated items been approved by ODOT? <i>Not required for CE, contingency, asphalt smoothness bonuses, asphalt statistical bonus, asphalt escalation, fuel escalation, steel escalation, or bid item modifier. REF: PD-08. Check n/a if no anticipated items.</i>	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
u. Has the project Construction Schedule been completed in CPM type format (Microsoft Project preferred)? <i>Backup data expected to be on file for schedule review and/or validation audit.</i>	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

6. Permits, Clearances, etc.	FORMAT	Completed?			Notes
		YES	NO	N/A	
v. NEPA EIS ClassI	Provide Close out	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CE close out must be signed by ODOT and FHWA, when required
w. NEPA Categorical Exclusion (CE) ClassII		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
x. NEPA Environmental Assessment (EA) ClassIII		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
y. Are all permits and files obtained?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
z. DEQ Indirect Source Permit	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
aa. Tribal Employment Rights Office agreement <i>Required only on or near Umatilla Indian Reservation.</i>	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
bb. Erosion Control Plan	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
cc. Any other required Federal permits?	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

FINAL PS&E SUBMITTAL CHECKLIST

dd. Any other required State permits?	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
---------------------------------------	---------	--------------------------	--------------------------	--------------------------	--

7. Certifications	FORMAT	Completed?			Notes
		YES	NO	N/A	
ee. Is the Right-of-Way Certification complete and signed by the Region R/W Manager? http://www.oregon.gov/ODOT/HWY/ROW/publications.shtml	Provide PDF copy of signed original	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ff. Are ALL R/W Certification Block 4 properties (holdouts) shown on plan sheets and listed within special provisions as per the requirements of the ODOT R/W Manual?	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
gg. Are all required Railroad Agreements and Permits complete and signed?	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
hh. Final Utility Timing and Status Report complete with required portions included within the special provisions?	On file.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ii. Utility certification The utility certification is required by 23 CFR 639.309.	Send to State Utility Coordinator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Utility Certification must be completed before approval can be granted to advertise a project, whether utilities are in conflict, or not. LPA and submits to the Local Liaison and the State Utility Liaison.

8. General	FORMAT	Completed?			Notes
		YES	NO	N/A	
jj. Is any required Personal Services Contract for construction engineering (PM) services complete and signed? <i>Name, address, and phone number of PM who will be administering the contract MUST be listed on the special provision description of work page.</i>	On file and in special provisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
kk. Are all required Personal Services Contracts for Professional-of-Record engineering construction support complete and signed?	On file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ODOT Task - Scan ROW Cert, CE closeout (Minimums), DBE goals and Estimate in .pdf to send to FHWA		Notes:			

Oregon Department of Transportation


Sampled Section from Local Program Quick Reference Guide


Local Program Quick Reference Guide

Mainstreet 1

Oregon Local Program Quick Reference Guide

Oregon Department of Transportation
Local Government Section
355 Capital Street N.E.
Salem, OR 97301-3871
(503) 986-3640

 Oregon Department of Transportation

 Oregon Department of Transportation

Local Government Section - 2010 **1**

Local Program Quick Reference Guide

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Local Program Quick Reference Guide

Chapter 1 Introduction

This guide provides a reference about Oregon's statewide local agency program. The guide includes:

- Chapter 1 - Introduction
- Chapter 2 - Local Program Process Overview
- Chapter 3 - Local Program Roles & Responsibilities

This guide provides an overview of the process and timelines to develop a federally funded local agency project. Detailed policy and procedural guidance for local agency project delivery is located in the *Local Agency Guidelines (LAG) Manual* which can be found at <http://www.oregon.gov/ODOT/HWY/LGS/Certification.shtml>.

1.1 Introduction

The Federal-aid Highway Program is a cost-based reimbursement program administered by the Federal Highway Administration (FHWA) and Oregon's Department of Transportation (ODOT). ODOT's Local Program supports local agencies in applying for federal funds and meeting federal requirements to use those funds. ODOT then reimburses federal funds to local agencies that successfully develop and construct federally funded local agency projects.

Local agencies can utilize federal-aid funding through the following methods:

- Acting as a non-certified agency, working with and through ODOT to perform the project related work
- As a certified local agency
- Contracting with another local agency that is already a certified local agency

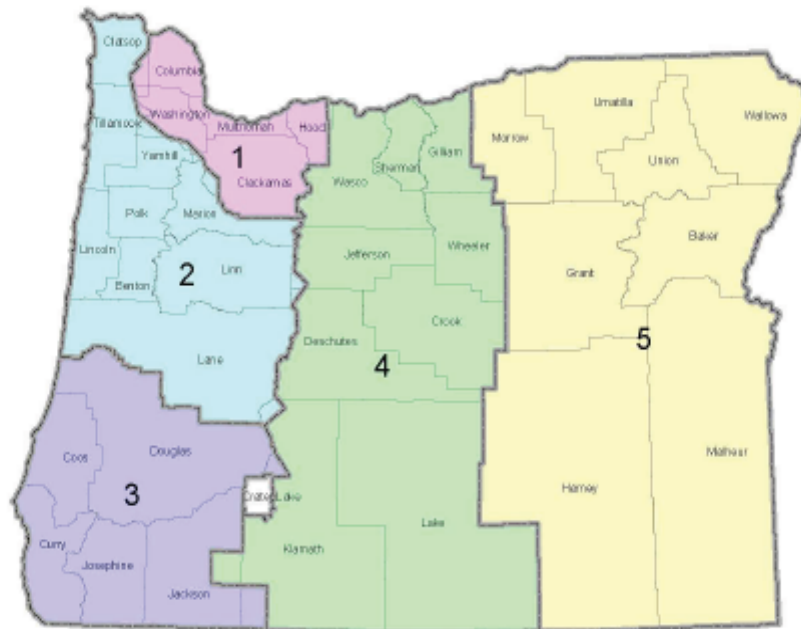
This Quick Reference Guide discusses the process for a non-certified local agency to work with and through ODOT to develop its projects.

The main ODOT points of contact for local agencies are the ODOT Regional Local Agency Liaisons (LAL). The LAL's role is to assist local agencies through all phases of project development and delivery for federally funded projects. For additional information regarding non-certified agency project delivery contact the appropriate ODOT Regional LAL.

Figure 1 illustrates the location of ODOT Regions, links to individual regional websites and ODOT Local Program contact information.

Local Program Quick Reference Guide

**Figure 1: ODOT Regional Web Sites
Regions 1-5**



Region 1 - http://www.oregon.gov/ODOT/HWY/LGS/Region_1page.shtml

Region 2 - http://www.oregon.gov/ODOT/HWY/LGS/Region_2page.shtml

Region 3 - http://www.oregon.gov/ODOT/HWY/LGS/Region_3page.shtml

Region 4 - http://www.oregon.gov/ODOT/HWY/LGS/Region_4page.shtml

Region 5 - http://www.oregon.gov/ODOT/HWY/LGS/Region_5page.shtml

ODOT Local Program contact information -
http://www.oregon.gov/ODOT/HWY/LGS/contact_us.shtml

Local Program Quick Reference Guide

Chapter 3 Local Program Roles and Responsibilities

This chapter discusses the roles and responsibilities for local agencies, ODOT and FHWA for the delivery of federally funded local agency projects.

3.1 Local Agency Roles and Responsibilities

The Association of Oregon Counties (AOC), League of Oregon Cities (LOC) and ODOT entered an agreement entitled *"Federal-Aid Project Guidelines and Working Agreement"*. This Working Agreement details the roles and responsibilities for both ODOT and local agencies.

Section II G of the Working Agreement states:

"Cities and counties certified to administer federal-aid projects that are not on the National Highway System (NHS) shall follow the guidelines set forth in the individual IGAs written for certification. All non-certified cities and counties are required to follow the guidelines set forth in this working Agreement and must contract with the STATE or another certified agency to secure services to perform plans, specifications and estimates (PS&E), contract advertisement, bid, award, contractor payments and contract administration."

PROJECT IMPLEMENTATION

Local agencies have the primary responsibility for utilizing federal-aid funding for specific projects in accordance with state law, federal law and program requirements. Local agencies must ensure that their staff members, consultants and contractors comply with the applicable state and federal laws, regulations and procedures in developing and constructing their projects.

Non-certified local agencies must contact their ODOT Regional Local Agency Liaisons prior to commencing any federal-aid project implementation activity. It is recommended that a non-certified local agency seek the services of a qualified consultant or a certified local agency to assist them with the project delivery process. Certified local agencies have optimum decision-making authority for the project delivery activities of federal-aid projects for which they have been certified. For further details regarding local agency certification, see Section C of the LAG Manual.

3.2 ODOT Roles and Responsibilities

ODOT and FHWA have also entered into a Stewardship Agreement. This agreement determines the process by which federal funds are passed through ODOT, to local agencies, for their transportation projects.

With the FHWA/ODOT Stewardship Agreement, ODOT has received major delegations of authority and responsibility from FHWA. ODOT is responsible to FHWA for administering the successful implementation of federal-aid programs and projects. These responsibilities can be categorized as Policy and Procedures, Program Management and Project Implementation.

Local Program Quick Reference Guide

POLICY AND PROCEDURES

As a part of ODOT's obligation to ensure compliance with state and federal laws, ODOT outlined the basic requirements for local agency policy and procedures. In this way, ODOT supports local agencies as they develop their own local policy and procedures to assure that they comply with state and federal requirements. By doing this, ODOT avoids prescribing uniform policies and procedures upon local agencies which allows greater flexibility for individual agencies.

ODOT, in collaboration with FHWA, interprets federal and state laws, rules and regulations and provides guidance in the form of manuals, guidebooks, handbooks, reference materials and service and training to assist the agencies in planning, designing, constructing and maintaining their transportation systems.

PROGRAM MANAGEMENT

Each specific local assistance program provides funding which requires distribution, management and oversight control to ensure that the funds are expended to meet the program goals and that allocations and budget authority are not exceeded.

ODOT distributes both state and federal fund allocations to the local agencies as specified by law and program requirements. Once the distributions are established, ODOT provides program guidance for their expenditure. Some funding programs may require annual or periodic project application and selection to establish eligibility lists. ODOT also monitors project implementation to ensure that the projects are implemented in a timely manner to achieve program goals. For details regarding federal funding programs, refer to Section A - Chapter 3 of the LAG Manual.

PROJECT IMPLEMENTATION

Some activities delegated by FHWA to ODOT cannot be further delegated to local agencies and remain ODOT's responsibility. These include the following activities:

- Approval of authorization to proceed using Federal funds
- Preparation of federal agreements
- Pre-award audit review of consultant contract over \$250,000
- Approval of Utility Relocation Agreements involving federal reimbursement
- Approval of Specific Authorization for Utility Relocation involving federal reimbursement
- Independent Assurance Sampling and Testing (IAST) for National Highway System (NHS) projects
- Approval of payments from ODOT to local agencies
- Right of Way Certification
- Issuance of rail grade crossing orders

Local Program Quick Reference Guide

Refer to individual LAG Manual chapters covering these topics for further details. Where FHWA has not delegated final approval, ODOT monitors local agency activities, reviews or prepares documents and makes recommendation to FHWA. For example, ODOT will review all environmental documents for completeness and sufficiency before they are submitted to FHWA for approval.

3.3 FHWA Roles and Responsibilities

FHWA has the authority and responsibility for implementing and monitoring federal laws, regulations and executive orders affecting highway transportation projects undertaken with federal funding. When a project involves FHWA funding, FHWA is involved according to these responsibilities, delegations of authority and FHWA's Stewardship Agreement with ODOT. For local agency projects involving federal funding, FHWA's responsibilities typically involve project implementation and process review activities.

PROJECT IMPLEMENTATION

For all federal-aid projects, FHWA is responsible for the following activities:

- Obligation of federal funds
- Buy America waivers
- Approval of NEPA and other federally required environmental documents except for projects that qualify for Programmatic Categorical Exclusion
- Approval of experimental features

For projects that are under FHWA "Full Oversight" (e.g. projects over \$5 million on the National Highway System) per the Stewardship Agreement, FHWA is also responsible for the following activities:

- Authorization to proceed
- Approval of additional access points on the Interstate
- Any major changes to the project
- Final inspection

The combined and collaborative efforts of federal, state and local stakeholders are necessary for the selection, development and construction of safe, efficient and effective federally funded local agency transportation projects.

Pennsylvania Department of Transportation

Community Transportation Initiative Reimbursement Agreement – Construction

EFFECTIVE DATE _____
 (DEPARTMENT will insert) FEDERAL ID NO. _____
 SAP VENDOR NO. _____
 COUNTY _____
 MUNICIPALITY _____
 MPMS NO. _____

PENNSYLVANIA COMMUNITY TRANSPORTATION INITIATIVE
REIMBURSEMENT AGREEMENT--CONSTRUCTION

THIS AGREEMENT is made and entered into by and between the Commonwealth of Pennsylvania, acting through the Department of Transportation ("DEPARTMENT"),

a n d

_____, _____ County, a [political subdivision duly and properly formed under the laws of the Commonwealth of Pennsylvania, acting through its proper officials OR MPO/RPO OR private nonprofit corporation] ("SPONSOR").

W I T N E S S E T H:

WHEREAS, the DEPARTMENT, as part of its "Smart Transportation" concept, consisting of efforts to link land use and transportation to create better communities, has developed the Pennsylvania Community Transportation Initiative ("PCTI") to provide an incentive for projects that promote collaborative decision-making by local governments, planning organizations and the DEPARTMENT; that advance integrated land use and transportation decisions; and that further regional and multi-municipal cooperation throughout Pennsylvania; and,

WHEREAS, the projects and activities that the DEPARTMENT intends to fund under PCTI fall into two general categories: (1) planning activities and (2) construction; and,

WHEREAS, in accordance with the authorizations conferred by the applicable provisions of Title 23, United States Code, in particular 23 U.S.C. §§ 104(b)(3) and 133, the United States Department of Transportation, Federal Highway Administration (“FHWA”) has made available to the DEPARTMENT Federal-aid highway program funds through the Surface Transportation Program, to be spent by the DEPARTMENT for the purposes set forth in these statutory provisions; and,

WHEREAS, the DEPARTMENT will fund PCTI construction projects using Surface Transportation Program funding from the “Flexible” subcategory; and,

WHEREAS, federal funding will cover one hundred percent (100%) of the total allowable costs of construction projects approved by the DEPARTMENT for participation in PCTI; and,

WHEREAS, the SPONSOR will be financially responsible for any costs not eligible for Federal-aid participation; and,

WHEREAS, the DEPARTMENT, following review of the SPONSOR's application (“Application”), which is incorporated by reference as though physically attached to this Agreement, and after conferring with the associated metropolitan or regional planning organization, has approved its project, more fully described below in Paragraph 2 (“Project”) and as further described in its Application, for participation in PCTI; and,

WHEREAS, the SPONSOR has signified its willingness to participate in PCTI and proceed with the Project, in accordance with the terms, conditions and provisions set forth below.

NOW, THEREFORE, for and in consideration of the foregoing premises and the mutual promises set forth below, the parties, with the intention of being legally bound, agree to the following:

1. RECITALS

The foregoing recitals are incorporated by reference as a material part of this Agreement.

2. GENERAL PROVISIONS

The SPONSOR, subject to reimbursement or other payment procedures as provided in this Agreement, shall participate in the design and construction of the improvements constituting the Project at the following location in accordance with plans, policies, procedures and specifications prepared and/or approved by the DEPARTMENT and the FHWA, where applicable:

<u>Type of Improvement</u>	<u>Location</u>
_____	_____
_____	_____

3. DESIGN

(a) The SPONSOR, with its own forces or by contract, shall design the proposed Project. The design shall be in accordance with plans, policies, procedures, criteria and specifications prepared or approved by the DEPARTMENT and the FHWA, including, but not limited to, the provisions of the current DEPARTMENT Design Manual; the DEPARTMENT Bureau of Design Specifications for Consultant Agreements, Form No. 442, ; the DEPARTMENT Procedures for the Administration of Consultant Agreements (Consultant Version), Publication 93-C; and the DEPARTMENT Specifications, Publication 408 Specifications (current edition), its amendments and supplements (collectively, "Publication 408 Specifications"). If there is Federal-aid participation in Project design activities, Exhibit "A" attached to and made part of the Agreement will so indicate, with the estimated cost and reimbursement percentage.

(b) The SPONSOR shall secure all necessary approvals, permits and licenses from all other governmental agencies as may be required to complete the Project. This obligation shall include the responsibility for the preparation or revision of environmental impact statements, environmental assessments, categorical exclusions, environmental reports or other documents required by law and/or environmental litigation; and the defense of environmental litigation resulting from the planning, design and/or construction of the Project. At the DEPARTMENT's

request, the SPONSOR shall furnish to the DEPARTMENT, prior to advertising and letting the Project, evidence of the approvals, permits, licenses and approved environmental documents.

4. UTILITY CONSIDERATIONS

The SPONSOR shall furnish Project plans to utilities known to have facilities within the Project limits and to all other utilities discovered within the Project limits.

(a) The SPONSOR shall arrange for any necessary relocation or adjustment for all utility facilities and notify each utility company to relocate any affected facilities to accommodate the construction of the Project. The SPONSOR, with the DEPARTMENT's guidance, shall make these arrangements in accordance with FHWA requirements and/or DEPARTMENT requirements. If any affected utility claims that the SPONSOR is responsible for reimbursing the affected utility for its relocation costs under state or local laws in existence as of the effective date of this Agreement, the SPONSOR shall furnish the DEPARTMENT with a detailed cost estimate prepared by the utility and documentation justifying the SPONSOR's legal obligation to reimburse the utility for utility relocation costs actually incurred by the utility. The DEPARTMENT, after review and approval of the cost estimates and documentation, shall draft the necessary reimbursement agreement to be entered into between the SPONSOR and the utility. The DEPARTMENT shall submit the reimbursement agreement to the SPONSOR for execution by the parties.

(b) Where the SPONSOR owns or operates the existing utility facilities, the SPONSOR shall prepare the standard document provided by the DEPARTMENT, which shall be submitted in addition to the above documentation. This document acknowledges that the utility facilities are located in the right-of-way and that the relocation costs are Project-eligible costs. If the SPONSOR-owned or -operated utility facilities are located within DEPARTMENT right-of-way, the DEPARTMENT will not share in the relocation costs pursuant to Section 412.1 of the State Highway Law, as amended, 36 P.S. Section 670-412.1.

(c) Prior to advertising the Project for letting, the SPONSOR, on forms provided by the DEPARTMENT, shall furnish a utility clearance assurance statement attesting that all arrangements have been made for the relocation of all known facilities affected by the Project in

accordance with DEPARTMENT Design Manual Part V. The statement shall be supported by a description of the written arrangements made with the utilities for the relocation of facilities in a manner that will not impede Project construction.

(d) The SPONSOR in conjunction with the DEPARTMENT agrees that all utility facilities transferred to or remaining at a location within the right-of-way of a federally-aided highway shall be accommodated in accordance with the provisions of the Federal-aid Policy Guide, Chapter I, Subchapter G, Part 645 and all amendments thereto.

(e) If the Agreement terminates for lack of activity or failure to complete the Project, as provided in Paragraph 30, after any utility has been authorized to proceed with its relocation work, the SPONSOR, at its sole cost and expense, hereby agrees to reimburse the utility for its actual and related indirect costs and expense of work actually completed at the time of termination, plus any additional expenses incurred by the utility in restoring its system to normal operating conditions.

5. APPLICATION TO PENNSYLVANIA PUBLIC UTILITY COMMISSION

The SPONSOR, as necessary, shall make such applications to the Pennsylvania Public Utility Commission ("Commission") as are required for the construction and completion of the Project and shall present this Agreement into evidence before the Commission with the request that the Commission allocate costs for said Project in accordance with this Agreement. If the Commission, by order, allocates costs to the DEPARTMENT as a result of such application, the SPONSOR agrees to reimburse the DEPARTMENT in full for the costs allocated to the DEPARTMENT.

6. CONTRACT DEVELOPMENT

(a) The SPONSOR shall, by contract or with its own forces, be responsible for preparation of all plans, specifications and estimates ("P.S.&E.") for the Project. The DEPARTMENT's list of the essential documents to be prepared by the SPONSOR, entitled "Plans, Specifications, Estimates and Bid Proposal Package," is incorporated into this Agreement by reference as though physically attached. All work shall be in conformance with applicable state and federal laws

and requirements, including, but not limited to, those outlined in the Federal-aid Policy Guide, Chapter I, Subchapter G and the DEPARTMENT's Exemption Document, as currently approved by the FHWA.

(b) All bid documents shall require that the contractor be prequalified by the DEPARTMENT, unless the DEPARTMENT, in writing, waives prequalification.

(c) Upon completion of all required bid documents, the SPONSOR shall submit them to the DEPARTMENT for review and approval. The DEPARTMENT, after FHWA authorization of the Project, approval of a right-of-way certification (if applicable), approval of a utility clearance assurance statement, completion of P.S.&E. review and satisfactory resolution of any comments, shall prepare the bid proposal documents required to bid the Project, subject to reimbursement by the SPONSOR for the costs incurred by the DEPARTMENT for preparation (except where the SPONSOR is allowed to handle bidding and award itself, as provided in Paragraph 9, in which case the SPONSOR shall be responsible for preparing all bid proposal documents), and then shall issue an authorization to advertise for bids. The DEPARTMENT must review and approve any addenda to the approved bid documents prior to their issuance to prospective bidders. Issuance of addenda shall occur no later than seven (7) calendar days before the proposed bid opening.

7. OCCUPANCY RIGHTS

(a) The SPONSOR shall ensure that it has the right to occupy the area of the Project for purposes of constructing and maintaining the Project and that the public has a right to enter and use the area of the Project for a sufficient time after completion of construction to justify the expenditure of public funds on the Project. This right of occupancy by the SPONSOR and continued use by the public may be shown by deed of fee simple or easement; by right-of-way, lease or license agreement; or by any other means found acceptable to the DEPARTMENT.

(b) Upon request from the DEPARTMENT, the SPONSOR shall provide information necessary to document the right to occupy the area of the Project for construction, maintenance and use. The SPONSOR shall also supply any additional information as deemed necessary by the DEPARTMENT for this purpose. This may include the creation of a plan showing all property

acquired by the SPONSOR's predecessors in title, including a designation of the nature of the predecessors' interests (i.e., whether in fee or easement) and a notation of where the instruments conveying those interests are located. The Project will not advance to the final design phase until the DEPARTMENT is satisfied that the SPONSOR has proven appropriate interest in all affected property.

8. RIGHT-OF-WAY ACQUISITION [USE EITHER THE PUBLIC OR PRIVATE SPONSOR VERSION AS APPROPRIATE]

[PUBLIC SPONSOR VERSION]

(a) The SPONSOR shall ensure that all additional right-of-way necessary to construct this Project shall be acquired in accordance with all applicable federal and state laws, policies and procedures, as detailed in the DEPARTMENT LPA Brochure: A Guide for Local Public Agency Acquisition of Right-of-Way, Publication No. 98, incorporated into this Agreement by reference as though physically attached.

(b) The SPONSOR shall acquire all necessary right-of-way by gift, agreement, dedication, purchase and/or condemnation. The amount of right-of-way required for the Project shall be shown on a plan, which shall be prepared in accordance with policies, procedures, criteria and specifications prepared or approved by the DEPARTMENT and the FHWA, including, but not limited to, the provisions of the current DEPARTMENT Design Manual.

(c) The SPONSOR, subject to possible reimbursement from the FHWA, shall be responsible for all negotiations, defense of all claims and initial payment of all property damages or right-of-way costs resulting from any acquisition and/or condemnation. The SPONSOR shall strictly comply with all applicable right-of-way acquisition procedures set forth in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; the current DEPARTMENT Right-of-Way Manual and its amendments; and the Federal-aid Policy Guide. Acquisition costs shall include, but shall not be limited to, payment of claims of affected property owners; photographic, appraisal and engineering services; title reports; counsel fees; expert witness fees required for the adjudication of all property damage claims; transcripts of testimony before the board of view; and all record costs, including printing costs, in case of appeal to an appellate court.

(d) If the DEPARTMENT is reimbursing right-of-way acquisition and/or utility relocation activities for this Project, the estimated costs and reimbursement percentages are detailed in Exhibit "A."

(e) The SPONSOR agrees that any real property acquired with funds provided under this Agreement shall be managed in accordance with the property management requirements provided in 23 C.F.R. Part 710, Subpart D. Any use of the property for purposes other than that for which the funds were provided must be consistent with the continuation of the original use. If the original use of the real property is converted by sale or lease to another use inconsistent with the original use, the SPONSOR shall pay any amounts obtained for that conversion to the DEPARTMENT.

[PRIVATE SPONSOR VERSION]

(a) The SPONSOR shall ensure that all additional right-of-way necessary to construct this Project shall be acquired in accordance with all applicable federal and state laws, policies and procedures. In particular, the SPONSOR shall comply with 49 C.F.R. Section 24.101(A)(2), which requires the SPONSOR, prior to making an offer for property, to advise the owner that it cannot acquire the property by condemnation in the event that negotiations fail to result in an amicable agreement and to inform the owner of what it believes to be the fair market value of the property.

(b) The SPONSOR shall acquire all necessary right-of-way by gift, agreement, dedication and/or purchase. The amount of right-of-way required for the Project shall be shown on a plan, which shall be prepared in accordance with policies, procedures, criteria and specifications prepared or approved by the DEPARTMENT and the FHWA, including, but not limited to, the provisions of the current DEPARTMENT Design Manual.

(c) The SPONSOR, subject to possible reimbursement from the FHWA, shall be responsible for all negotiations, defense of all claims and initial payment of all property damages or right-of-way costs resulting from any acquisition for the Project. Acquisition costs shall include, but

shall not be limited to, payment of claims of affected property owners; photographic, appraisal and engineering services; and title reports.

(d) If the DEPARTMENT is reimbursing right-of-way acquisition activities for this Project, the estimated costs and reimbursement percentages are detailed in Exhibit "A."

(e) The SPONSOR agrees that any real property acquired with funds provided under this Agreement shall be managed in accordance with the property management requirements provided in 23 C.F.R. Part 710, Subpart D. Any use of the property for purposes other than that for which the funds were provided must be consistent with the continuation of the original use. If the original use of the real property is converted by sale or lease to another use inconsistent with the original use, the SPONSOR shall pay any amounts obtained for that conversion to the DEPARTMENT.

9. LETTING AND AWARD

If the SPONSOR has in place procedures that the DEPARTMENT has previously approved, allowing the SPONSOR to handle the bidding and award itself, the SPONSOR shall advertise for bids, open bids and award the construction contract in its own name, in accordance with applicable state and federal laws and requirements, including, but not limited to, those outlined in the Federal-aid Policy Guide, Chapter I, Subchapter G, Part 630, Subpart B and the DEPARTMENT Procedures for the Administration of Federal-aid Municipal Contract Construction Projects. Otherwise, the DEPARTMENT shall advertise for bids, open bids and award the construction contract in the name of the SPONSOR, in accordance with the same state and federal laws and requirements. In either case, the SPONSOR shall execute the contract and issue the notice to proceed.

10. INSPECTION

(a) The SPONSOR, with its own forces or by contract, shall provide staff to inspect and supervise all construction work in accordance with the approved plans and specifications, including, but not limited to, the Publication 408 Specifications, and to assure that all work is in

accordance with the Federal-aid Policy Guide, Chapter I, Subchapter G, Part 635, entitled "Construction and Maintenance."

(b) Allowable construction engineering costs may include such work items as inspection, certification, and test of materials and surveys in accordance with the Federal-aid Policy Guide, Chapter I, Subchapter B, Part 140, and 23 C.F.R. § 1.11. Such costs are eligible for federal participation only to the extent that they are directly attributable and properly allocable to the Project.

11. REIMBURSEMENT

(a) Subject to the terms set forth in this Agreement and in conformance with the policies adopted by the DEPARTMENT, the DEPARTMENT, from funds allocated for this purpose by the FHWA, to the extent that such funds are first made available by the FHWA to the DEPARTMENT, shall make payment to the SPONSOR. The DEPARTMENT shall reimburse the SPONSOR for one hundred percent (100%) of the allowable costs of the Project. Exhibit "A" sets forth the activities or phases being reimbursed, the estimated costs and the reimbursement percentages.

(b) The SPONSOR, by executing this Agreement, certifies (1) that it has on hand, or will obtain over the life of the Project, sufficient funds to meet all of its obligations under the terms of this Agreement, and (2) that it, and not the DEPARTMENT, shall provide all funds needed to pay any costs incurred in excess of those costs eligible for Federal-aid participation and shall bear all such excess costs. The SPONSOR shall be solely responsible for one hundred percent (100%) of this portion of the total Project costs. The SPONSOR may use any combination of funds from its own budget and/or outside sources, whether public or private.

(c) The SPONSOR, for the purpose of reimbursement, shall submit to the DEPARTMENT on a monthly basis certified periodic (maximum of two (2) per month) invoices for:

(1) Allowable costs for work performed by the SPONSOR's forces on the Project.

(2) Work performed on the Project by the SPONSOR's contractors(s) or consultant(s).

Following review and approval by the local Engineering District Office, the DEPARTMENT shall submit these certified invoices to the FHWA for payment. As FHWA funds are made available, the DEPARTMENT shall reimburse the SPONSOR for the proportionate share of the approved charges.

(d) The SPONSOR is obligated to submit to the DEPARTMENT invoices from its consultant(s) and contractor(s) as it receives them, in accordance with the periodic schedule set forth above, to assure prompt payment of the consultant(s) and contractor(s) for work performed to date.

(e) The SPONSOR shall pay the federal and the SPONSOR shares to its consultant(s) or contractor(s) within ten (10) calendar days of the date of the DEPARTMENT's payment. The SPONSOR shall, as part of its record-keeping obligation, maintain records of receipt and payment of such funds. Failure to comply with this subparagraph or with the requirements of subparagraph (e) relating to submission of invoices shall be a default for purposes and the DEPARTMENT shall have the further right to change payment procedures unilaterally to a reimbursement basis.

(f) If the DEPARTMENT changes payment procedures unilaterally to a reimbursement basis, as provided in subparagraph (e), the following procedures shall apply:

- (i) The SPONSOR, within seven (7) days of the established estimate dates, shall submit to the DEPARTMENT certified periodic (maximum of two (2) per month) invoices for reimbursement.
- (ii) The SPONSOR shall include with the invoices verification of payment of the consultant(s) or contractor(s) by means of a copy of the cancelled check or a certified letter from the consultant(s) or contractor(s) acknowledging payment.
- (iii) After reviewing the verification concerning payment of the consultant(s) or contractor(s) and material certifications and determining them to be

satisfactory, the Engineering District Office shall approve the invoices for payment.

- (iv) Following review and approval by the local Engineering District Office, the DEPARTMENT shall submit these certified invoices to the FHWA for payment of the federal share. As FHWA funds are made available, the DEPARTMENT shall reimburse the SPONSOR for the proportionate share of the approved charges.

(g) The SPONSOR shall be responsible for all costs incurred in excess of those eligible for Federal-aid participation, including, but not limited to, any and all costs relating to or resulting from changes to the approved plans and/or specifications, time delays and extensions of time or termination of construction work, interest for late payments or for money borrowed to finance the Project (inasmuch as interest paid by the SPONSOR is not federally reimbursable), unforeseen right-of-way and other property damages and costs resulting from the acquisition and/or condemnation of lands for the Project and/or for the construction of the improvements, unforeseen utility relocation costs, unforeseen costs for environmental litigation and reports, and all other unforeseen costs and expenses not included in the estimates of design, utility relocation, construction and right-of-way acquisition costs, but which are directly related to or caused by the planning, design, and/or construction of the Project. This provision shall not preclude the SPONSOR from modifying the scope of the Project, with the approval of the DEPARTMENT, in the event that the costs exceed the available funds.

(h) For those costs incurred by the DEPARTMENT, including, but not limited to, costs relating to administrative and oversight activities, which costs are the responsibility of the SPONSOR in accordance with subparagraph (b) above and appear as estimates on Exhibit "A," the DEPARTMENT shall invoice the SPONSOR on a monthly basis. Failure by the SPONSOR to reimburse the DEPARTMENT within thirty (30) days of receipt of the DEPARTMENT's invoice shall cause the SPONSOR to be in default of payment. In the event of such default, the DEPARTMENT may, in its sole discretion, consider the Project to be terminated, whereupon the

SPONSOR shall be obligated to reimburse all FHWA and DEPARTMENT funds in accordance with Paragraph 30.

(i) The DEPARTMENT shall not reimburse any additional or extra work done or materials furnished, not specifically provided for in the approved plans and specifications, unless the DEPARTMENT has first approved such additional or extra work or materials in writing. Any such work done or materials furnished without such written approval first being given shall be at the SPONSOR's own risk, cost and expense.

(j) The SPONSOR shall submit its final invoices for payment or reimbursement, as the case may be, of the items set forth in subparagraph (c) to the DEPARTMENT within one (1) year of the acceptance of the Project. If the SPONSOR fails to submit its final invoices within this one-(1-) year period, it may forfeit all remaining federal and state financial participation in the Project.

(k) In accordance with Commonwealth Management Directive 310.30 Amended, issued May 22, 2009, relating to the Pennsylvania Electronic Payment Program and the establishment of the Automated Clearing House Network ("ACH") as the Commonwealth's preferred method of payment, the following provisions apply to the making of payments pursuant to this Agreement:

1. The DEPARTMENT will make payments to the SPONSOR through ACH. Within 10 days of executing this Agreement, the SPONSOR must submit or must have already submitted its ACH information on a ACH enrollment form (obtained at www.vendorregistration.state.pa.us/cvmu/paper/Forms/ACH-EFTenrollmentform.pdf) and electronic addenda information, if any, to the Commonwealth's Payable Service Center, Vendor Data Management Unit at 717-214-0140 (FAX) or by mail to the Office of Comptroller Operations, Bureau of Payable Services, Payable Service Center, Vendor Data Management Unit, 555 Walnut Street - 9th Floor, Harrisburg, PA 17101.

2. The SPONSOR must submit a unique invoice number with each invoice submitted. The unique invoice number will be listed on the Commonwealth of Pennsylvania's ACH remittance advice to enable the SPONSOR to properly apply the state agency's payment to the respective invoice or program.

3. It is the responsibility of the SPONSOR to ensure that the ACH information contained in the Commonwealth's Central Vendor Master File is accurate and complete. Failure to maintain accurate and complete information may result in delays in payments.

12. SUPPLEMENTS AND AMENDMENTS

- (a) If the cost for any phase listed in Exhibit "A" is blank, or the cost of any phase increases, causing the overall Agreement cost to increase, the parties must execute a letter of amendment that will include a revised Exhibit "A." The DEPARTMENT cannot reimburse the SPONSOR for the costs of these phases until the parties execute the letter of amendment. Adequate federal funds must be available before the parties may execute a letter of amendment, with a revised Exhibit "A" attached. A letter of amendment is not effective until duly authorized representatives of the DEPARTMENT, the SPONSOR, the Office of Chief Counsel and the Office of Comptroller Operations sign and date the letter of amendment. A sample letter of amendment is attached as Exhibit "D" and made a part of this Agreement.
- (b) If the parties determine that the cost for any phase listed in Exhibit "A" should be redistributed, and the redistribution does not result in an increase or decrease in the total Project costs or a change in the scope of work, the parties must execute a letter of adjustment that will include a revised Exhibit "A." The DEPARTMENT cannot reimburse the SPONSOR for the costs of these phases until the parties execute the letter of adjustment. A letter of adjustment is not effective until duly authorized representatives of the DEPARTMENT, the SPONSOR and the Office of Comptroller Operations sign and date the letter of adjustment. A sample letter of adjustment is attached as Exhibit "C" and made a part of this Agreement.
- (c) All other changes to terms and conditions of this Agreement must be in the form of a fully executed supplemental agreement signed by the same entities that executed the original agreement.

13. RECORDS AND AUDIT REQUIREMENTS

(a) The SPONSOR shall maintain, and it shall require its consultants and contractors to maintain, all books, documents, papers, records, supporting cost proposals, accounting records, employees' time cards, payroll records and other evidence pertaining to costs incurred in the Project and shall make such materials available at all reasonable times during the contract period and for three (3) years from the date of submission of the final voucher to FHWA, for inspection and/or audit by the DEPARTMENT, the FHWA or any other authorized representatives of the state or federal government; and copies shall be furnished, if requested. Time records for personnel performing any work shall account for direct labor performed on the Project as well as the time of any personnel included in the computation of overhead costs. In addition, a complete record of time shall be kept for personnel assigned part-time to the Project. A record of time limited to only their work on this Project will not be acceptable.

(b) As specified by the Federal Office of Management and Budget, the SPONSOR agrees to satisfy the audit requirements contained in the Single Audit Act of 1984, as amended, 31 U.S.C. Section 7501 et seq., and, for this purpose, to comply with the Audit Clause to Be Used in Agreements with Entities Receiving Federal Awards from the Commonwealth, dated December 3, 2003, which is incorporated into this Agreement by reference as though physically attached. As used in the Audit Clause, the term "Subrecipient" means the SPONSOR.

14.

14. MAINTENANCE AND OPERATION OF FACILITY

[VERSION FOR PROJECTS WHERE FACILITY IS NOT WITHIN LOCAL OR STATE RIGHT OF WAY]

(a) The SPONSOR shall operate and maintain, at its sole cost and expense, all of the completed Project improvements financed under this Agreement that fall within its jurisdiction. The SPONSOR shall establish a formalized maintenance program, to be performed by contract or with its own forces, to insure an acceptable level of physical integrity and operation

consistent with original design standards. This maintenance program, established in accordance with standards determined to be acceptable by the DEPARTMENT, shall include, but not be limited to, periodic inspections; appropriate preventative maintenance, which shall include, where applicable, cleaning, lubricating and refurbishing of electrical equipment; a systematic record-keeping system; and the means to handle notification and implementation of emergency repairs. The SPONSOR certifies that it shall make available sufficient funds to provide the maintenance program described herein. This provision shall not preclude the SPONSOR from making arrangements with other governmental bodies or instrumentalities or private parties for sharing the maintenance responsibilities. However, the SPONSOR shall retain primary responsibility pursuant to this subparagraph.

(b) Failure by the SPONSOR to fulfill its maintenance responsibilities may result in the loss of future state and federal funds.

(c) The SPONSOR shall have the right to transfer ownership and maintenance responsibilities for the improvements constructed pursuant to this Agreement, subject to prior approval by the DEPARTMENT. The SPONSOR shall submit a letter to the DEPARTMENT's local Engineering District Office requesting approval to transfer ownership and maintenance and stating the name and address of the entity that will assume these responsibilities, which shall also sign the letter. The DEPARTMENT shall signify its approval, which it shall not unreasonably withhold, with the signature of its duly authorized representative on the letter.

[VERSION FOR PROJECT IN SPONSOR'S ROAD OR RIGHT OF WAY]

(a) The SPONSOR, at its sole cost and expense, shall operate and maintain all of the completed improvements financed under this Agreement that fall under its jurisdiction. The SPONSOR certifies that it shall make available sufficient funds to provide for the described maintenance program. Exhibit "E," attached to and made a part of this Agreement, lists the minimum maintenance requirements that the SPONSOR must perform.

(b) The DEPARTMENT, in concurrence with the FHWA, when applicable, shall determine the existence of acceptable methods of operation and maintenance. These operation and maintenance services shall include, but not be limited to, the following:

- (i) Periodic inspections;
- (ii) Functional review of traffic operations;
- (iii) Appropriate preventative maintenance, which shall include cleaning, lubrication and refurbishing of all electrical equipment;
- (iv) A systematic record-keeping system; and
- (v) A means to handle the notification and implementation of emergency repairs.

(c) The existence of functioning maintenance and operation services shall not exempt the SPONSOR from complying with the provisions of the Vehicle Code (75 Pa. C.S. § 101 *et seq.*), as amended, pertaining to traffic control devices, or with applicable provisions of the State Highway Law (36 P.S. § 670-101 *et seq.*), as amended.

(d) The SPONSOR and the DEPARTMENT agree that each party shall administer, enforce and maintain any statutes, regulations or ordinances within its jurisdiction necessary for the operation of the improvements. The parties further agree that the enforcement obligations relating to the regulations are governed by the statutes of the Commonwealth of Pennsylvania, and more particularly by those statutes relating to municipalities; the Vehicle Code, as amended; and the State Highway Law, as amended; as well as those ordinances, rules and regulations issued by appropriate governmental agencies in implementation of these statutes.

(e) The SPONSOR acknowledges that the traffic controls and parking regulations necessary to be maintained on these improvements are shown on Exhibit "F," attached to and made a part of this Agreement

(f) The SPONSOR acknowledges that the DEPARTMENT may disqualify the SPONSOR from future Federal-aid or state participation on SPONSOR-maintained projects if the SPONSOR fails to:

- (i) Provide for the proper maintenance and operation of the completed improvements; or
- (ii) Maintain and enforce compliance with any statutes, regulations or ordinances under its jurisdiction necessary for the operation of the improvements.

(g) The SPONSOR agrees that the DEPARTMENT shall withhold Federal-aid or state funds, or both, until one or both of the following (as applicable) have taken place:

- (i) The SPONSOR has corrected the operation and maintenance services.
- (ii) The SPONSOR has brought traffic operations on the improvements, including enforcement of statutes, regulations or ordinances, up to a level satisfactory to the DEPARTMENT.

(h) This Agreement is without prejudice to the right of the SPONSOR to receive reimbursement for maintenance costs from any railroad or party other than the DEPARTMENT, if so ordered by the PUC, where a rail-highway crossing is under the jurisdiction of the PUC.

[VERSION FOR WHEN PROJECT IS IN DEPARTMENT'S RIGHT OF WAY]

The DEPARTMENT, as the entity exercising authority and jurisdiction over the roads upon which the Project is being constructed, shall operate and maintain, all of the completed improvements financed with Federal-aid funds as part of the state highway system, consistent with the requirements of the Vehicle Code, State Highway Law of 1945, and Commonwealth regulations. If there is any signalization, it shall be operated by the SPONSOR, pursuant to a separate traffic signal maintenance agreement between the DEPARTMENT and the SPONSOR and a traffic signal permit issued by the DEPARTMENT to the SPONSOR.

15. SAVE HARMLESS

The SPONSOR shall indemnify, save harmless and (if requested) defend the Commonwealth of Pennsylvania, the DEPARTMENT, the FHWA and all of their officers, agents and employees from all suits, actions or claims of any character, name or description, including, but not limited to, those in eminent domain or otherwise relating to title to real property, brought for or on account of any injuries or damages received or sustained by any person, persons or property, arising out of, resulting from or connected with the planning, development, design, acquisition, construction, completion, occupancy, use, operation and/or maintenance of the Project or the improvements that it comprises, and/or any other activities relating to the Project or the improvements that it comprises, by the SPONSOR and/or the SPONSOR's consultant(s)

and/or contractor(s) and their officers, agents and employees, whether the same be due to defective title, defective materials, defective workmanship, neglect in safeguarding the work, or by or on account of any act, omission, neglect or misconduct of the SPONSOR and/or the SPONSOR's consultant(s) and/or contractor(s), their officers, agents and employees, during the performance of the work or thereafter, or to any other cause whatever.

16. [USE ONLY WITH AGREEMENTS WITH MUNICIPALITIES] WITHHOLDING OF LIQUID FUELS FUNDS

If the SPONSOR shall fail to perform any of the terms, conditions or provisions of the Agreement, including, but not limited to, any default of payment or reimbursement for a period of thirty (30) days, the SPONSOR authorizes the DEPARTMENT to withhold so much of the SPONSOR's Liquid Fuels Tax Fund allocation as may be necessary to complete the Project or reimburse the DEPARTMENT in full for all costs due hereunder; and the SPONSOR does hereby and herewith authorize the DEPARTMENT to withhold such amount and to apply such funds, or portion thereof, to remedy such default.

17. REQUIRED CONTRACT PROVISIONS

The parties agree, and the SPONSOR shall also provide in its contracts for the Project, that all design, plans, specifications, estimates of costs, construction, utility relocation work, right-of-way acquisition procedures, acceptance of the work and procedures in general shall, at all times, conform to all applicable federal and state laws, rules, regulations, orders and approvals, including specifically the procedures and requirements relating to labor standards, equal employment opportunity, nondiscrimination, anti-solicitation, information, auditing and reporting provisions. The SPONSOR shall comply, and shall cause its consultant(s) and contractor(s) to comply, with the conditions set forth in the Commonwealth Nondiscrimination/Sexual Harassment Clause, dated June 30, 1999, and the Federal Nondiscrimination Clauses, dated January 1976, which are incorporated into this Agreement by reference as though physically attached.

18. DISADVANTAGED BUSINESS ENTERPRISE REGULATORY COMPLIANCE REQUIREMENTS

The SPONSOR shall take the following steps, where applicable, in order to comply with the Disadvantaged Business Enterprise ("DBE") requirements of federal transportation legislation and regulations adopted pursuant thereto:

(a) For federally-assisted transportation-related projects, the DEPARTMENT may establish a percentage participation goal. The SPONSOR shall work with the DEPARTMENT's District PCTI Coordinator concerning the necessity of establishing a goal for this Project. If a DBE goal is not applicable, the SPONSOR shall comply with the "Disadvantaged Business Enterprise and Small Business Concern Involvement" provision, which is incorporated into this Agreement by reference as though physically attached to it. If a goal is established, this goal must be attained by the SPONSOR's contractor or, in the alternative, a showing of good faith effort must be made. Determination of good faith effort shall be made by the SPONSOR and is subject to the concurrence of the DEPARTMENT. The SPONSOR shall comply with the following provisions, as applicable:

i. If the Project requires prequalification, the SPONSOR shall comply with "Designated Special Provision 7" of the Publication 408 Specifications, (current edition), which is incorporated into this Agreement by reference as though physically attached to it.

ii. If the Project is prequalification exempt, the SPONSOR shall comply with the "Disadvantaged Business Enterprise Requirements—Prequalification Exempt," which are incorporated into this Agreement by reference as though physically attached to it.

iii. If the Project includes a design component, the SPONSOR shall comply with the "DBE Special Requirements—Engineering" which are incorporated into this Agreement by reference as though physically attached to it.

(b) The SPONSOR must use the list of certified DBE's maintained by the Pennsylvania Department of Transportation.

19. REQUIRED DISADVANTAGED BUSINESS ENTERPRISE ASSURANCE PROVISION

(a) The SPONSOR shall not discriminate on the basis of race, color, national origin or sex in the performance of this Agreement. The SPONSOR shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of United States Department of Transportation-assisted contracts. Failure by the SPONSOR to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the DEPARTMENT deems appropriate.

(b) The SPONSOR must include the assurance contained in subparagraph (a) in each contract into which it enters to carry out the Project.

20. FHWA APPROVAL

The parties fully understand and agree that their respective obligations under this Agreement shall be made contingent upon the approvals, prior to commencement of work, of the Project's eligibility for participation in federal funds to the extent of the proportionate share, detailed in Exhibit "A"; and, if the FHWA does not give such approval, neither of the parties shall be further obligated by the terms of this Agreement.

21. TERMINATION

Because this Agreement is to be funded either partially or completely by federal funds, the DEPARTMENT may terminate it if federal funds are not provided to the DEPARTMENT for the purposes stated in the Agreement. The DEPARTMENT shall effect any such termination by delivery to the SPONSOR of a notice of termination specifying the reason for termination and its effective date. The DEPARTMENT shall compensate the SPONSOR for work performed or services provided in accordance with the terms of this Agreement prior to the date of the notice of termination or such other date as the notice of termination shall specify.

22. RESOLUTIONS AND ORDINANCES

The SPONSOR shall enact and/or adopt such ordinances and/or resolutions as may be necessary to effect the purposes of this Agreement.

23. SUCCESSORS AND ASSIGNS

All covenants and obligations of the parties under this Agreement shall bind their successors and assigns, whether or not expressly assumed by such successors and assigns.

24. OFFSET PROVISION

The SPONSOR agrees that the Commonwealth may offset the amount of any state tax or Commonwealth liability of the SPONSOR or its affiliates and subsidiaries that is owed to the Commonwealth against any payments due the SPONSOR under this or any other contract with the Commonwealth.

25. CONTRACTOR INTEGRITY PROVISIONS

The SPONSOR shall comply with the Commonwealth Contractor Integrity Provisions, dated December 20, 1991, which are incorporated into this Agreement by reference as though physically attached.

26. AMERICANS WITH DISABILITIES ACT PROVISIONS

The SPONSOR shall comply with the Commonwealth Provisions Concerning the Americans with Disabilities Act, dated January 16, 2001, which are incorporated into this Agreement by reference as though physically attached.

27. CONTRACTOR RESPONSIBILITY PROVISIONS

The SPONSOR shall comply with the Commonwealth Contractor Responsibility Provisions, dated April 16, 1999, which are incorporated into this Agreement by reference as though physically attached.

28. ANTI-LOBBYING REQUIREMENT

Public Law 101-121, Section 319, 31 U.S. Code Section 1352, prohibits the recipient or any lower tier subrecipients of a federal contract, grant, loan or cooperative agreement from expending federal funds to pay any person for influencing or attempting to influence a federal agency or Congress in connection with the awarding of any federal contract, the making of any federal grant or loan or the entering into of any cooperative agreement. The SPONSOR agrees to comply with the Lobbying Certification Form attached to, and made part of, this Agreement as Exhibit "B," which an authorized official of the SPONSOR has executed.

29. RIGHT TO KNOW LAW

The Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101–3104, applies to this Agreement. Therefore, this Agreement is subject to, and the SPONSOR shall comply with, the clause entitled Contract Provisions – Right to Know Law 8-K-1532, attached as Exhibit “__” and made a part of this Agreement. As used in this Agreement, the term “Contractor” refers to the SPONSOR.

30. EFFECTIVE DATE AND DURATION OF AGREEMENT

- (a) This Agreement and the authorizations granted in it shall be effective only after full execution and approval by all necessary Commonwealth officials as required by law. Following full execution, the DEPARTMENT will insert the effective date at the top of Page 1. The authorizations granted by this Agreement shall be further contingent upon written approval of the FHWA, if necessary.

- (b) This Agreement shall remain in effect for three (3) state fiscal years, beginning with the state fiscal year in which it takes effect and continuing for the two (2) succeeding fiscal years. The SPONSOR understands and agrees that it must proceed diligently to move the Project to completion. If no activity, "activity" consisting of the submission of at least one invoice from the SPONSOR by the DEPARTMENT, occurs prior to the end of the third fiscal year, the Agreement shall terminate on June 30 of the third fiscal year. However, if any activity occurs prior to the end of the third fiscal year, the Agreement shall be automatically extended for a fourth fiscal year; and the SPONSOR shall complete the Project by the end of that fourth fiscal year. If the SPONSOR has not completed the Project by June 30 of that fourth fiscal year, the Agreement shall then automatically terminate, unless the SPONSOR requests a time extension, providing detailed justification therefor, and the DEPARTMENT, in its discretion, through the local Engineering District Office, authorizes a time extension in writing.
- (c) If this Agreement is terminated in accordance with Subparagraph (b) above, the SPONSOR must reimburse any federal funds provided pursuant to this Agreement, because the FHWA will not participate in any costs of a project that is not completed. Furthermore, the SPONSOR must reimburse the DEPARTMENT for any costs incurred by the DEPARTMENT for the Project. Accordingly, the SPONSOR shall reimburse the DEPARTMENT, within thirty (30) days of receipt of a statement from the DEPARTMENT, in an amount equal to the sum of the following:
- (i) All FHWA funds received by the SPONSOR for return to the

FHWA;

- (ii) All FHWA funds paid to the SPONSOR for work performed under this Agreement for return to the FHWA;
- (iii) All costs incurred by the DEPARTMENT under this Agreement prior to the time of termination that the FHWA or the SPONSOR has not already reimbursed.

IN WITNESS WHEREOF, the parties have executed this Agreement the date first above written.

ATTEST: _____* (Name of SPONSOR)

_____ Signature	_____ DATE	_____ Signature
_____ Title		_____ Title

*** Unless the individuals signing this Agreement on behalf of the SPONSOR are authorized to do so by statute or regulation, the SPONSOR's resolution authorizing execution and attestation must accompany this Agreement; please indicate the signers' titles in the blanks provided and date all signatures.**

DO NOT WRITE BELOW THIS LINE--FOR COMMONWEALTH USE ONLY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

District Executive DATE

APPROVED AS TO LEGALITY
FUNDS COMMITMENT DOC. NO. _____
AND FORM

UNDER SAP NO. _____

SAP COST CENTER _____
BY _____

GL. ACCOUNT _____
 for Chief Counsel
 Date AMOUNT _____

BY _____
 BY _____ for Comptroller Operations Date
 Deputy General Counsel Date

BY _____
 Deputy Attorney General Date

Agreement No. ____ is split 100%, expenditure amount of \$____, for federal funds and 0 %, expenditure amount of \$0, for state funds. The related federal assistance program name and number is _____. The state program name and SAP fund is N/A; N/A. This paragraph does not affect the costs to the SPONSOR.

**Pennsylvania Community Transportation Initiative
 EXHIBIT "A"**

Agreement No: _____ MPMS No: _____
 County:
 Municipality:
 Project Name:

Derivation of Project Costs = (Check One)

100__% Federal Aid for Construction in the amount of \$_____

Participant

<u>Reimbursable Activity</u>	Federal	Commonwealth	Sponsor	Department Incurred Cost (if any)	Subtotal
Design					
Right of Way					
Utilities					
Construction	\$		\$		\$
Construction Inspection					
Subtotal	\$		\$		\$
Total Project Cost					\$

Pennsylvania Department of Transportation

Design Manual Bicycle/Pedestrian Checklist

How to Use the *Bicycle and Pedestrian Checklist*

The *Bicycle and Pedestrian Checklist* is an evaluation tool that has three distinct sections that perform best when completed at the appropriate times in the planning and design processes. The guidance below assumes a collective effort to complete the document throughout the life of a project. The three sections correlate closely with certain volumes and chapters within the Design Manual Series:

1. **Planning and Programming** - DM 1, Chapter 2 “Planning and Prioritization & Programming Phases”
2. **Scoping** - DM 1A, Chapter 5 “Engineering and Environmental Scoping”
3. **Final Design** - DM 2, Chapters 1, 2, 6, & 16 as applicable

Planning and Programming Section

This Section is the research element of the evaluation of bicycle and pedestrian needs. It is suggested that the completion of this Section be a collaborative effort between the District Bicycle and Pedestrian Coordinator and the District Planning and Programming Manager. The Planning and Programming Section should be initiated when a project has been selected for inclusion on the Transportation Improvement Program (TIP). Coordinate the research with the MPO/RPO, project sponsor, and other agencies or stakeholder organizations.

Transportation Master Plans, of which Bicycle and Pedestrian components are plan subsets, are stable, long range documents that reflect the transportation needs of a region, and as such, are applicable to the Department’s individual projects. The Planning and Programming Section is intended to be a filtering process, whereby the highest level of assessment would be completed at the MPO/RPO and county levels within a District only once per version of their respective Master Plans. When the Master Plans at the MPO/RPO and county levels undergo revision, then a reassessment of bicycle and pedestrian needs, as applied to this Section, would also be revised.

Conversely, the demographics and dynamics of a municipality change much more quickly than the MPO/RPO or county-level, and therefore, municipal-level development will have a much greater real-time impact on Department projects. Each Project Manager should query the planning division of a municipality in order to assess the most current accommodations planned for cyclists and pedestrians. Such a query would also reveal omissions of accommodations.

The Planning and Programming Section should summarize the accommodations for cyclists and pedestrians that are currently planned on paper by various governmental and private entities. This summary is a transition to the scoping phase of evaluation and implemented in the Scoping Field View.

Scoping Section

The Scoping Section is a real-time validation of plans that are summarized in the Planning and Programming Section, and equally important is the identification of latent needs that are observed in the field. In many ways, the Scoping section is a comparison of what is planned

versus what can practically be constructed, and further calibrated with the unplanned, but warranted, needs that you observe in the field. The Scoping Section should be completed by the Project Manager as part of the Engineering and Environmental (E&E) Scoping process. Coordination with the District Bicycle and Pedestrian Coordinator, the MPO/RPO, the project sponsor, and other agencies or organizations who participate in the field view will provide an appropriate level of evaluation.

Final Design Section

The Final Design Section should be used as a “cookbook-style” guideline of various design elements that are supportive or indigenous to bicycle and pedestrian transportation as it relates to a specific project. This section is intended to be completed throughout the Preliminary Engineering and the Final Design Engineering phases of a project. The Project Manager is responsible for the completion of this section.

Planning and Programming Section

Project _____
 SR _____ Segment _____ Offset _____
 Team Members _____
 _____ Date _____

Item			
1. Consistency with Bicycle/Pedestrian Planning Documents	Is the transportation facility included in or related to bicycle and pedestrian facilities identified in a master plan?		
	<ul style="list-style-type: none"> • MPO/LDD bike/ped plan. • Local planning documents. • BicyclePA Routes. • Statewide Bicycle and Pedestrian Master Plan. 		
	Will the transportation facility provide continuity and linkages with existing or proposed bicycle/pedestrian facilities?		
	Is the transportation facility included in or related to a regional/local recreational plan?		
	<ul style="list-style-type: none"> • Rails-to-Trails. • Greenways. • Local, State, National Parks. 		

2. Existing and Future Usage	Do bicycle/pedestrian groups regularly use the transportation facility?		
	<ul style="list-style-type: none"> • Bike clubs. • Bicycle commuters. • Hiking, walking, or running clubs. • Skateboarding or rollerblading groups. • Bicycle touring groups. • General tourism/sightseeing. 		
	Does the existing transportation facility provide the only convenient transportation connection/linkage between land uses in the local area or region?		
	Could the transportation facility have favorable or unfavorable impacts upon the bike tourism/economy of an area/ region? Consider:		
	<ul style="list-style-type: none"> • Local businesses • Chamber of Commerce • Tourism Promotion Agencies. 		
3. Safety	Are there physical or perceived impediments to bicycle or pedestrian use of the transportation facility?		
	Is there a higher than normal incidence of bicycle/pedestrian crashes in the area?		
	Is the transportation facility in a high-density land use area that has pedestrian/ bike/motor vehicle traffic?		

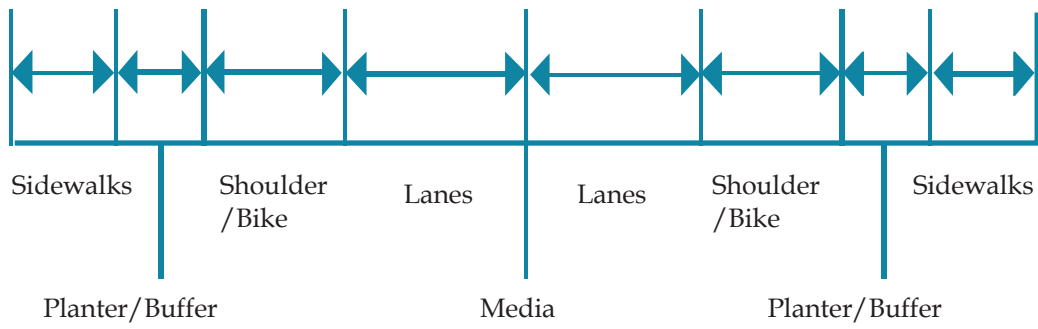
3. Safety (continued)	Is there a high amount of crossing activity at intersections?		
	<ul style="list-style-type: none"> • Midblock • Night crossing activity • Adequate lighting. 		
4. Community and Land Use	Would the transportation facility (and all users) benefit from widened or improved shoulders or improved markings (shoulders, crosswalks)?		
	Is the transportation facility within/near a community or neighborhood?		
	Is the transportation facility the “main street” in a community or town?		

	Could bicycle or pedestrian usage impact economic development?		
	Are sidewalks needed in the area? <ul style="list-style-type: none"> • Presence of worn paths along the facility. • Adjacent land uses generate pedestrian traffic. • Possible linkages/continuity with other pedestrian facilities. 		
	Is the transportation facility a link between complimentary land uses? <ul style="list-style-type: none"> • Residential and commercial. • Residential and business. 		
	Is the transportation facility in close proximity to hospitals, elderly care facilities, or the residences or businesses of persons with disabilities?		
	Is the transportation facility within or near educational buildings?		
	Is the transportation facility in close proximity to transit stops or multi-modal centers (including airports, rail stations, intercity bus terminals, and water ports)?		
5. Transit	Is the transportation facility on a transit route?		
	Is the transportation facility near park-and-ride lots?		
	Are there existing or proposed bicycle racks, shelters or parking available? Are there bike racks on buses?		
6. Traffic Calming	Is the community considering traffic calming as a possible solution to speeding and cut-through traffic?		

Scoping Section

Project _____
 SR _____ Segment _____ Offset _____
 Team Members _____
 _____ Date _____

Right-of-Way Needs Diagram



Element	Number Required	Width Required	Total Width
Sidewalks			
Buffer Strips			
Shoulders			
Lanes			
Median			
<i>Total Right-of-Way Required</i>			

		Medical facilities	
3. Traffic Calming	Is the community considering traffic calming as a means to curb speeding and cut-through traffic?		

Bicycle Facilities

Item			
1. Bikelanes/Paved Shoulders	Appropriate width of bike lane:		
	<ul style="list-style-type: none"> • 1.5m (5') adjacent to curb • 1.8m (6') standard. 		
	Connectivity with other facilities.		
	<ul style="list-style-type: none"> • Bike lanes • Shared use trails • Trail heads/parking areas. 		
	Maximize width of shoulders and provide appropriate markings as per <i>AASHTO Green Book</i> .		
	3 m (10') vertical clearance from fixed obstructions (excluding road signs).		
	Angle and smoothness of railroad crossings. Avoid angles of incidence of <70 degrees or re-design.		
Bridge accesses provided/pinch points avoided.			
Parking parallel or angled.			
2. Signalized intersections	Inventory existing bicycle facilities.		
	Intersection bike/ped crash history reviewed.		
	Crossing distance is minimized.		
	Considerations for bikes making turns.		
	Bike detection.		
	Elevated push buttons.		
3. Traffic Calming	Is the community considering traffic calming as a means to curb speeding and cut-through traffic?		

Final Design Section

Project _____
 SR _____ Segment _____ Offset _____
 Team Members _____
 _____ Date _____

Pedestrian Facilities

Item			
1. Sidewalks and Signalized Intersections	Crosswalks are at least 3 m (10') wide.		
	Crosswalks are prominently marked using at least 6" line.		
	Pedestrian signals are provided.		
	Pushbuttons are provided and accessible.		
	Minimize crossing distance.		
	Maximize pedestrian visibility at crossings.		
	Coordination of turn phases with walk/don't walk signs.		
	Proper lighting type and placement.		
2. ADA Requirements	Pushbuttons accessible.		
	Pushbuttons height 1.0m - 1.1m (3.5'-4.0').		
	Large pushbuttons used.		
	1.5m (5') recommended passage (sidewalks).		
	5% maximum grade recommended (sidewalks).		
	2% cross-slope maximum.		
	Textured curb cuts.		
	2 curb cuts per corner at intersections.		
	Curb cuts flush with street surface 0.6cm (1/4" tolerance).		
	Running slope of new curb cuts 1 in 12 max.		
	Longer signal cycles.		
	Audible crossing signals.		
	Level landings on perpendicular curb ramps.		
	Proper head/shoulder clearance for visually impaired.		
	Coordinate utilities with ADA requirements.		
Proper lighting.			
Analyze landscaping growth potential for future obstructions.			

	Any conflicts with minimal distance that should be included in the project.		
	Coordinate and minimize signage conflicts.		
3. Traffic Calming	Consider traffic calming as a means to improve pedestrian and general traffic safety.		

Bicycle Facilities

Item			
1. Bikelanes/Bikeways	Bicycle safe grates, RC-34, Sheet 3 of 9.		
	Manhole covers flush with roadway surface.		
	Inlets flush with roadway surface.		
	Rumble strips type and placement.		
	Driveway aprons.		
	Conflicts eliminated with: <ul style="list-style-type: none"> • Turns at intersections. • Through movements. • Bicycle and pedestrian conflicts. • Parked cars, angled vs. parallel. • Driveway aprons. 		
2. Signage	3m (10') vertical clearance from signs and structures.		
	"Share the Road Signs."		
	"Wrong Way Signs."		
	Lane stenciling.		
	Bike lane designation signs.		
	No parking signs.		
	Bike lane striped.		
	Transition from bike lane to bikeway.		
	Consistent width on roadways, bridges, and intersections.		
	Overlap bike lane/shoulder stripe over pavement joints.		
Meet or exceed AASHTO criteria.			
3. Traffic calming	Consider traffic calming as a means to improve pedestrian and general traffic safety.		

Pennsylvania Department of Transportation

Publication 526 – Municipal-Sponsor Guidance Pamphlet

Prior to advertisement of project

I. INITIAL SETUP

1. Log on to the PennDOT ECMS homepage at <http://www.dot2.state.pa.us>.
2. Click on "How to Become a Business Partner" - complete both forms*:
 - Online - complete prior to mailing
 - Paper - sign and mail "Business Partner Agreement.pdf" to PennDOT
3. An Administrator Password will be sent via email from ECMS once the paper agreement has been fully executed. This login can only be used to setup additional userids and passwords for individual municipal staff.
4. Administrator establishes their own userid and userids for other staff, as needed. Note that Passwords must be reset by the user every 60 days.
5. Setup ECMS Security Levels
 - Municipal Approver - person giving concurrence to award and person signing contract binding the municipality
 - Municipal Legal - Solicitor for municipality
6. Download and Install PennDOT Document Viewer v3.3. Click on "Contractor Services" and then "eBidding".

After PennDOT advertises project and opens bids

II. CONCURRENCE TO AWARD

1. Users in the municipal-approver security group receive an e-mail indicating that concurrence to Award is needed.
2. Login using a userid and password for a Municipal Approver.
3. Once in ECMS, click on "Contractor Services":
 - a. Contract Awards
 - b. Concurrence by Status
 - c. Click blue arrow in front of Municipality Review
 - d. Choose Project Number
 - e. Click on "Project Number" link
 - f. Scroll to the bottom of the page
 - g. Click on "Approve"
4. Contract will then be electronically awarded by PennDOT.
5. PennDOT will review and electronically approve signatures on contract and payment and performance bonds.
6. PennDOT will review, approve, scan and link insurance certificate in the ECMS Contract Awards Screen.

* - Non-municipal organizations should contact the ECMS Help Desk for Instructions

Contract Execution

III. MUNICIPAL OFFICIAL SIGNATURE

1. Users in the municipal approver security group receive an email indicating the contract is available to sign for execution.
2. Login using a userid and password for a Municipal Approver.
3. Once in ECMS, click on "Contractor Services":
 - a. Contract Awards
 - b. Contract by Status
 - c. Click blue arrow in front of Municipality Review
 - d. Choose Project Number
 - e. Click on "Project Number" link
 - f. Go to the bottom of the contract
 - g. Click on "Sign"

GETTING HELP

Online help is available to guide you through our website (www.dot2.state.pa.us). If you need further assistance, please contact PennDOT Bureau of Design, Engineering and Computing Management Division (ECMD), Customer Support, at (717) 783-7711. Hours available: Monday to Friday, 8:00 a.m. to 4:00 p.m.

*Contract Execution***IV. MUNICIPAL SOLICITOR APPROVAL**

1. Users in the municipal-legal security group receive an e-mail indicating the contract is available to approve.
2. Login using a userid and password for a Municipal Legal.
3. Once in ECMS, click on Contract Services:
 - a. Contract Award
 - b. Contract by Status
 - c. Click blue arrow in front of Solicitor Review
 - d. Choose Project Number
 - e. Click on "Project Number" Link
 - f. Go to the bottom of the contract
 - g. Click on "Accept"
4. District issues electronic Notice to Proceed in cooperation with the municipality / sponsor.
5. There is no hard copy of the contract produced by PennDOT. The Municipality / Sponsor does not receive a hard copy version of the contract. However, once the contract is fully executed, there is a PDF link to a printable contract at the bottom of the contract below the electronic signatures.

*What you need to get started***PC REQUIREMENTS**

- Microsoft Internet Explorer 6.0 Service Pack 1 for access to non-public ECMS sites.
- 20 MB of free hard drive space for the IDM Document Viewer.

INTERNET CONNECTION

- Access to a Computer (PC) that is connected to the Internet
- Internet access to an Internet Service Provider (ISP) via a dial-up connection, Cable modem, DSL modem or network
- TCP/IP Protocol

Be aware that all Commonwealth Systems have a 30 minute time out for inactivity



Commonwealth of Pennsylvania
 Pennsylvania Department of Transportation
 Bureau of Design

Bureau of Design
ECMS Municipal/Sponsor Guidance
 For Projects let in ECMS by PennDOT in the name of the Municipality or Sponsor

PUB 526 (5-05)

Washington Department of Transportation

Local Agency General Specification for Asphalt

5-04.3(7)A Mix Design

(March 10, 2010 APWA GSP)

Delete this section and replace it with the following;

1. **General.** Prior to the production of HMA, the Contractor shall determine a design aggregate structure and asphalt binder content in accordance with WSDOT Standard Operating Procedure 732. Once the design aggregate structure and asphalt binder content have been determined, the Contractor shall submit the HMA mix design on DOT form 350-042 demonstrating the design meets the requirements of Sections 9-03.8(2) and 9-03.8(6). HMA accepted by nonstatistical evaluation requires a mix design verification. For HMA accepted by commercial evaluation only the first page of DOT form 350-042 and the percent of asphalt binder is required. In no case shall the paving begin before the determination of anti-strip requirements has been made. Anti-strip requirements will be determined by:
 - a. Testing by WSDOT in accordance with TM 718.
 - b. Testing by Contractor in accordance with WSDOT TM 718.
 - c. Historical aggregate source anti-strip use provided by WDOT.

The mix design will be the initial Job Mix Formula (JMF) for the HMA being produced. Any additional adjustments to the JMF will require the approval of the Project Engineer and may be made per Section 9-03.8(7).

2. **Mix Design Verification.** Verification shall be accomplished by one of the following processes:
 - a. Submit samples to WSDOT State Materials Lab for WSDOT verification testing in accordance with WSDOT Standard Specifications.
 - b. The contracting agency will perform tests to verify the mix design in accordance with the Field Verification Testing Process.
 - c. Reference a mix design that has been previously verified by the Field Verification Testing Process or verified by WSDOT State Materials Lab on a previous project.
 - d. Perform Field Verification Testing on a sample of HMA provided by the Contractor prior to paving.

Mix design verification is valid for one year from the date of verification. At the discretion of the Engineer, agencies may accept mix designs verified beyond the verification year with certification from the Contractor that the materials and sources are the same as those shown on the original mix design.

3. **Field Verification Testing Process.** The Contracting agency will collect three Production Samples of HMA on the first day of paving per AASHTO T 168 sampling procedures.

- a. The Contracting agency will test one Production Sample in accordance with section 5-04.3(8)A for field verification per the requirements of Section 9-03.8(7).
 - b. If the test results from the first Production Sample are within the tolerances of section 9-03.8(7), the mix design will be considered verified and the test results will be used as acceptance sample number one.
 - c. If the test results from the first Production Sample are outside the tolerances of section 9-03.8(7), the other two samples will be tested and the results of all three tests will be used for acceptance in accordance with Section 5-04.5(1) and will be used in the calculation of the CPF the maximum CPF shall be 1.00.
4. Prior to the first day of paving, six Ignition Furnace Calibration Samples shall be obtained to calibrate the Ignition Furnaces used for acceptance testing of the HMA. Calibration samples shall be provided by the Contractor when directed by the Engineer. Calibration samples shall be prepared in accordance with WSDOT SOP 728.

5-04.3(8)A1, General

(March 10, 2010 APWA GSP)

Delete these sections and replace them with the following:

Acceptance of HMA shall be as defined under nonstatistical or commercial evaluation.

Nonstatistical evaluation will be used for all HMA not designated as Commercial HMA in the contract documents.

Commercial evaluation will be used for Commercial HMA and for other classes of HMA in the following applications: sidewalks, road approaches, ditches, slopes, paths, trails, gores, prelevel, and pavement repair. Other nonstructural applications of HMA accepted by commercial evaluation shall be as approved by the Project Engineer. Sampling and testing of HMA accepted by commercial evaluation will be at the option of the Project Engineer. Commercial HMA can be accepted by a contractor certification letter stating the material meets the HMA requirements defined in the contract.

5-04.3(8)A4, Definition of Sampling Lot and Sublot

(March 10, 2010 APWA GSP)

Delete this section and replace it with the following:

For the purpose of acceptance sampling and testing, a lot is defined as the total quantity of material or work produced for each job mix formula (JMF) placed. Only one lot per mix design will be expected to occur. The initial JMF is defined in Section 5-04.3(7)A Mix Design. The Contractor may request a change in the JMF in accordance with Section 9-03.8(7). If the request is approved, all of the material produced up to the time of the change will be evaluated on the basis of tests on samples taken from that material and a new lot will begin.

For proposal quantities less than 2500 tons sampling and testing for evaluation shall be performed as described in 5-04.3(7)A, item 3, Field Verification Testing Process. The

verification sample referenced in item 3b may be used as an acceptance sample, additional testing will be at the discretion of the Engineer. When using a previously verified mix design, testing for volumetric properties may be waived at the engineer's discretion. At least one acceptance sample is required when using this method of acceptance.

For proposal quantities greater than 2500 tons sampling and testing for evaluation shall be performed as described in 5-04.3(7)A, item 3, Field Verification Testing Process, for the first 2500 tons of mix placed. The verification sample referenced in item 3b may be used as an acceptance sample for the first 2500 tons of mix placed. Additional testing will be at the rate of one sample per 800 tons of mix placed or as directed by the Engineer. When using a previously verified mix design, testing for volumetric properties may be waived at the engineer's discretion.

5-04.3(8)A5, Test Results

(March 10, 2010 APWA GSP)

Delete this section and replace it with the following:

The Engineer will furnish the Contractor with a copy of the results of all acceptance testing performed in the field at the beginning of the next paving shift. The Engineer will also provide the Composite Pay Factor (CPF) of the completed sublots after three sublots have been produced. The CPF will be provided by the midpoint of the next paving shift after sampling. Sublot sample test results (gradation and asphalt binder content) may be challenged by the Contractor. For HMA mixture accepted by statistical evaluation with a mix design that did not meet the verification tolerances, the test results in the test section including the percent air voids (Va) may be challenged. To challenge test results, the Contractor shall submit a written challenge within 7-calendar days after receipt of the specific test results. A split of the original acceptance sample will be sent for testing to either the Region Materials Laboratory or the State Materials Laboratory as determined by the Project Engineer. The split of the sample with challenged results will not be tested with the same equipment or by the same tester that ran the original acceptance test. The challenge sample will be tested for a complete gradation analysis and for asphalt binder content. The results of the challenge sample will be compared to the original results of the acceptance sample test and evaluated according to the following criteria:

Deviation

U.S. No. 4 sieve and larger Percent passing ± 4.0

U.S. No. 8 sieve Percent passing ± 2.0

U.S. No. 200 sieve Percent passing ± 0.4

Asphalt binder Percent binder content ± 0.3

Va Percent Va ± 0.7

If the results of the challenge sample testing are within the allowable deviation established above for each parameter, the acceptance sample test results will be used for acceptance of the HMA. The cost of testing will be deducted from any monies due or that may come due the Contractor under the Contract at the rate of \$250 per challenge sample. If the results of the challenge sample testing are outside of any one parameter established above, the challenge sample will be used for acceptance of the HMA and the cost of testing will be the Contracting Agency's responsibility.

5-04.3(8)A7 Test Section – HMA Mixtures

(March 10, 2010 APWA GSP)

Delete this section.

5-04.5(1)A Price Adjustments for Quality of HMA Mixture

(March 10, 2010 APWA GSP)

Delete the first paragraph and table and replaced them with the following:

Statistical analysis of quality of gradation and asphalt content will be performed based on Section 1-06.2 using the following price adjustment factors:

Table of Price Adjustment Factors

Constituent	Factor "f"
All aggregate passing: 1 ½", 1", ¾", ½", 3/8" and No. 4 sieves	2
All aggregate passing No. 8	15
All aggregate passing No. 200 sieve	20
Asphalt binder	52

Delete items 1-3 in Paragraph two and replaced with the following:

A pay factor will be calculated for sieves listed in Section 9-03.8(7) for the class of HMA and for the asphalt binder.

1. **Nonstatistical Evaluation.** Each lot of HMA produced under Nonstatistical Evaluation and having all constituents falling within the tolerance limits of the job mix formula shall be accepted at the unit contract price with no further evaluation. When one or more constituents fall outside the nonstatistical acceptance tolerance limits in Section 9-03.8(7), the lot shall be evaluated in accordance with Section 1-06.2 to determine the appropriate CPF. The nonstatistical tolerance limits will be used in the calculation of the CPF and the maximum CPF shall be 1.00. When less than three sublots exist, backup samples of the existing sublots or samples from the street shall be tested to provide a minimum of three sets of results for evaluation.
2. **Commercial Evaluation.** If sampled and tested, HMA produced under Commercial Evaluation and having all constituents falling within the tolerance limits of the job mix formula shall be accepted at the unit contract price with no further evaluation. When one or more constituents fall outside the commercial acceptance tolerance limits in Section 9-03.8(7), the lot shall be evaluated to determine the appropriate CPF. The commercial tolerance limits will be used in the calculation of the CPF and the maximum CPF shall be 1.00. When less than three sublots exist, backup samples of the existing sublots or samples from the street shall be tested to provide a minimum of three sets of results for evaluation.

For each lot of HMA produced under Nonstatistical or Commercial Evaluation when the calculated CPF is less than 1.00, a Nonconforming Mix factor (NCMF) will be determined. The NCMF equals the algebraic difference of CPF minus 1.00 multiplied by 60 percent. The Job Mix Compliance Price Adjustment will be calculated as the product of the NCMF, the quantity of HMA in the lot in tons, and the unit contract price per ton of the mix.

If a constituent is not measured in accordance with these Specifications, its individual pay factor will be considered 1.00 in calculating the composite pay factor.

5-04.5(1)B Price Adjustments for Quality of HMA Compaction
(March 10, 2010 APWA GSP)

Delete this section and replace it with the following:

The maximum CPF of a compaction lot is 1.00

For each compaction lot of HMA when the CPF is less than 1.00, a Nonconforming Compaction Factor (NCCF) will be determined. THE NCCF equals the algebraic difference of CPF minus 1.00 multiplied by 40 percent. The Compaction Price Adjustment will be calculated as the product of the NCCF, the quantity of HMA in the lot in tons and the unit contract price per ton of the mix.

Washington State Department of Transportation

Qualification Form for LPAs

Appendix 13-1**Certification Acceptance
Qualification Agreement**

 AGENCY _____ AGENCY NO. _____

The agency agrees to comply with the following requirements when developing all Federal Highway Administration (FHWA) projects under _____ CA status.

1. Adherence to the *Local Agency Guidelines* and all policies and procedures promulgated by the Washington State Department of Transportation (WSDOT) which accomplish the policies and objectives set forth in Title 23, U.S. Code, Highways, and the regulations issued pursuant thereto.
2. The overall approval authorities and conditions will be as follows:
 - a. The project prospectus will be reviewed and approved by the following official.

 Position Title Only
 - b. The local agency agreement will be reviewed and approved by the following official or officials.

 Position Title Only
 - c. The designs and environmental documents will be reviewed and approved by the following state of Washington registered Professional Civil Engineer.

 Position Title Only
 - d. The hearing's findings (if required) will be reviewed and approved by the following official or officials.

 Position Title or Titles Only
 - e. The contract plans, specifications and estimate of cost will be reviewed and approved by the following state of Washington registered Professional Engineer.

 Position Title or Titles Only
 - f. Agreements will be signed by the following responsible local official:
 - (1) Railroad _____
 Position Title Only
 - (2) Utility _____
 Position Title Only
 - (3) Consultant _____
 Position Title Only

(4) Technical Services

Position Title Only

- g. The award of contract will be signed by the following responsible local official.

Position Title Only

- h. All projects will be constructed in conformance with the Washington State Department of Transportation/American Public Works Association (WSDOT/APWA) current *Standard Specifications for Road, Bridge, and Municipal Construction* and such specifications that modify these specifications as appropriate. Multimodal enhancement projects shall be constructed in conformance with applicable state and local codes.
- i. The contract administration will be supervised by the following state of Washington registered Professional Civil Engineer.

Position Title Only

- j. Construction administration and material sampling and testing will be accomplished in accordance with the WSDOT *Construction Manual* and the *Local Agency Guidelines*.

3. The agency agrees that they have the means to provide adequate expertise and will have support staff available to perform the functions being subdelegated. The support staff may include consultant or state services.
4. The agency agrees that the signature on each project prospectus and local agency agreement will be consistent with section 2 above.

5. All projects under Certification Acceptance shall be available for review by the FHWA and the state at any time and all project documents shall be retained and available for inspection during the plan development and construction stages and for a three year period following acceptance of the project by WSDOT.
6. Approval of the local agency certification by the Director of Highways and Local Programs may be rescinded at any time upon local agency request or if, in the opinion of the Director of Highways and Local Programs, it is necessary to do so. The rescission may be applied to all or part of the programs or projects approved in the local agency certification.

 Mayor or Chairman

 Date

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

Approved By: _____
 Director, Highways and Local Programs

 Date

Appendix 13-2 Certification Acceptance Interview Form

Agency: _____ Date: _____

Interview Conducted By: _____ Agency Representatives: _____

Table of Organization: (Get copy from agency and review duties, requirements, and personnel currently filing.)

Position Responsible for the Following Functions

- Six-Year Transportation Improvement Program: _____
- Selection of Annual Program: _____
- Location/Design Approval: _____
- Environmental Documents: _____
- PS&E Approval: _____
- Tied Bids: _____
- Approval of Materials Sources: _____
- Construction Administration: _____
- Construction Inspection: _____
- Acceptance Sampling/Test: _____
- Independent Assurance Sampling/Test: _____
- Change Orders: _____
- Project Files: _____
- QED Interviews/Monitoring: _____
- Training Goal Attainment: _____
- DBE Compliance/Monitoring: _____

Consultants

For what areas does the agency expect to use consultants?

- | | |
|---|--|
| <input type="checkbox"/> Environmental | <input type="checkbox"/> Right-of-Way Relocation |
| <input type="checkbox"/> Design | <input type="checkbox"/> Construction Administration |
| <input type="checkbox"/> PS&E Preparation | <input type="checkbox"/> Construction Inspection |
| <input type="checkbox"/> Right-of-Way Appraisal | <input type="checkbox"/> Surveying |
| <input type="checkbox"/> Right-of-Way Negotiation | <input type="checkbox"/> Sampling and Testing |

Does local agency have written procedures for the selection of consultants? Yes _____ No _____

Comments: _____

If consultants are used, how will agency monitor and control the consultant's work? _____

Remind agency that they will be in control of the consultant's work and that EEO, DBE, and training should be done by agency.

Right-of-Way

Does the agency have procedures approved by WSDOT for:

Right-of-Way Acquisitions	Yes _____	No _____
Relocation	Yes _____	No _____

Procedures for Ad, Award, and Execution of Contract

Position Responsible for:

Approval to Advertise	_____
Prequalification of Bidders	_____
Award of Contract	_____
Execution of Contract	_____
Name of Legal Publication	_____

General Questions About Administration

Who decides on and approves deviations from design prior to submittal to the state for formal approval?

Describe ledger system: _____

Who will check payrolls, etc.? _____

Describe change order approval process: _____

Describe materials testing and approval process: _____

Describe agency requirements for project diary and inspectors daily report keeping: _____

Describe agency process for approval of subcontractors: _____

How will agency handle administration of more than one contract at the same time? _____

How will agency handle inspection of several phases of project at same time (e.g., dirt work, electrical, paving, structure)?

How will agency respond if project engineer and/or inspector are unable to be on job site due to illness, etc.? Who will handle control of project if needed person cannot be there? _____

How does agency manage traffic control? _____

Are there written procedures for preconstruction conferences? _____

Does Agency Have These Necessary Manuals

Local Agency Guidelines	Yes _____	No _____
AASHTO — Policy on Geometric Design of Highways and Streets	Yes _____	No _____
WSDOT Construction Manual	Yes _____	No _____
WSDOT/APWA Standard Specifications	Yes _____	No _____
APWA Amendments	Yes _____	No _____
WSDOT Amendments and Standard Specifications	Yes _____	No _____
Standard Item Table	Yes _____	No _____
MUTCD	Yes _____	No _____
WSDOT Design Manual	Yes _____	No _____
WSDOT Standard Plans for Road and Bridge Construction	Yes _____	No _____
WSDOT Utility Manual	Yes _____	No _____
WSDOT Right-of-Way Manual (2 volumes)	Yes _____	No _____
SWBS Manual	Yes _____	No _____
Hydraulics Manual	Yes _____	No _____

Upcoming Federal Aid Projects

Scheduled to Begin

Summary

Action to be taken by agency in following areas: _____

Comments From Reviewers

Recommendation of Review

- Full administration by agency of all projects
- Administration by agency on a project-by-project basis
- Administration by agency for projects up to \$ _____
- Deny approval for certification acceptance
- Remove from certification acceptance status

Concurrence by Assistant Secretary for Highways and Local Programs

Assistant Secretary for Highways and Local Programs

Date

Abbreviations used without definition in TRB Publications:

AAAE	American Association of Airport Executives
AASHO	American Association of State Highway Officials
AASHTO	American Association of State Highway and Transportation Officials
ACI-NA	Airports Council International-North America
ACRP	Airport Cooperative Research Program
ADA	Americans with Disabilities Act
APTA	American Public Transportation Association
ASCE	American Society of Civil Engineers
ASME	American Society of Mechanical Engineers
ASTM	American Society for Testing and Materials
ATA	Air Transport Association
ATA	American Trucking Associations
CTAA	Community Transportation Association of America
CTBSSP	Commercial Truck and Bus Safety Synthesis Program
DHS	Department of Homeland Security
DOE	Department of Energy
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FHWA	Federal Highway Administration
FMCSA	Federal Motor Carrier Safety Administration
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
IEEE	Institute of Electrical and Electronics Engineers
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
ITE	Institute of Transportation Engineers
NASA	National Aeronautics and Space Administration
NASAO	National Association of State Aviation Officials
NCFRP	National Cooperative Freight Research Program
NCHRP	National Cooperative Highway Research Program
NHTSA	National Highway Traffic Safety Administration
NTSB	National Transportation Safety Board
SAE	Society of Automotive Engineers
SAFETY-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (2005)
TCRP	Transit Cooperative Research Program
TEA-21	Transportation Equity Act for the 21st Century (1998)
TRB	Transportation Research Board
TSA	Transportation Security Administration
U.S.DOT	United States Department of Transportation

TRANSPORTATION RESEARCH BOARD

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