



DIVISION OF LOCAL ASSISTANCE CALTRANS OVERSIGHT INFORMATION NOTICE



DLA COIN Issue #19-01

Revision Date: August 23, 2019

Welcome to the COIN!

This is a Caltrans Oversight Information Notice, or “COIN” for short. These short, single-topic bulletins are intended to provide outreach information and guidance to local agencies on issues pertaining to Federal-aid projects. They cover a wide variety of subjects, including discussions of findings resulting from process reviews by Caltrans and/or FHWA, changes in procedures or regulations, reminders of existing procedures or best practices, and other timely information. The goal is to ensure proper and timely delivery of Federal-aid projects.

PROJECT DELIVERY REQUIREMENTS: FEDERAL FUNDING VS. NON-FEDERAL FUNDING BY PROJECT PHASE

Senate Bill 1 (SB1) is resulting in higher levels of State funds being available to deliver transportation projects. Accordingly, local agencies / MPOs are programming and funding projects in strategic ways to leverage these State funds in combination with available Federal funds.

This COIN clarifies some project delivery requirements triggered using Federal vs. non-Federal (State or local) funds for various project phases.

The following five (5) principles summarize which project delivery requirements apply to the various funding scenarios:

1. If **any Federal funds** are used for **any phase** of the project (i.e., an approved E-76 for PE, R/W, CON or CE) the following is required:
 - **NEPA** environmental clearance
 - Full conformance to the Uniform Relocation, Assistance and Real Property Acquisition Policies Act of 1970 (i.e., the “**Uniform Act**”) for all right of way acquisition procedures, **and preparation of a Right of Way Certification**
 - **FHWA Buy America compliance**
 - Project improvements in **compliance with the Americans with Disabilities Act (ADA)**
2. If **any Federal funds are used** specifically for the **CON/CE phase** of a project, the following is required **in addition** to the requirements in Part 1 above:
 - FHWA Form 1273 included in the contract documents and the executed contract agreement
 - Mandatory Federal Language included (Exhibit 12-G of the Local Assistance Procedures Manual (LAPM))
 - DBE Program compliance pursuant to Chapter 9 of the LAPM
 - Plans, Specifications, and Estimate (PS&E) pursuant to Chapter 12 of the LAPM
 - Construction Engineering (CE) / Contract Administration in conformance with Chapter 16 of the LAPM
3. If **no Federal funds are used for the CON/CE phase** (even if Federal funds are used for prior phases of work), the construction contract is **not** considered a Federal-aid contract, and as such the elements of **Part 2** above **are not required**.

4. **If any Federal funds or federal reimbursement will be used or sought for an A&E contract**, requirements of Chapter 10 of the LAPM must be followed including the consultant selection and management process. **If no Federal funds or Federal reimbursement will be used or sought for an A&E contract**, the agency's consultant selection and management process must conform to the California Public Contract Code, the California Government Code, and any other applicable laws of the State of California and the local agency's policies and procedures.

5. **If Federal funding is inserted into a previously non-federally funded phase of work**, the agency will have to conform to all of the above procedures as applicable. For example, if an entire project is programmed with State/Local (Non-Federal) funds, but then the agency/MPO decides to insert Federal funding into the CON/CE phase of work, the agency will then have to go back and initiate the NEPA process, which can significantly delay the delivery of the project.

Note that any State-funded projects that are subject to allocation and oversight by the CTC (such as SB 1 and the State-funded ATP) are subject to current CTC Guidelines and submittal requirements.

ABBREVIATIONS

A&E	Architectural and Engineering
ATP	Active Transportation Program
CE	Construction Engineering (Support)
CON	Construction (Capital)
CTC	California Transportation Commission
DBE	Disadvantaged Business Enterprise
MPO	Metropolitan Planning Organization
NEPA	National Environmental Policy Act
PE	Preliminary Engineering (includes PSE phase on State-Funded/CTC-Allocated projects)
R/W	Right of Way (includes Capital and Support subphases)