



Local Programs Procedures

LPP 16-04

Original Signature By

Effective Date: August 2016

Approved: _____
 Ray Zhang, Chief
 Division of Local Assistance

The following Division of Local Assistance Office Bulletins (DLA-OB) have been incorporated into the *Local Assistance Procedures Manual (LAPM)* and expire upon issuance of this LPP.

DLA-OB	TITLE
11-05	Preliminary Engineering Phase Over 10 Years
12-01	Pavement Preventive Maintenance
14-02	ADA Requirements for Curb Ramps
14-08	Notice to Proceed Submittal
15-01	Appropriation Year and Budget Authority
15-02	Local Agency Employees in Responsible Charge
15-03	Right of Way Certification

Below is a summary of the significant revisions:

Chapter 2, Roles and Responsibilities	
2.12 City, County and Other Local Public Agency Responsibilities	Incorporated policy and procedures from OB 15-02, Local Agency Employees in Responsible Charge.
2.13 California Transportation Commission (CTC)	Provided clarification pertaining to the responsibilities of the local agency's request for allocation. Removed reference to Transportation Enhancements.

Chapter 3, Project Authorization

3.3 Request for Authorization	Incorporated policy and procedures from OB 11-05, Preliminary Engineering Phases Over 10 Years.
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3.5 Allocation, Authorization, Encumbrance, & Reimbursement	Incorporated policy and procedures from OB 15-01, Appropriation Year and Budget Authority.
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Chapter 3, Project Authorization

3-A,3-B, 3-C,3-D, 3-Q	Updated the “Project Agreement and Liquidation of Funds” section to add further clarification.
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Chapter 7, Field Review

7-B	Revised item 12 to indicate Pavement Management System Certification is required for Pavement Preventive Maintenance Projects (incorporated policy and procedures from OB 12-01 Pavement Preventive Maintenance).
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Chapter 9, Civil Rights and Disadvantage Business Enterprises

9.3 Accessibility: Americans with Disability Act (ADA)	Incorporated policy and procedures from OB 14-02, ADA Requirements for Curb Ramps.
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Chapter 11, Design Guidance

11.6 Other Considerations	Incorporated policy and procedures from OB 14-02, ADA Requirements for Curb Ramps.
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Chapter 13, Right of Way

13.12 Right of Way Certification Form-Discussion	Incorporated policy and procedures from OB 15-03, Right of Way Certification.
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Chapter 14, Utility Relocation

14.1 Introduction	Incorporated Uniform Act (49 CFR 24), in addition to clarifying Federal-aid projects that involve R/W Utility Relocation
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Chapter 15, Advertise and Award Project

15.7 Award Package	Incorporated policy and procedures from OB 14-08, Notice to Proceed Submittal.
15-L	1). Replaced the term 'Project Sponsor' with 'Administering Agency,' to be consistent with the Master Agreement, 2). Replaced Project Location entry with Project Locator entry to be consistent with Ch. 3 in the LAPM, and 3). Removed note for NHS projects

Chapter 18, Maintenance

18.3 Maintenance Monitoring	Provided clarification for local agency's being in compliance with maintenance requirements.
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The LAPM can be found on the Division of Local Assistance website at <http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm>.

To receive notifications of updates, please subscribe to the DLA email list at <http://www.dot.ca.gov/hq/LocalPrograms/sub.htm>.

Comments and suggestions for improvement to LAPM publication may be submitted to Kamal Sah at kamal.sah@dot.ca.gov

The individual chapters covering these topics should be consulted for details concerning the responsibilities.

Responsible Charge

Consistent with 23 CFR 172.9, a local agency must designate a full-time, public employee in **responsible charge** of each project. The role of the responsible charge is to ensure that the work delivered under contract is complete, accurate, and consistent with the terms, conditions, and specifications of the contract. The responsible charge's duties include:

- Administering inherently governmental activities including, but not limited to, contract negotiation, contract payment, and evaluation of compliance, performance, and quality of services provided by consultant.
- Being familiar with the contract requirements, scope of services to be performed, and products to be produced by the consultant.
- Being familiar with the qualifications and responsibilities of the consultant's staff and evaluating any requested changes in key personnel.
- Scheduling and attending progress and project review meetings, commensurate with the magnitude, complexity, and type of work, to ensure the work is progressing in accordance with established scope of work and schedule milestones.
- Ensuring consultant costs billed are allowable in accordance with the federal cost principles and consistent with the contract terms as well as the acceptability and progress of the consultant's work.
- Evaluating and participating in decisions for contract modifications.
- Documenting contract monitoring activities and maintaining supporting contract records, as specified in 2 CFR 200.333.

The responsible charge must be employed directly by the local agency directly receiving federal funds. A consultant cannot be designated as the responsible charge of a project. The responsibilities of the responsible charge may be shared among a number of public employees. A public employee may be the responsible charge of several projects. The employee in responsible charge is not required to be an engineer.

2.13 California Transportation Commission (CTC)

The California Transportation Commission (CTC) is responsible for programming and allocating some federal-aid and state funded programs used for local assistance projects. It is the local agency's responsibility to submit a request for allocation on time per the CTC preparation schedule. Refer to <http://www.dot.ca.gov/hq/transprog/ctcliaison.htm>.

Fund Allocation

When a project is ready for implementation, the CTC must vote to allocate funding to the following programs. This action is commonly called the "**second vote**."

Preliminary Engineering Phases Over Ten Years

Title 23 Code of Federal Regulations ([CFR](#)) [630.112\(c\)\(2\)](#), as well as United States Code ([USC](#)) [Title 23, Section 102 \(b\)](#), requires the following for any federal-aid project: In the event that right-of-way acquisition for, or actual construction of, the road for which this Preliminary Engineering is undertaken is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the local agency will repay to the Federal Highway Administration (FHWA) the sum or sums of federal funds paid to the transportation department under the terms of the agreement.

[FHWA Order 5020.1](#) published on April 26, 2011 provides policy direction on the repayment of federal-aid funds expended on Preliminary Engineering projects when reasonable progress has not been made toward R/W acquisition or construction. This directive also provides additional guidance clarifying when the FHWA can grant time extension.

Policy

- Projects that reach the status of “PE over 10 years” are out of compliance with [23 CFR 630.112\(c\)\(2\)](#), as well as [Section 102 \(b\) of USC Title 23](#), unless the project has an approved time extension. All invoice requests for a project out of compliance will cease to be paid. The project will be reviewed for closure and repayment of federal funds.
- Projects that have not moved to either R/W or CON in 8 years, exceeded the 10-year deadline, or approved with a time extension, will be posted on the Division of Local Assistance (DLA) website:
http://www.dot.ca.gov/hq/LocalPrograms/pe_over_10yrs.html.
- For any project in the PE phase that is within two years of reaching the 10-year deadline, the local agency may either submit a Request for Authorization (E-76) for R/W or CON, request a time extension request, or withdraw the project. If the time extension is denied, the project will be closed and federal funds repaid.
- Local agencies must inform the District Local Assistance Engineer (DLAE) of projects that advance to the R/W or CON phase without the aid of federal funds to be closed and removed from the "PE over 10 years" list.

Local Agency (Agency)

- Monitor projects in the PE phase for compliance.
- Submit Request for Authorization (E-76) for R/W or CON funds, if PE phase is completed.
- Inform the DLAE when the project advances to R/W or CON phase using local or state funds only (No federal funds).
- Submit a time extension request if the PE phase cannot be completed before the 10-year deadline.
- Ensure projects progress to either the R/W or CON phase before reaching the 10-year deadline or before the approved time extension request expires.

- Submit status update of approved projects to the DLAE at the beginning of each FFY that the time extension is in place.
- For denied time extension requests, close project and repay federal funds.
- Coordinate with the DLAE.
- Submit E-76 for R/W or CON, withdraw the project, or submit time extension request to DLAE 120 days before the end of the tenth (10th) fiscal year.

Time Extension Requests

Justifications for time extensions should be unforeseeable and beyond the agency's control. Shifting political priorities, insufficient transportation budgets, additions to the scope of work, and staffing issues are not considered acceptable justification for a time extension request.

Some examples of acceptable justifications include:

- Litigation resulting in delay or stoppage of preliminary project design.
- Complex project consultations involving Federal, State and local agencies, as well as sovereign nations.
- Congressional Earmarks requiring review by FHWA.
- Change in the project's purpose and need due to the public involvement process.
- Utilization of a unique implementation or funding approach that the administering agency is not accustomed to carrying out, such as development of public-private partnerships or other innovative financing strategies to help finance the project.
- Delay caused due to environmental findings or complications with the environmental studies.

All projects with an approved time extension are expected to:

- Proceed to the R/W or CON phase prior to expiration of the time extension
- Submit a status update at the beginning of each FFY the time extension is in place
- Invoice against the federal funds in the timeframes outlined in [23 CFR 630.106 \(5\)](#) and [Chapter 5, "Invoicing of Local Assistance Procedures Manual,"](#) to avoid inactivity

Time Extension requests are accepted continually throughout the year.

FHWA requires submittal of the following items with a time extension request:

Provided by Local Agency:

- [Time Extension Request](#)
- Applicable backup documentation for reason of delay
- Chronology of events leading to the delay (if litigation, supply a copy of the summary of the actual litigation documents filed with the acceptance date and stamp by the Court system)

- Updated schedule of future milestones (i.e., PE complete, NEPA approval, Final Design completion, construction award, etc.) helps demonstrate agency's commitment to completing the project
- Current Finance Letter Issued
- Prior FHWA decision letters on time extension request, if applicable

Provided by District DLAEs:

- Copy of pending E-76 requesting funds
- Copy of initial E-76 for project
- Current project programming (FTIP)
- HBP-Program Listings for FTIP/FSTIP (*compiled if Structures Project*)

Provided by PE>10 Projects Coordinator:

- FMIS printouts showing project authorizations, expenditures and balances

Intelligent Transportation Systems

For Intelligent Transportation Systems (ITS) projects, PE includes Systems Engineering, equipment, software development, and use of a Systems Manager or Systems Integrator (see Chapter 13 "Intelligent Transportation Systems (ITS) Program," of the LAPG for details on Systems Engineering and the project development process for ITS projects).

The System Engineering analysis of High-Risk (formerly "Major") ITS projects, as defined in Chapter 13 of the LAPG, must be approved by the FHWA prior to PE. The Systems Engineering Review Form (SERF) of High-Risk ITS projects must be approved by FHWA prior to or shortly after PE authorization. Development of the Systems Engineering Management Plan (SEMP) is contingent upon federal review comments and approval of the SERF. FHWA approval of the SEMP is required prior to proceeding to detailed component design.

Low-Risk (formerly "Minor") ITS projects can undergo the traditional one PE phase authorization and will not require FHWA approval of the SERF and SEMP. However, the local agency still must complete the SERF as part of the Field Review Form.

Exempt ITS projects can undergo the traditional one PE phase authorization and will not require the SERF and SEMP.

Right of Way

Eligible Right of Way (R/W) work includes the preparation of R/W plans, making economic studies, other R/W related-preliminary work, appraisal for parcel acquisition, review of appraisals, payments for real property acquired, preparation for and trial of condemnation cases, management of properties acquired, furnishing of relocation assistance, and other related labor expenses (see 23 CFR 710 for details). This work is covered in the local agency's Request for Authorization to Proceed with Right of Way (Exhibit 3-B of this chapter). **Only eligible work performed after federal Authorization to Proceed with R/W may receive federal reimbursement.**

3.5 OBLIGATION, ENCUMBRANCE AND REIMBURSEMENT

The obligation of federal funds is a commitment by the FHWA to reserve the authorized federal funds for the project. The FHWA obligates federal funds for all federally funded projects under their jurisdiction. Typically, the obligation of federal funds is automatic upon federal authorization of the project (or phase of work) provided the state has sufficient Obligation Authority (OA) and federal fund balances for the current FFY.

Finance Letter

The Finance Letter is a project specific financial summary document (prepared by the Local Agency and approved by Caltrans DLA) required by LPA as support documentation for the project funding agreement. The Finance Letter identifies:

- Project reference data such as responsible and administering agency(ies), project number, Project ID, PPNO, whether or not the project is on the State Highway, etc.
- Federally funded phases of work, to date.
- Total project costs and cost eligible for federal participation by phase of work, to date.
- Federal, state, local and other fund sources (by fund type and amount) funding each phase of work, to date.
- Federal reimbursement rates for progress invoice purposes (by phase of work and fund types).
- Local agency certification and signature.
- Project specific remarks.

For each request for federal authorization, the project sponsor must attach a detailed project Finance Letter (see Exhibit 3-O of this chapter) identifying the phases of work for which federal reimbursement is sought. In addition, the project Finance Letter must specify the types and amounts of federal, state and local match funds contributing to the project.

Following the obligation of federal funds, State Budget Authority must be reserved by “encumbering” the funds on a project specific program supplement agreement (PSA). The PSA must be signed by the project sponsor and executed by Caltrans prior to requesting the reimbursement of funds (see Chapter 4 “Agreements”).

Caltrans will prepare the PSA upon receiving the complete Field Review Form from the local agency. The Field Review Form shall be submitted by the local agency to Caltrans within four months from the date of authorization for PE, or along with the first request for authorization for the project if PE is done with nonfederal funds. In an effort to streamline the agreement process, revised agreements are typically no longer required for each phase of work. California Government Code 16304 stipulates that any federal and state local assistance funds encumbered

for a project are typically available for disbursement for a period of seven (7) and five (5) years, respectively, from the beginning of the fiscal year(s) the funds are appropriated in the State Budget Act. A DLA prepared project Finance Letter (based on information provided by the project sponsor) is sent to the project sponsor and reflects various project fund reversion dates. It is imperative that a local agency request federal authorization only when they are ready to do the work and only for work that will be completed and invoiced within this time period. Federal authorization for the remaining project work should be requested at a future date.

Once the PSA has been executed by Caltrans, Local Programs Accounting (LPA) will encumber the funds with an appropriation year corresponding to the state fiscal year authorized for expenditure in the State Budget Act.

Since 2008-09, each annual State Budget Act has provided six years to encumber and liquidate (expend) all state and federal Local Assistance funding. This six-year term or appropriation period, always begins on July 1 of the appropriation year even if the State Budget Act is signed late and also applies if funds are encumbered after July 1 of the state budget year. State budget authority lapses on June 30, six years after the appropriation period.

Section 16304.3 of the Government Code authorizes the Department of Finance to extend the liquidation period of an encumbrance up to eight years. If an encumbrance cannot be fully reimbursed (liquidated) within the six-year appropriation period, the local agency may apply for a Cooperative Work Agreement (CWA) to extend the liquidation period for up to two years. The local agency will need to apply for the CWA in the fall of the fifth year. For more information on the CWA process, please visit DLA's CWA website: <http://www.dot.ca.gov/hq/LocalPrograms/CWA/cwa.htm>.

If the local agency chooses not to apply for a CWA and the appropriation period lapses, the local agency will be responsible to finance the remaining balance with their own funding.

3.6 UNDERFUNDED PROJECTS

When the federal funds programmed for a project in the FTIP/FSTIP are insufficient to reimburse a local agency at the maximum federal reimbursement rate (legal pro rata) permitted for a federal fund type, the project is defined as "federally underfunded." From a federal perspective, underfunded projects result in more federal projects for a given amount of federal funds. The increased oversight/administration costs make this an inefficient way of utilizing federal funds.

Section 630.106 of Title 23 (Highways) of the United States Code of Federal Regulations (CFR) stipulates:

- (1) The federal-aid share of eligible project costs shall be established at the time of project authorization in one of the following manners:
 - Pro rata, with the authorization stating the federal share as a specified percentage; or
 - Lump sum, with the authorization stating that federal funds are limited to a specified dollar amount not to exceed the legal pro rata.

EXHIBIT 3-A REQUEST FOR AUTHORIZATION TO PROCEED WITH PRELIMINARY ENGINEERING

[Place this form on Local Agency Letterhead]

To: (DLAE Name) District Local Assistance Engineer Caltrans, Office of Local Assistance (District Address)	Date: _____ FTIP/FSTIP ID: _____ Federal Project No: _____ Project ID/Advantage ID: _____ PPNO (For STIP Projects only): _____ Project Description: _____ _____
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Dear (DLAE Name):

In order to begin federally reimbursable preliminary engineering work for the above-referenced project, we request that you secure federal “*Authorization to Proceed*” (E-76) and Obligation of Funds. The federal funds requested will not exceed those provided to this agency in the federally approved Federal Transportation Improvement Program (FTIP)/Federal Statewide Transportation Improvement Program (FSTIP).

Attached are the following documents required to authorize this phase of work:

Request for Authorization Package

- Completed Exhibit 3-E *Request for Authorization to Proceed Data Sheet(s)*
- Copy of FTIP/FSTIP Reference
- Completed Exhibit 3-O *Sample Local Federal-aid Project Finance Letter*
- For High-Risk Intelligent Transportation System (ITS) Projects: Federal Highway Administration (FHWA) approved Systems Engineering Management Plan (SEMP). (Federal approval of the SEMP is contingent on prior federal approval of the Systems Engineering Review Form [SERF])
- Copy of Executed Cooperative Agreement (only for projects on State Highway System)

Period of Performance End Date (PPED)

The project PPED must be identified on Exhibit 3-O *Sample Local Federal-aid Project Finance Letter*. Check which of the following applies:

- The PPED will be established with this submittal. Date: _____
- No revision to the PPED is requested with this submittal.
- A revised PPED is requested with this submittal. Date: _____

Toll Credit Usage

- This project will use Toll Credit. It is fully funded.
- This project will NOT use Toll Credit.

Field Review Form (Exhibit 7-B)

- Completed Exhibit 7-B “*Field Review Form*”

Environmental Document

- Type of NEPA Document. Approval Date: _____
- Categorical Exclusion (CE)
- Findings of No Significant Impact (FONSI)
- Record of Decision (ROD)
- Revalidation Approval Date: _____
- This agency has not completed the environmental process. The NEPA Document will be submitted at a later date, prior to beginning of final design (PS&E).

Disadvantaged Business Enterprise (DBE) Contract Goal Methodology Form (Exhibit 9-D)

- Anticipated (or actual) Executed Consultant Contract Date _____
- Completed Exhibit 9-D and the DBE goal is _____.
- Exhibit 9-D *DBE Contract Goal Methodology* is not required as the contract was executed prior to October 1, 2014, and the contract has a DBE contract goal, which is a percentage of the entire contract.
- The DBE goal is 0% because there are no subconsulting opportunities for DBE participation. Documentation verifying this determination is attached to this exhibit, on file with the local agency and has been approved by the DLAE.
- There is no goal because work is to be performed by the local agency.

California Transportation Commission (CTC) Allocation

Check which of the following applies:

- A CTC allocation is not required, or
- A CTC allocation of \$ _____ (federal/state) funds for the PA/ED and/or PS&E component(s) of work was made at the _____ meeting of the CTC, or
- A CTC allocation of funds has been scheduled for the _____ meeting of the CTC. It is understood that the authorization/obligation of any federal STIP funds will not be made until after the CTC allocation.

Project Agreement and Liquidation of Funds

Upon issuance of Authorization to Proceed (E-76) by the Federal Highway Administration (FHWA), a Program Supplement Agreement (PSA) and state approved project Finance Letter will be prepared to encumber the federal and/or state funds for the project. This Agency understands that any federal and/or state funds encumbered for the project are available for reimbursement until the applicable fund reversion date(s) shown on the state approved project Finance Letter (unless an extension is granted by the Department of Finance).

Invoice Submittal

This Agency understands that only work performed after federal “*Authorization to Proceed*” (E-76) is eligible for reimbursement. Invoices for reimbursement will not be submitted until after the federal and state (if applicable) funds are encumbered via an executed *PSA* and/or state approved “*Finance Letter*”. In addition, it is also understood that an invoice must be submitted at least once every six (6) months for each project phase until all funds are expended.

CERTIFICATION

I certify that the facts and statements in this Request for Authorization Package are accurate and correct. This Agency agrees to comply with the applicable terms and conditions set forth in Title 23, U.S. Code, Highways, and the policies and procedures promulgated by the FHWA and California Department of Transportation (Caltrans) relative to the above-designated project.

I understand that this Agency is responsible for all costs in excess of the federal and/or state funds obligated/encumbered as well as for all costs it incurred prior to receiving the FHWA issued “*Authorization to Proceed*”(E-76). I further understand that all subsequent phases of the project will require a separate “*Federal Authorization to Proceed*”.

For High-Risk and Low-Risk Intelligent Transportation Systems (ITS) projects, I understand that our project shall be consistent with the Regional ITS Architecture, adhere to ITS Standards, and undergo Systems Engineering analysis. A SERF will be included in the Field Review Package. For High-Risk ITS projects, I understand that this Agency shall not proceed with component detailed design until after FHWA approval of the SEMP and receipt of “*Authorization to Proceed*.”

Please advise us as soon as the “*Authorization to Proceed*” has been issued. You may direct any questions to: (Name of Local Agency Contact) at (phone Number and E-mail Address).

Signature of Full-time Local Agency Employee in Responsible Charge

Print Name

Title

Agency

Distribution: DLAE

EXHIBIT 3-B REQUEST FOR AUTHORIZATION TO PROCEED WITH RIGHT OF WAY

[Place this form on Local Agency Letterhead]

To: (DLAE Name) District Local Assistance Engineer Caltrans, Office of Local Assistance (District Address)	Date: _____ FTIP/FSTIP ID: _____ Federal Project No: _____ Project ID/Advantage ID: _____ PPNO (For STIP Projects only): _____ Project Description: _____ _____
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Dear (DLAE Name):

In order to proceed with the Right of Way phase of work for the above-referenced project, we request that you secure Federal “*Authorization to Proceed*” (E-76) and Obligation of funds. The federal funds requested will not exceed those provided to this agency in the federally approved Federal Transportation Improvement Program (FTIP)/Federal Statewide Transportation Improvement Program (FSTIP).

Attached are the following documents required to authorize this phase of work:

Request for Authorization Package

- Completed Exhibit 3-E *Request for Authorization to Proceed Data Sheet(s)*
- Copy of FTIP/FSTIP Reference Sheet
- Completed Exhibit 3-O *Sample Local Federal-aid Project Finance Letter*
- Copy of Executed Cooperative Agreement, if not previously submitted (only for projects on the State Highway System)
- Completed Exhibit 3-H *Request for Capital Subvention Reimbursement Allocation* (only for projects on the State Highway System with “Capital-Outlay” costs funded with local assistance subvention funds and administered by the State)

Period of Performance End Date (PPED)

The project PPED must be identified on Exhibit 3-O *Sample Local Federal-aid Project Finance Letter*. Check which of the following applies:

- The PPED will be established with this submittal. Date: _____
- No revision to the PPED is requested with this submittal.
- A revised PPED is requested with this submittal. Date: _____

Toll Credit Usage

- This project will use Toll Credit. It is fully funded.
- This project will NOT use Toll Credit.

Field Review Form (Exhibit 7-B)

- Completed Exhibit 7-B *Field Review Form*, or
 Exhibit 7-B was submitted previously on _____

Environmental Requirements

- Type of NEPA Document. Approval Date: _____
 Categorical Exclusion (CE) Form
 Findings of No Significant Impact (FONSI)
 Record of Decision (ROD)
- Revalidation. Approval Date: _____

Disadvantaged Business Enterprise Contract Goal Methodology Form (Exhibit 9-D)

- Anticipated (or actual) Executed Consultant Contract Date _____
 Completed Exhibit 9-D *DBE Contract Goal Methodology* and the DBE goal is _____
 Exhibit 9-D *DBE Contract Goal Methodology* is not required as the contract was executed prior to October 1, 2014, and the contract has a DBE contract goal, which is a percentage of the entire contract.
 The DBE goal is 0% because there are no subconsulting opportunities for DBE participation. Documentation verifying this determination is attached to this exhibit, on file with the local agency and has been approved by the DLAE.
 There is no goal because work is to be performed by the local agency.

California Transportation Commission (CTC) Allocation

Check which of the following applies:

- A CTC allocation is not required, or
 A CTC allocation of funds for the right of way component of work was made at the _____ meeting of the CTC, or
 A CTC allocation of funds has been scheduled for the _____ meeting of the CTC. It is understood that the authorization/obligation of any federal STIP funds will not be made until after the CTC allocation.

Project Agreement and Liquidation of Funds

Upon issuance of Authorization to Proceed (E-76) by the Federal Highway Administration (FHWA), a Program Supplement Agreement (PSA) and state approved project Finance Letter will be prepared to encumber the federal and/or state funds for the project. This Agency understands that any federal and/or state funds encumbered for the project are available for reimbursement until the applicable fund reversion date(s) shown on the state approved project Finance Letter (unless an extension is granted by the Department of Finance).

Invoice Submittal

This Agency understands that only work performed after federal "Authorization to Proceed" (E-76) is eligible for reimbursement. Invoices for reimbursement will not be submitted until after the federal and state (if applicable) funds are encumbered via an executed PSA and/or state approved Finance Letter. In addition, it is also understood that an invoice must be submitted at least once every six (6) months for each project phase until all funds are expended.

CERTIFICATION

I certify that the facts and statements in this Request for Authorization Package are accurate and correct. This Agency agrees to comply with the applicable terms and conditions set forth in Title 23, U.S. Code, Highways, and the policies and procedures promulgated by the Federal Highway Administration (FHWA) and California Department of Transportation (Caltrans) relative to the above-designated project.

I understand that this Agency is responsible for all costs in excess of the federal and/or state funds obligated/encumbered as well as for all costs it incurred prior to receiving the FHWA issued federal “*Authorization to Proceed*” (E-76).

Please advise us as soon as the “*Authorization to Proceed*” has been issued. You may direct any questions to: (Name of Local Agency Contact) at (Phone Number and E-mail Address).

Signature of Full-time Local Agency Employee in Responsible Charge

Print Name

Title

Agency

Distribution: DLAE

EXHIBIT 3-C REQUEST FOR AUTHORIZATION TO PROCEED WITH UTILITY RELOCATION

[Place this form on Local Agency Letterhead]

To: (DLAE Name) _____ Date: _____
District Local Assistance Engineer FTIP/FSTIP ID: _____
Caltrans, Office of Local Assistance Federal Project No: _____
(District Address) Project ID/Advantage ID: _____
PPNO (For STIP Projects only): _____
Project Description: _____

Dear (DLAE Name):

In order to proceed with the Utility Relocation phase of work for the above-referenced project, we request that you secure Federal "Authorization to Proceed" (E-76) and Obligation of funds. The federal funds requested will not exceed those provided to this agency in the federally approved Federal Transportation Improvement Program (FTIP)/Federal Statewide Transportation Improvement Program (FSTIP).

Attached are the following documents required to authorize this phase of work:

Request for Authorization Package

- Completed Exhibit 3-B *Request for Authorization to Proceed with Right of Way of*
- Completed Exhibit 3-E *Request for Authorization to Proceed Data Sheet(s)*
- Copy of FTIP/FSTIP Reference Sheet
- Completed Exhibit 3-O *Sample Local Federal-aid Project Finance Letter*
- Copy of Executed Cooperative Agreement, if not previously submitted (only for projects on State Highway System)
- Exhibit 3-H *Request for Capital Subvention Reimbursement Allocation* (only for projects on State Highway System) with "Capital-Outlay" cost funded with local assistance subvention funds and administered by the state)

Period of Performance End Date (PPED)

The project PPED must be identified on Exhibit 3-O *Sample Local Federal-aid Project Finance Letter*. Check which of the following applies:

- The PPED will be established with submittal. Date: _____
- No revision to the PPED is requested with this Submittal.
- A revised PPED is requested with this submittal. Date: _____

Toll Credit Usage

- This project will use Toll Credit. It is fully funded.
- This project will NOT use Toll Credit.

Field Review Form (Exhibit 7-B)

- Completed Exhibit 7-B *Field Review Form*, or
 The Exhibit 7-B was submitted previously on _____

Environmental Requirements

- Type of NEPA Document. Approval Date: _____
 Categorical Exclusion (CE) Form
 Findings of No Significant Impact (FONSI)
 Record of Decision (ROD)
- Revalidation. Approval Date: _____

Disadvantaged Business Enterprise (DBE) Contract Goal Methodology Form (Exhibit 9-D)

- Anticipated (or actual) Consultant Contract Executed Date: _____
 Completed Exhibit 9-D *DBE Contract Goal Methodology* and the DBE goal is _____
 Exhibit 9-D *DBE Contract Goal Methodology* is not required as the contract was executed prior to October 1, 2014, and the contract has a DBE contract goal, which is a percentage of the entire contract.
 The DBE goal is 0% because there are no subcontracting opportunities for DBE participation. Documentation verifying this determination is attached to this exhibit, on file with the local agency and has been approved by the DLAE.
 There is no goal because work is to be performed by the local agency. A Cost-Effectiveness Determination (Exhibit 12-F) is attached.

Utility Relocation

- This Agency agrees to comply with 23 CFR 645.119 “Alternate Procedure” (as explained in Chapter 13 *Right of Way*, and Chapter 14 *Utility Relocations*, of the LAPM). This alternate procedure is provided to simplify the processing of utility relocations or adjustments under the provisions of 23 CFR 645. Under this procedure, the Federal Highway Administration (FHWA) authorized the California Department of Transportation (Caltrans) to act in relative position of the FHWA for review and approval of the arrangements, fees, estimates, plans, utility agreements, and other related matters required by such regulation as prerequisites for authorizing the utility owner to proceed with and complete the work.

It is understood that the scope of the Department’s approval authority under the Alternate Procedure includes all actions necessary to advance and complete all types of utility work under the provisions of such regulation, except Section 645.119 (B)(1) and 645.119 (b)(2). Two of such documents that need the Department’s approval are FHWA Specific Authorization and FHWA Approval of the Utility Agreement(s). See Chapter 14 “*Utility Relocations*”, of the LAPM for more information on the activities necessary for federal participation in utility relocations. The approval authority has been delegated to the Right of Way District Utility Coordinators.

California Transportation Commission (CTC) Allocation

Check which of the following applies:

- A CTC allocation is not required, or
 A CTC allocation of funds for the right of way component of work was made at the _____ meeting of the CTC, or

[] A CTC allocation of funds has been scheduled for the _____ meeting of the CTC. It is understood that the authorization/obligation of any federal STIP funds will not be made until after the CTC allocation.

Project Agreement and Liquidation of Funds

Upon issuance of Authorization to Proceed (E-76) by the Federal Highway Administration (FHWA), a Program Supplement Agreement (PSA) and state approved project Finance Letter will be prepared to encumber the federal and/or state funds for the project. This Agency understands that any federal and/or state funds encumbered for the project are available for reimbursement until the applicable fund reversion date(s) shown on the state approved project Finance Letter (unless an extension is granted by the Department of Finance).

Invoice Submittal

This Agency understands that only relocation work performed after federal “Authorization to Proceed” (E-76), approval of the Specific Authorization, and appropriate Utility Agreement is eligible for reimbursement. Invoices for reimbursement will not be submitted until after the federal and state (if applicable) funds are encumbered via an executed “Program Supplement Agreement” and/or state approved Finance Letter. In addition, it is also understood that an invoice must be submitted at least once every six (6) months for each project phase until all funds are expended.

CERTIFICATION

I certify that the facts and statements in this Request for Authorization Package are accurate and correct. This Agency agrees to comply with the applicable terms and conditions set forth in Title 23, U.S. Code, Highways, and policies and procedures promulgated by the FHWA and Caltrans relative to the above-designated project. I understand that this Agency is responsible for all costs in excess of the federal and/or state funds obligated/encumbered, as well as, for all costs it incurred prior to receiving the FHWA issued “Authorization to Proceed” (E-76).

Please advise us as soon as the “Authorization to Proceed” has been issued. You may direct any questions to: (Name of Local Agency Contact) _____ at (Phone Number and E-mail Address) _____.

Signature of Full-time Local Agency Employee in Responsible Charge

Print Name

Title

Agency

Distribution: DLAE

EXHIBIT 3-D REQUEST FOR AUTHORIZATION TO PROCEED WITH CONSTRUCTION

[Place this form on Local Agency Letterhead]

To: (DLAE Name) _____ Date: _____

District Local Assistance Engineer FTIP/FSTIP ID: _____

Caltrans, Office of Local Assistance Federal Project No: _____

(District Address) Project ID/Advantage ID: _____

PPNO (For STIP Projects only): _____

Project Description: _____

Dear (DLAE Name):

In order to advertise, award and administer the construction contract for the above-referenced project, we request that you secure Federal “*Authorization to Proceed*” (E-76) and Obligation of funds. The federal funds requested will not exceed those provided to this agency in the federally approved Federal Transportation Improvement Program (FTIP)/Federal Statewide Transportation Improvement Program (FSTIP).

Attached are the following documents required to authorize this phase of work:

Request for Authorization Package

- Completed Exhibit 3-E *Request for Authorization to Proceed with Data Sheet(s)*
- Copy of FTIP/FSTIP Reference Sheet
- Completed Exhibit 3-O *Sample Local Federal-aid Project Finance Letter*
- Copy of Executed Cooperative Agreement (only for projects on State Highway System)
- Exhibit 3-H *Request for Capital Subvention Reimbursement Allocation* (only for projects on State Highway System with Capital-Outlay” cost funded with local assistance subvention funds and administered by the state

Period of Performance End Date (PPED)

The project PPED must be identified on Exhibit 3-O *Sample Local Federal-aid Project Finance Letter*. Check which of the following applies:

- The PPED will be established with this submittal. Date: _____
- No revision to the PPED is requested with this submittal.
- A revised PPED is requested with this Submittal. Date: _____

Toll Credit Usage

- This project will use Toll Credit. It is fully funded.
- This project will NOT use Toll Credit.

Field Review Form (Exhibit 7-B)

- Completed Exhibit 7-B *Field Review Form*, or
 The Exhibit 7-B previously was submitted on _____.

Environmental Requirements

- Type of NEPA Document. Approval Date: _____.
 Categorical Exclusion (CE) Forms
 Findings of No Significant Impact (FONSI)
 Record of Decision (ROD)
 Revalidation. Approval Date: _____.

Disadvantaged Business Enterprise (DBE) Contract Goal Methodology Form (Exhibit 9-D)

- Anticipated Construction Contract Award Date: _____.
 Completed Exhibit 9-D *DBE Contract Goal Methodology* and the DBE goal is _____.
 The DBE goal is 0% because there are no subcontracting opportunities for DBE participation. Documentation verifying this determination is attached to this exhibit, on file with the local agency and has been approved by the DLAE.
 There is no goal because it is an emergency project, a “nonprofit,” uses force account, or other. A Cost-Effectiveness Determination (Exhibit 12-F) is attached.

Right of Way Certification (Exhibit 13-A or 13-B)

Right of Way Certification # _____ which was approved on _____ is:

- Attached, or
 Previously submitted.

Utility Relocations performed and reimbursed under the Construction phase

- Not Applicable
 This Agency agrees to comply with 23 CFR 645.119 “Alternate Procedure” (as explained in Chapter 13, “*Right of Way*”, and Chapter 14, “*Utility Relocation*” of the LAPM). This alternate procedure is provided to simplify the processing of Utility Relocations or adjustments under the provisions of 23 CFR 645. Under this procedure, the Federal Highway Administration (FHWA) authorized the California Department of Transportation (Caltrans) to act in relative position of the FHWA for review and approval of the arrangements, fees, estimates, plans, utility agreements, and other related matters required by such regulation as prerequisites for authorizing the utility owner to proceed with and complete the work.

It is understood that the scope of Caltrans approval authority under the Alternate Procedure includes all actions necessary to advance and complete all types of utility work under the provisions of such regulation, except Section 645.119 (b)(1) and 645.119 (b)(2). Two such documents requiring the Department’s approval are FHWA Specific Authorization and FHWA Approval of the Utility Agreement (Exhibit 14-C). See Chapter 14, “Utility Relocation”, of the LAPM for more information on the activities necessary for federal participation in Utility Relocations. Approval authority has been delegated to the District Right of Way Utility Coordinators.

PS&E Package and PS&E Certification

- Completed PS&E package including Exhibit 12-C *PS&E Certification*, and Exhibit 12-D *PS&E Checklist*, or
- The PS&E package including Exhibit 12-C *PS&E Certification*, and Exhibit 12-D *PS&E Checklist* submitted and accepted on _____.

Local Agency Construction Contract Administration Checklist

- Exhibit 15-A *Local Agency Construction Contract Administration Checklist*, or
- The *Local Agency Construction Contract Administration Checklist* was submitted previously and our procedures have not changed.

California Transportation Commission (CTC) Allocation

Check which of the following applies:

- A CTC allocation is not required, or
- A CTC allocation of funds for the construction component of work was made at the _____ meeting of the CTC, or
- A CTC allocation of funds has been scheduled for the _____ meeting of the CTC. It is understood that the authorization/obligation of any federal STIP funds will not be made until after the CTC allocation.

Project Agreement and Liquidation of Funds

Upon issuance of Authorization to Proceed (E-76) by the Federal Highway Administration (FHWA), a Program Supplement Agreement (PSA) and state approved project Finance Letter will be prepared to encumber the federal and/or state funds for the project. This Agency understands that any federal and/or state funds encumbered for the project are available for reimbursement until the applicable fund reversion date(s) shown on the state approved project Finance Letter (unless an extension is granted by the Department of Finance).

Invoice Submittal

This Agency understands that project construction contracts advertised prior to federal authorization are NOT eligible for reimbursement. It is also understood that Construction Engineering (CE) cost must be specifically included and authorized in the federal Authorization to Proceed with Construction to be eligible for reimbursement. If CE is authorized after construction begins, only those CE costs incurred after the date the CE is authorized are eligible for reimbursement.

Invoices for reimbursement will not be submitted until after the federal and state (if applicable) funds are encumbered via an executed "*Program Supplement Agreement*" and/or state approved "*Finance Letter*", and the DLAE has received the Construction contract award package. It is understood that an invoice must be submitted at least once every six months for each project phase until all funds are expended.

CERTIFICATION

I certify that the facts and statements in this "*Request for Authorization Package*" are accurate and correct. This Agency agrees to comply with the applicable terms and conditions set forth in Title 23, U.S. Code, Highways, and the policies and procedures promulgated by the Federal Highway Administration and the California Department of Transportation (Caltrans) relative to the above-designated project.

I understand that upon submittal of this request and a completed Exhibit 7-B "*Field Review Form*", the federal and/or state funds will be encumbered via a "*Program Supplement Agreement*" and /or state approved "*Finance Letter*". This Agency will comply with the liquidation deadlines as explained in Government Code 16304.

I understand that this Agency is responsible for all costs in excess of the federal and/or state funds obligated/encumbered and all costs it incurred prior to receiving the FHWA issued “*Authorization to Proceed*” (E-76) for this phase of the project.

Please advise us as soon as the “*Authorization to Proceed*” has been issued. You may direct any questions to: (Name of Local Agency Contact) at (Phone Number and E-Mail Address) .

Signature of Full-time Local Agency Employee in Responsible Charge

Print Name

Title

Agency

Distribution: DLAE

EXHIBIT 3-Q REQUEST FOR AUTHORIZATION TO PROCEED WITH NON-INFRASTRUCTURE PROJECT (CONSTRUCTION PHASE)

[Place this form on Local Agency Letterhead]

To: (DLAE Name) Date:
District Local Assistance Engineer FTIP/FSTIP ID:
Caltrans, Office of Local Assistance Federal Project No:
(District Address) Project ID/Advantage ID:
PPNO (For STIP Projects only):
Project Description:

Dear (DLAE Name):

In order to begin federally reimbursable work for the above-referenced non-infrastructure project, we request that you secure Federal Authorization to Proceed and the obligation of funds. The federal funds requested will not exceed those provided to this agency in the federally approved Federal Transportation Improvement Program (FTIP)/Federal Statewide Transportation Improvement Program (FSTIP).

Attached are the following documents required to authorize this phase of work:

Request for Authorization Package

- [] Completed Exhibit 3-E Request for Authorization to Proceed Data Sheet
[] Copy of FTIP/FSTIP Reference
[] Completed Exhibit 3-O Finance Letter
[] NI project work plan, budget, schedule and deliverables

Period of Performance End Date (PPED)

The project PPED must be identified on Exhibit 3-O Sample Local Federal-aid Project Finance Letter. Check which of the following applies:

- [] The PPED will be established with this submittal. Date:
[] No revision to the PPED is requested with this submittal.
[] A revised PPED is requested with this submittal. Date:

Toll Credit Usage

- [] This project will use Toll Credit. It is fully funded.
[] This project will NOT use Toll Credit.

Field Review Form (Exhibit 7-B)

- [] Completed Exhibit 7-B Field Review Form, or
[] Project Application for SRTS-NI, or TE

Environmental Document

- Categorical Exclusion (CE). Approval Date: _____.
- Preliminary Environmental Screening Form for Non-Infrastructure Projects (PES-NI)

Disadvantaged Business Enterprise (DBE)

- All work for this phase of the project will be performed by local agency staff.
- For consultant contracts a Disadvantaged Business Enterprise (DBE) goal will be established for each contract and Exhibit 10-O1 *Consultant Proposal DBE Commitment* will be submitted with each proposal. Within 30 days of contract execution, Exhibit 10-O2 *Consultant Contract DBE Information* shall be forwarded to the DLAE.

California Transportation Commission (CTC) Allocation

- A CTC allocation is not required, or
- A CTC allocation of \$ _____ (federal/state) funds was made at the _____ meeting of the CTC, or
- A CTC allocation of funds has been scheduled for the _____ meeting of the CTC. It is understood that the authorization/obligation of any federal STIP funds will not be made until after the CTC allocation.

Project Agreement and Liquidation of Funds

Upon issuance of Authorization to Proceed (E-76) by the Federal Highway Administration (FHWA), a Program Supplement Agreement (PSA) and state approved project Finance Letter will be prepared to encumber the federal and/or state funds for the project. This Agency understands that any federal and/or state funds encumbered for the project are available for reimbursement until the applicable fund reversion date(s) shown on the state approved project Finance Letter (unless an extension is granted by the Department of Finance).

Invoice Submittal

This Agency understands that only work performed after federal "Authorization to Proceed" (E-76) is eligible for reimbursement. Invoices for reimbursement will not be submitted until after the federal and state (if applicable) funds are encumbered via an executed "Program Supplement Agreement" and/or State approval Finance Letter. In addition, it is also understood that an invoice must be submitted at least once every six (6) months for each project phase until all funds are expended.

CERTIFICATION

I certify that the facts and statements in this Request for Authorization Package are accurate and correct. This Agency agrees to comply with the applicable terms and conditions set forth in Title 23, U.S. Code, Highways, and the policies and procedures promulgated by the FHWA and California Department of Transportation (Caltrans) relative to the above-designated project.

I understand that this Agency is responsible for all costs in excess of the federal and/or state funds obligated encumbered as well as for all costs it incurred prior to receiving the FHWA issued "Authorization to Proceed." I further understand that all subsequent phases of the project will require a separate "Federal Authorization to Proceed."

Please advise us as soon as the “*Authorization to Proceed*” has been issued. You may direct any questions to:
(Name of Local Agency Contact) at (Phone Number and E-mail Address).

Signature of Full-time Local Agency Employee in Responsible Charge

Print Name

Title

Agency

EXHIBIT 7-B FIELD REVIEW FORM

Local Agency _____ Field Review Date _____
Project Number _____ Locator _____
(Dst/Co/Rte/PM/Agency)

Project Name _____ Bridge No.(s) _____

1. PROJECT LIMITS (see attached list for various locations) _____

Net Length _____ (mile)

2. WORK DESCRIPTION _____

ITS project or ITS element: Yes _____ No _____
If yes, choose: High-Risk (formerly "Major") ITS _____, Low-Risk (formerly "Minor") ITS _____, Exempt ITS _____

3. PROGRAMMING DATA FTIP (MPO/RTPA) _____ FY _____ Page _____
Amendment No. _____ FTIP PPNO _____ FHWA/FTA Approval Date _____
Federal Funds \$ _____ Phases PE _____ R/W _____ Const _____
Air Basin: _____ (CMAQ only)

4. FUNCTIONAL CLASSIFICATION:

On the Federal-aid System

- Principal Arterial – Freeway or Expressway
- Other Principal Arterial
- Minor Arterial
- Major Collector
- Urban Minor Collector

Off the Federal-aid System

- Rural Minor Collector
- Local

5. STEWARDSHIP CATEGORY

High Profile (Stewardship): Yes ___ No ___

Delegated (Stewardship): Yes ___ No ___ (a) DLAE oversight: Yes ___ No ___

(b) District Construction Yes ___ No ___

ITS High-Risk project or element requiring FHWA oversight per stewardship: Yes ___ No ___

6. CALTRANS ENCROACHMENT PERMIT Is it required? Yes ___ No ___

7. COST ESTIMATE BREAKDOWN \$1,000's Fed. Participation
(Including Structures)
PE Environmental Process Yes ___ No ___
Design Yes ___ No ___
ITS System Manager or Integrator Yes ___ No ___
CONST Const. Contract Yes ___ No ___

Const. Engineering	Yes	___	No	___
R/W Preliminary R/W Work	Yes	___	No	___
Acquisition:	Yes	___	No	___
(No. of Parcels ___)	Yes	___	No	___
(Easements ___)	Yes	___	No	___
(Right of Entry ___)	Yes	___	No	___
RAP (No. Families)	Yes	___	No	___
RAP (No. Bus. ___)	Yes	___	No	___
Utilities (Exclude if included in contract items)	Yes	___	No	___

TOTAL COST \$ _____

7a. Value Engineering Analysis Required? Yes ___ No ___
(Yes, if total project costs are \$50M or more on the NHS, or \$40M or more for bridges on the NHS)

8. PROPOSED FUNDING

		Total Cost		Cost Share	
Grand Total		\$ _____			
Federal Program #1 _____		\$ _____	Fed.	\$ _____	Reimb. Ratio _____
(Name/App. Code) #2 _____		\$ _____	Fed.	\$ _____	Reimb. Ratio _____
Matching Funds Breakdown	Local:			\$ _____	___%
		.			
		\$			
	State:			\$ _____	___%
	Other:			\$ _____	___%
State Highway Funds?	Yes ___	Source	_____	No	___
State CMAQ/RSTP Match Eligible		Yes	___	No	___
Is the Project Underfunded? (Fed \$ < Allowed Reimb.)				Yes	___
				No	___

9. PROJECT ADMINISTRATION

		Agency	Consultant	State
PE	Environ Process	_____	_____	_____
	Design	_____	_____	_____
	System	Man./Integ. _____	_____	_____
R/W	All work	_____	_____	_____

Const Engr Contract _____ _____ _____
 Construction Contract _____ _____ _____
 Maintenance _____ _____ _____

Will Caltrans be requested to review PS&E? Yes _____ No _____

10. SCHEDULES: PROPOSED ADVERTISEMENT DATE _____
 Other critical dates: _____

11. PROJECT MANAGER’S CONCURRENCE

Local Entity
 Representative: _____ Date: _____
 Signature & Title: _____ Phone No. _____

Is field review required? Yes _____ No _____

Caltrans (District)
 Representative: _____ Date: _____
 (if attended Field Review)
 Signature & Title: _____
 FHWA Representative:
 (if attended Field Review) _____ Date: _____
 Signature & Title: _____

12. LIST OF ATTACHMENTS (Include all appropriate attachments if field review is required. See the “[]” notation for minimum required attachments for non-NHS projects)

- _____ Field Review Attendance Roster or Caltrans Roster
- _____ Vicinity Map (Required for Construction Type Projects)

IF APPLICABLE (Complete as required depending on type of work involved)

- _____ Roadway Data Sheets [Req’d for Roadway projects]
- _____ Typical Roadway Geometric Section(s) [Req’d for Roadway projects]
- _____ Pavement Management System Certification [Req’d for Pavement Preventive Maintenance projects]
- _____ Major Structure Data Sheet [Req’d for HBP] _____ Signal Diagram
- _____ Railroad Grade Crossing Data Sheet _____ Collision Diagram
- _____ Sketch of Each Proposed Alternate Improvement _____ CMAQ/RSTP State STIP Match

____ Existing Federal, State and Local ADA deficiencies
Not included on other Attachments

____ System Engineering Review Form (SERF)

____ Req'd for High-Risk (formerly "Major") and
Low-Risk (formerly "Minor") ITS projects

13. DLAE FIELD REVIEW NOTES:

A. MINUTES OF FIELD REVIEWS

B. ISSUES OR UNUSUAL ASPECTS OF PROJECT

Distribution: Original with attachments – Local Agency
Copy with attachments (2 copies if HBP) – DLAE

3. Develop a transition plan or schedule that includes milestones or measures of achievement. (See [Transition Plan](#) section for more information)
4. Develop a system for periodically reviewing and updating the evaluation and transition plan.

Designation of an Americans with Disability Act Liaison Officer

As part of receiving federal-aid, each local agency shall designate an Americans with Disability Act (ADA) Liaison Officer, who coordinates the efforts of the administering agency to comply with 49 CFR 27.

Adoption of Grievance Procedures

A local agency that employs fifteen (15) or more persons and is receiving federal-aid is required to adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of disability.

Design

State and local governments, regardless of whether they receive federal financial assistance, are required to comply with Federal [2010 ADA Standards](#), Title 24 of the California Code of Regulations (which contains California building regulations), or local code, whichever provides the greatest access. Private-funded improvements within the public Right of Way are also required to comply with the federal [2010 ADA Standards](#) or with Title 24, whichever code offers the greatest access or protection to individuals with disabilities.

All new and altered pedestrian facilities such as, but not limited to, highway rest area facilities, sidewalks, crosswalks, pedestrian overpasses, underpasses, and ramps shall be made accessible to persons with disabilities in accordance with federal and state accessibility standards on all local agency federal-aid projects. Facility maintenance does not constitute an alteration. (See Chapter 11, "Design Standards," for what constitutes an alteration triggering accessibility requirements).

Certification

Local agencies certify compliance with federal, state, and local ADA regulations, laws, and codes in the PS&E Checklist (Exhibit 12-D).

ADA Monitoring

Local Agency Americans with Disability Act Annual Certification Form

Each local agency must provide the Caltrans DLAE with a completed Local Agency ADA Annual Certification Form (Exhibit 9-C) by June 30 of each year for the following Federal Fiscal Year (October 1 to September 30). The form must be received prior to submitting a "Request for Authorization" to proceed with a federal-aid project.

Exhibit 9-C includes:

1. Designated ADA Liaison Officer information (name, address, phone number, and e-mail address).

Accessibility and the Americans with Disabilities Act

State and local governments, regardless of whether they receive federal funds, are required to comply with the federal [2010 ADA Standards](#), Title 24 of the California Code of Regulations (which contain California building regulations), or local codes, whichever provides the greatest access. Private-funded improvements within the public right of way are also required to comply with whichever code offers the greatest access or protections to individuals with disabilities. If discrepancies are found between federal, state, or local requirements, the discrepancies should be brought to the attention of the [District Local Assistance Engineer](#). The best practice is for the City or other local public entity conducting the work, the State transportation agency, and FHWA to work together to come to an agreement on reasonable determination, document their policies, and apply that determination consistently in their locality.

Certain types of resurfacing treatments shall be considered an alteration that triggers the requirement to add curb ramps if it involves work on a street or roadway spanning from one intersection to another, and includes overlays of additional material to the road surface, with or without milling. Regardless of whether there is curb-to-curb resurfacing of the street or roadway in general, resurfacing of a crosswalk also requires the provision of curb ramps at that crosswalk.

The following roadway treatments are considered an alteration:

- Open-graded Surface Course
- Cape Seals
- Mill & Fill / Mill & Overlay
- Hot In-Place Recycling
- Microsurfacing / Thin Lift Overlay
- Addition of New Layer of Asphalt
- Asphalt and Concrete Rehabilitation and Reconstruction
- New Construction

Treatments that serve solely to seal and protect the road surface, improve friction, and control splash and spray shall be considered maintenance because they do not significantly affect the public's access to or usability of the road. The following types of treatments shall be considered maintenance:

- Crack Filling and Sealing
- Surface Sealing
- Chip Seals
- Slurry Seals
- Fog Seals
- Scrub Sealing

- Joint Crack Seals
- Joint Repairs
- Dowel Bar Retrofit
- Spot High-Friction Treatments
- Diamond Grinding
- Pavement Patching

In some cases, the combination of several maintenance treatments occurring at or near the same time may qualify as an alteration and would trigger the obligation to provide curb ramps.

More information on treatments that are considered an alteration triggering the requirement to add curb ramps can be found at:

<http://www.ada.gov/doj-fhwa-ta-glossary.htm>.

In accordance with Section 4454(b)(a) of the California Government Code, "Approval of Plans and Specifications," local agency plans and specifications with pedestrian facilities to be constructed with state funds must be reviewed and approved by the Division of the State Architect (DSA). Local agency plans and specifications of pedestrian facilities within the state highway rights of way, excluding rail and transit systems, can be reviewed and approved (certified) by Caltrans in place of DSA. Approval of the plans and specifications by DSA will require fees be paid directly to DSA. DSA regional offices can be found at this website:

<http://www.dsa.dgs.ca.gov/UniversalDesign/default.htm>

The Accessible Parking and Curb Ramp plans included in [Caltrans Standard Plans](#) are FHWA-approved for the SHS. Refer to the most current version of [DIB-82](#) for further direction and discussion on the use of these standard plans.

The U.S. Department of Justice and the Federal Access Board both have very comprehensive websites committed to accessible design. The websites include ADA design standards and a design guide. The websites are respectively located at: <http://www.ada.gov/> and <http://www.access-board.gov/guidelines-and-standards>.

Intelligent Transportation Systems/Traffic Signal Controllers

In accordance with 23 CFR 940, "Intelligent Transportation System Architecture and Standards," all Intelligent Transportation Systems (ITS) projects must adhere to ITS Standards. The choice of ITS Standards hinges on the development of a Regional ITS Architecture. For details on ITS Standards see Caltrans' Local Assistance [ITS Program website](#).

Section 21401 of the California Vehicle Code also requires:

(a) Except as provided in Section 21374, only those official traffic control devices that conform to the uniform standards and specifications promulgated by the Department of Transportation shall be placed upon a street or highway. (b) Any traffic signal controller that is newly installed or upgraded by the Department of Transportation shall be of a standard traffic signal communication protocol capable of two-way communications. A local authority may follow this requirement. (c) In recognition of the state and local interests served by the action made optional for a local authority in subdivision (b), the Legislature

projects may proceed without going through the usual R/W steps. (See Chapter 11, "Disaster Assistance," of the LAPG for further discussion)

After the facility has been reopened, the emergency actions must be reviewed for R/W implications. If either persons or properties were affected during the emergency repair phase, even temporarily, appropriate steps must be taken to ensure compliance with the Uniform Act. This may include appraisal and purchase of the real property rights, or relocation assistance, required to perform the ER construction activities.

Following the review, and any required subsequent actions necessary to comply with the Uniform Act have been completed, an R/W Certification meeting the Level 1 requirements detailing the R/W activities required must be prepared for each project that has been completed using a PS&E (generally a non-force account project) and submitted to the DLAE or District R/W Local Programs Coordinator. (See Chapter 11, "Disaster Assistance," of the LAPG for further discussion)

All Permanent Restoration (PR) work follows the standard federal-aid process and therefore requires complete R/W certification prior to processing the construction E-76.

Permanent Restoration Phase

Once the facility has been reopened and the emergency is over, any further work to restore or improve the facility is no longer exempted from the requirements for certification prior to advertising, or obtaining bids. Restoration projects shall follow the procedures outlined in this chapter. (See Chapter 11, "Disaster Assistance," of the LAPG for further discussion)

13.12 RIGHT OF WAY CERTIFICATION FORM - DISCUSSION

In order to assist the local agency in completing the certification form, the following explanations are provided for each of the items, which appear on the certification.

For additional information, see Chapter 14, "Project Certification," of the Caltrans *Right of Way Manual*.

Status of Required Right of Way

All new property rights required for a project must be included in the R/W Certification. This includes any interests in real property that lie outside of the existing R/W boundary lines, as well as regular parcels acquired by deed, Final Orders of Condemnation, and Orders for Possession. It also includes temporary interests such as Rights of Entry (See "Rights of Entry" below), construction or access easements, permits to enter during construction (including any Caltrans encroachment permits), or licenses. It is important to include the expiration date of any temporary rights in the certification, so that they may be evaluated in terms of the construction schedule.

Rights of Entry

The use of Rights of Entry are limited to only emergency and exceptional situations and require pre-approval from Caltrans Division of Right of Way and Land Surveys (Headquarters) and the Federal Highway Administration.

In accordance with Caltrans policy and 49 CFR 24.102(j), funds must be made available to the property owner for their withdrawal and use prior to the owner surrendering possession of their property. Owners must acknowledge they have been advised of their right to receive immediate compensation and have waived that right, agreeing to be compensated at a later date with interest. Local agencies must also deposit funds into escrow prior to obtaining possession.

A Right of Entry allows an agency representative to enter someone's property for a specific purpose at a specified time. Obtaining a Right of Entry can require that the agency pay just compensation at the time agency takes possession. A Right of Entry does not replace the R/W Contract and shall not be used to certify control of the R/W for the project. The local agency must first have an appraisal of the property rights prepared and present an offer of settlement to the owner. The Right of Entry will not be utilized if the project will displace people or impact improvements of a significant nature. A Right of Entry is appropriate only when the local agency would normally acquire the needed interest, but the owner cannot or will not provide an executed R/W contract, and eminent domain proceedings are not the practical approach. It is used only in extraordinary circumstances and can never be used for the sole reason of meeting the scheduled certification date.

NOTE: The form that is acceptable is the state's Agreement for Possession and Use, Exhibit 8-EX 25, of the Caltrans *Right of Way Manual*. This form should not replace the use of an R/W Contract.

Status of Access Control

Access to the project must be adequate to meet the needs during construction. At the same time, access rights for persons whose property abuts on the project boundaries cannot be denied or unreasonably restricted, unless other access is available or provided to the owner during construction. If no access can be provided, the owner is entitled to compensation during the course of construction.

Status of Affected Railroad Operating Facilities

The local public agency must confirm that all arrangements have been made with the railroad. If railroad-operating R/W is not within the project limits or ends two feet of the rail crossing, then "NONE" would be noted on the certification form. Railroads are considered clear for advertising when all arrangements have been made with the railroad for entry on to their property and/or for working on or near the tracks. Types of agreements that may be required include acquisition contracts for fee, easement (permanent or temporary) or Right of Entry, construction and maintenance agreements, or service contracts. Contact the railroad for specific requirements.

Railroad Involvement and Project Deliverables

Clearance of construction projects that involve railroads consists of the following three distinct and mandatory project deliverables:

1. CPUC Application Approval of Project Railroad Plans for final project PS&E;
2. Identification and acquisition of railroad real property rights; and
3. Obtaining an agreement with the railroad for physical construction of the project.

Chapter 14 Utility Relocation

14.1 INTRODUCTION

The procedures in this chapter have been designed to comply with the Federal Highway Administration's (FHWA) regulations and requirements under Code of the Federal Regulations (CFR) governing utility relocations. The purpose of this chapter is to provide guidelines to the local agency when performing R/W utility relocations on projects outside of the State Highway System (SHS) and financed with federal funds.

Utility relocation procedures in this chapter only apply when relocating public utility facilities that serve the general public. Service connections and private utilities are handled through R/W Acquisition under Cost to Cure (23 CFR710.203), and Uniform Act (49 CFR 24: Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-assisted Programs).

Forms and Exhibits included in this chapter are to provide the local agency with working samples. The language in these forms has been reviewed and approved by Caltrans Legal Department. The local agency has the option to modify the format of these forms or to use its own forms. However, the local agency's own forms have to satisfy all required elements under 23 CFR 645.113, and the use of non-approved forms and clauses will require review and approval by Caltrans Legal Department on a case-by-case basis.

Any Federal-aid project that involves any R/W utility relocations shall be accomplished in accordance with the Utility Procedures described in the Caltrans Right of Way Manual, Chapter 13.

These manuals are available online at the following URLs:

RIGHT OF WAY MANUAL:

<http://www.dot.ca.gov/hq/row/rowman/manual/>

ENCROACHMENT PERMITS MANUAL:

http://www.dot.ca.gov/hq/traffops/developserv/permits/encroachment_permits_manual/

Definitions

Public Utility Facilities – Publicly and privately owned utility facilities, which serve the public.

Impacted Utility Facility – A public utility facility has been identified as in conflict with the proposed activity of a transportation project.

Utility Relocation – Any adjustment to the impacted utility facility required by the proposed transportation project.

Owner – Utility company, municipal utility department, who owns the impacted facility.

Utility Coordinator – Local agency's person who acts as a liaison with owners.

15.7 Award Package

Prior to submitting the first invoice for the construction phase, and within sixty (60) days of contract award, the administering agency must forward the following information as one package to the DLAE:

- Resident Engineer's Construction Contract Administration Checklist (Exhibit 15-B)
- Construction Contract DBE Commitment (Exhibit 15-G)
- Local Agency Contract Award Checklist (Exhibit 15-L)
- Detail Estimate (Exhibit 15-M) based on award
- Finance Letter (Exhibit 3-O) based on the Detail Estimate

The DLAE will review the documents for completeness and accuracy. In addition, the DLAE will provide the project's construction contract award date and Exhibit 15-B to the Construction Oversight Engineer (COE).

The administering agency's Resident Engineer assigned to the project must complete and sign the Resident Engineer's Construction Contract Administration Checklist (Exhibit 15-B). The purpose of this checklist is to assure that the Resident Engineer is familiar with the federal requirements before the construction begins. Deficiencies in contract administration procedures that cannot be corrected may result in withdrawal of federal and/or state funds from the project.

A Detail Estimate (Exhibit 15-M) and Finance Letter (Exhibit 3-O) must be prepared outlining all project costs by Improvement Type Code. If the award amount is more, or significantly less than the amount estimated at the time of construction authorization, the Award Package submitted to the DLAE will be used to update the project agreements. The Authorization to Proceed (E-76) and state-issued Finance Letter will be revised to reflect updated project costs. If additional federal funds for the project's construction phase is needed, the administering agency must submit written approval from the MPO/RTPA (for STBG, CMAQ, etc.) or pertinent DLA Office (for HSIP, HBP, etc.) as part of the Award Package.

NOTE: Per 23 CFR 630.106 (f) (2), the Federal pro rata or lump sum share may be adjusted before or shortly after contract award to reflect any substantive change in the bids received as compared to the administering agency's estimated cost of the project (Preliminary Cost Estimate) at the time of construction authorization, provided that federal funds are available. FHWA has interpreted the term 'shortly after contract award' to be no more than 90 calendar days after the contract award date.

For future invoices involving the construction phase, the administering agency must maintain the Federal pro rata share as originally authorized for the construction phase, if not adjusted at award.

EXHIBIT 15-L LOCAL AGENCY CONTRACT AWARD CHECKLIST

Administering Agency: _____
 Federal-aid Project Number: _____
 Project Locator: _____
 (Caltrans District – County – 0 or State Route – Administering Agency)
 Project Limits: _____
 (Physical limits reference intersections or post miles limits)

Has Caltrans issued an “Authorization to Proceed” (E-76) in writing with federal funds included for construction, and is the amount correct?	(yes/no)
Copy of engineers estimate:	to be attached
Is material testing and sampling arranged?	(yes/no)
Copy of low bidder’s proposal	to be attached
Low Bid signed in ink?	(yes/no)
Is a Good Faith Effort Statement of DBE Participation (Exhibit 15-H) included in the low bidder’s proposal? (Only required if DBE goal is not achieved)	(yes/no/not applicable)
Construction Contract DBE Commitment (Exhibit 15-G)	to be attached
Is the Non-Collusion Affidavit (Exhibit 12-H, Sample Bid) included in the low bidders’ proposal?	(yes/no)
Is the Bid summary (itemized bids for 3 lowest bidders) complete?	(yes/no)
Addendum procedures adhered to?.....	(yes/no)
TIP information, Authorized amount.....	(\$ amount)
Include TIP page number or amendment number here:.....	
Bid opening procedures were adhered to?	(yes/no)
Date DLA’s Federal Wage Rate website was checked for updates *	(date)
Date of bid opening	(date)
Date of award	(date)
Amount of award	(\$ amount)
Detail Estimate (Exhibit 15-M):	to be attached
Finance Letter (Exhibit 3-O):	to be attached
Resident Engineer’s Construction Contract Administration Checklist (Exhibit 15-B).....	to be attached
Is successful bidder licensed?	(yes/no)
Estimated construction completion date	(date)

NOTE: If the answer is “no” to any of the above questions, a letter of explanation is required. The DLAE shall review the explanation and determine if the local agency is eligible for federal funds.

*** If the date listed is more than 10-calendar days before bid opening, local agency must provide documentation that web site was subsequently checked within the 10-calendar day period or after bid opening, and there were no changes in the applicable federal wage rates, otherwise an addendum may be required.**

Reviewed by: _____
 (Signature of Administered Agency Representative)

 (Name printed or typed)
 Title: _____
 Date: _____
 Phone Number: _____

Distribution: 1) Original plus one copy –DLAE
 2) Copy- Local Agency Project files

intervals. The inspection is conducted in accordance with the *National Bridge Inspection Standards* and *Caltrans Maintenance Manual*. A local agency may conduct their own inspection in accordance with the above standards, using their own forces or consultants.

During the initial investigation and report writing stage, bridges are analyzed to determine their load carrying capacity. If necessary, posting recommendations are made at that time. If subsequent investigations indicate that posting may be required or revised because of deterioration, neglect, or other causes, additional analyses are made. Additional studies and analyses may be made at any time by the state at the local agency's written request. The local agency will receive two copies of the written Bridge Report.

18.3 MAINTENANCE MONITORING

Caltrans is responsible for the administration of the local assistance program and shall review the condition of local federal-aid roads for general compliance with the provisions of this section. The primary concern of the maintenance review is whether or not federal-aid highway projects are maintained at an acceptable level of physical integrity and operation. Should an unsatisfactory condition be observed which threatens the integrity of the project that was constructed with federal funds, it should be brought to the attention of the appropriate local officials so that corrective measures may be taken in time to avoid an official action from the federal authorities.

Local agency compliance with maintenance requirements will be verified through program and process reviews. District Local Assistance Engineer (DLAE) should perform maintenance reviews if/ when requested, when deficiencies are identified, because of prior experience with an agency, or as part of program/process reviews. A *Maintenance Review Checklist* (Exhibit 18-A) is used for the maintenance review.

All deficiencies shall be discussed with the local agency and adequate time allotted to correct the condition. Major deficiencies left uncorrected should be discussed with HQ DLA to determine what further action should be taken. Comments and follow up actions should be included on the Maintenance Review Checklist where appropriate.

18.4 COUNTY ROAD SYSTEM

The S&H Code confers upon the Board of Supervisors of the various counties the authority, duties, and limitations that have to do with the establishment and maintenance of the county road system. The S&H Code also places certain duties upon Caltrans with respect to the county roads, requiring cooperation between the counties and Caltrans in some areas and allowing it, or making it optional in others. This cooperative effort and contact is carried on between the County Road Commissioners and the District Directors, acting through authorized assistants, all subject to administrative review and correlation of effort by the Transportation System Information (TSI).

Certification of Maintained Mileage

As required by the State Controller, one of the duties of Caltrans is to certify the maintained mileage of county roads in each county. The State Controller currently requires certification