



TEXAS DEPARTMENT OF TRANSPORTATION

LOCAL GOVERNMENT PROJECT PROCEDURES – UPDATE 2013

Advisory Committee Meeting
August 15, 2013

What is a Local Government Project?

- At least one phase of project development* or program is managed by a local government agency
- Includes federal (FHWA) and/or state (TxDOT) funding, or
- Locally funded project on the State Highway System



* Environmental, design, ROW, utility relocation, construction

- “In the State-Federal relationship, ***the State DOTs are responsible for ensuring that all Federal-aid projects are carried out in accordance with all of the Federal requirements.***”
- “... the State DOT may not delegate the ultimate responsibility for ensuring that Federal requirements are met for all locally administered Federal-aid programs.”

Letter from Chief Counsel, FHWA, to TxDOT Executive Director, May 10, 2007

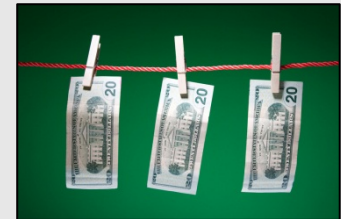
1.9 Limitation on Federal participation.

- (a) **Federal-aid funds shall not participate in any cost which is not incurred in conformity with applicable Federal and State law**, the regulations in this title, and policies and procedures prescribed by the Administrator. **Federal funds shall not be paid on account of any cost incurred prior to authorization by the Administrator** to the State highway department to proceed with the project or part thereof involving such cost.

- Federal-Aid Essentials offers a central online library of informational videos and resources designed specifically for local public agencies
- Website
 - *Federal-Aid Essentials for Local Public Agencies*
 - www.fhwa.dot.gov/federal-aidessentials



- As of July 2013
 - *More than 500 active LG projects*
 - *Total project value exceeds \$3.8 billion*
 - *Approx. \$1.3 billion federal (35%)*
 - *Approx. \$800+ million state (22%)*
 - *Approx. \$1.6+ billion local (43%)*



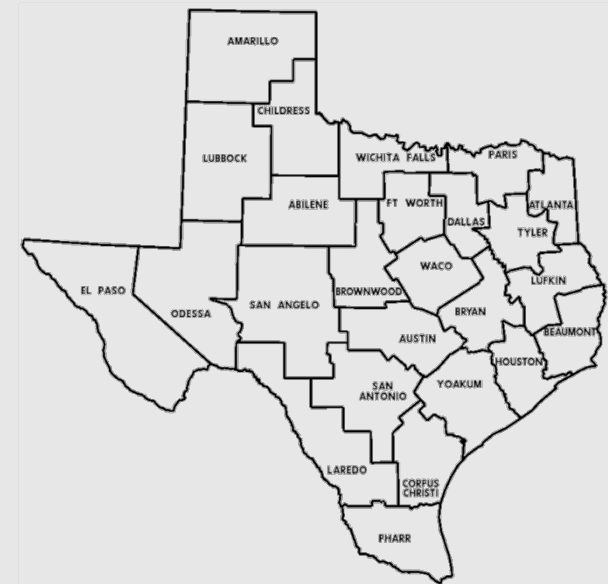
- Of the \$3.8 billion
 - \$2.4+/- billion is RMA and toll authority projects
 - Of this, 50% is local funds
 - \$1.3+/- billion is other local agencies
 - Of this, 62% is federal funds



- Approximate annual values
 - *Approx. \$200 million state*
 - *Approx. \$325 million federal*
 - *Approx. \$400 million local*
- Nearly \$1 billion/year in project values funded through LG projects



- 22 TxDOT districts have had LG projects
- 150+ local governments



Typical LG Project Types

- Enhancement
- STP-MM
- CMAQ
- Traffic signals
- Earmarks
- Safe Routes to Schools
- Off-system bridge



- “Control document” approved by FHWA
- Written February 2009
- Most recent update January 2013
 - Currently preparing minor update for Aug. 2013
- Available online
 - <http://www.txdot.gov/government/processes-procedures/lgpp-manual.html>
- 16 modules
- 333 pages

Current LGPP

- Module 1 - Introduction
- Module 2 - Planning and Programming
- Module 3 - Advance Funding Agreements
- Module 4 - Site Identification and Survey
- Module 5 - Environmental Compliance
- Module 6 - Right of Way, Other Land and Utilities
- Module 7 - Preliminary Engineering, Design and PS&E
- Module 8 - Building Facilities
- Module 9 - Traffic Operations
- Module 10 - Bridges
- Module 11 - Construction
- Module 12 - Procurement of Other Goods and Services
- Module 13 - Maintenance Requirements
- Module 14 - Finance and Project Accounting
- Module 15 - Data Submittal Requirements
- Module 16 - Audit

Purpose for Major Update

- Incorporate revised or new laws and regulations since the current LGPP was written
- Refine required and desired procedures
- Make the new document more user-friendly
- Incorporate checklists and sample forms

Update Direction

- Incorporate “Summary of Best Practices – LGP” and checklists/forms into LGPP document
- Restructure to make more user-friendly
- Project development process based, not silo based
- Further update training
 - *Multiple sessions, recertification, internal TxDOT?*

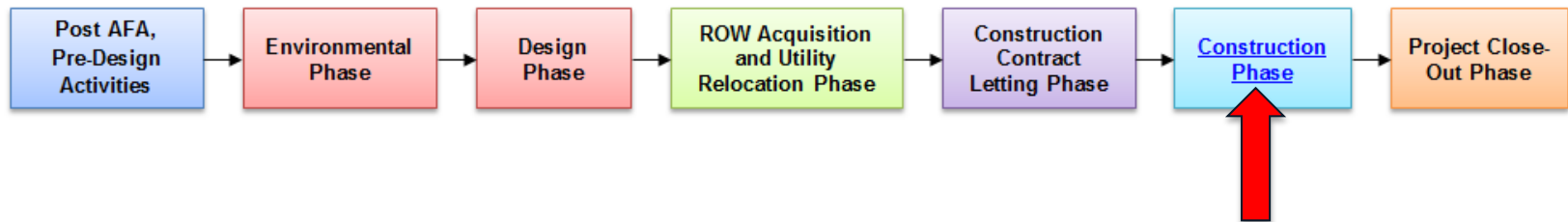
Project Development Process

- Project initiation – Pre-AFA activities
- Post AFA – Pre-design activities
- Environmental
- Design phase and proposal preparation
- ROW acquisition and utility relocation
- Construction contract letting
- Construction
- Project close-out phase
- Non-construction projects

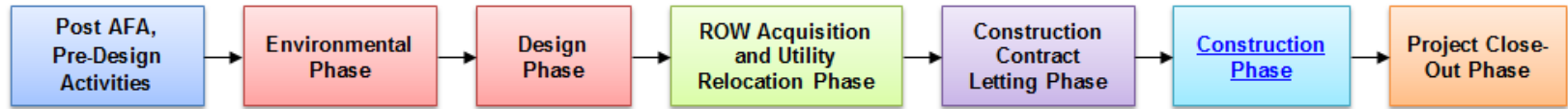
Local Government Project Process

This website aims to guide users through transportation projects developed by local governments under the oversight of [TxDOT](#). Click on a box to view more information about the phases of a local government (LG) project.

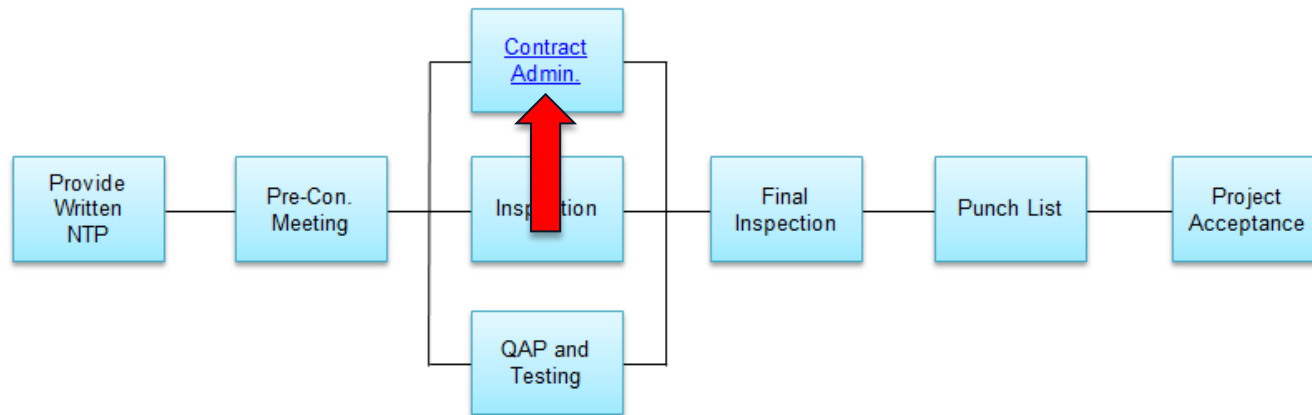
LG Project Phases



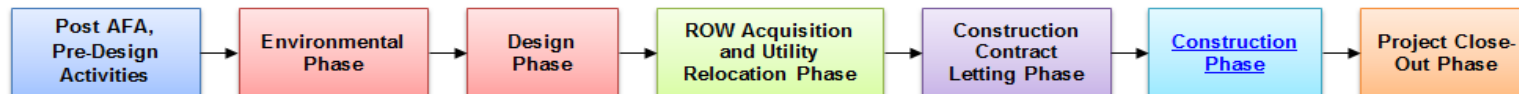
Process Based



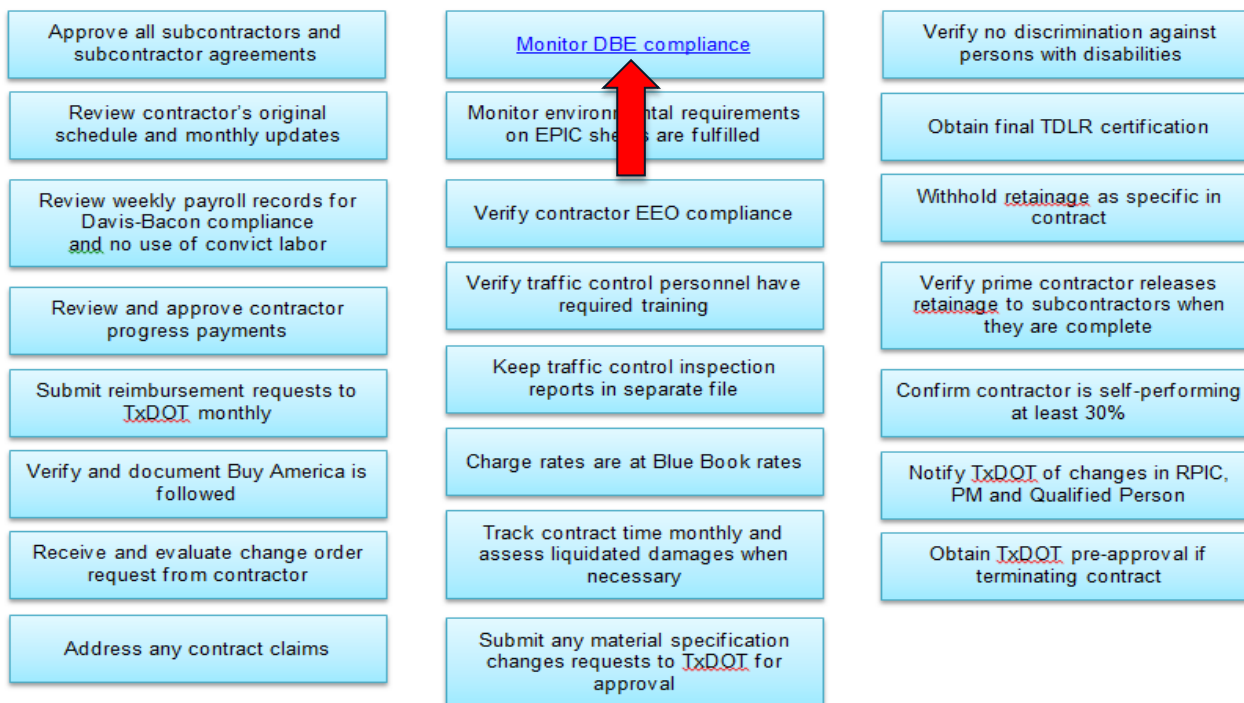
Construction Phase



Process Based



Construction Phase Contract Administration



Overview

LG Responsibilities

TxDOT Responsibilities

Federal & State Regulations

Forms

Next Steps

- Set up working groups
- Create project development process diagrams
- Develop document structure
- Transfer applicable text from current LGPP into “online manual” required format in new structure
- Identify updated laws, rules and regulations
- Begin writing updated sections

■ Set up working groups

- Areas identified that need major updating
 - Environmental
 - Office of Civil Rights
 - Right of Way
 - Advance Funding Agreements
 - Finance and Project Accounting

- Create project development process diagrams
 - Minor progress
 - Define process for PS&E approval and issuance of FPAA/SLOA

■ Develop document structure

- *Review indicates current structure is appropriate to transfer into new online manual format*
 - *Module overview*
 - *General discussion*
 - *Applicable federal regulations*
 - *Applicable state regulations*
 - *Required practices*
 - *LG responsibilities*
 - *TxDOT district responsibilities*
 - *Links (as appropriate)*

- Transfer applicable text from current LGPP into “online manual” required format in new structure
 - *Completed*

- Identify updated laws, rules and regulations
 - *Using TxMAS (multiple award schedule) contract with HDR*
 - *Pre-selected vendors*
 - *Not for professional services*
 - *Pre-determined job classifications and rates*
 - *Identify state and federal law, rule and regulation changes*
 - *Started July 22, complete by Aug. 31*
 - *Deliverable – Spreadsheet indicating:*
 - *Current Reference, Any Change(?), Brief Desc. Of Changes, New Applicable Laws/Rules Identified*

- **Begin writing updated sections**
 - *Identified need to make one more interim update for frequent district questions/issues*
 - *Submitted to FHWA for approval on August 8*
 - *Final PS&E review and SLOA changes*
 - *Project list status*

Additional Progress

- LGPP minor update topics
 - Add reference to “qualified person” in LGPP
 - Clarify requirement for TxDOT pre-approval of selection process for professional services procurement requirements if requesting reimbursement
 - Clarify child support bid submittal requirements
 - DBE goal language consistent with MOU
 - EEO/Title VI clarifications
 - Strengthen section on assessment of liquidated damages
 - Process to request additional Davis Bacon wage classifications
 - Clarify reimbursement of progress payments is only after LG payment to contractor and requests should be done monthly when work is performed
 - Clarify Quality Assurance Plan requirements

- Incorporating LGPP Updates into Summary of Best Practices (version 1.2)
 - *Includes some additional sample forms*
 - *Will be available online through txdot.gov and on CD*

- Final PS&E review and SLOA changes
 - *PS&E approval at District level starting in September*
 - *Project development checklist*
 - *All phases prior to letting*
 - *Reviewed by districts and divisions*
 - *Developed process flow chart for district, FIN, ENV and others during final PS&E review, request FPAA and issue SLOA*
 - *Distributing guidance memo by next week*

■ LGPP project list status

- *Adding field to DCIS to code local projects*
 - *Not LG*
 - *On state highway system LG*
 - *Off state highway system LG*
 - *Non-construction LG*
- *Will also have box to add LG contact name, bid date, contact info for bidding*
 - *This information will be posted on TxDOT-CST website once SLOA has been issued through bid opening date*
- *Will allow creation/updates of LG project lists for multiple purposes to better manage program statewide*



September 24, 2013

EDC Exchange for Local and Tribal Agencies

Locally Administered Federal-Aid Projects: What's in it for You?

Are your federally funded local projects challenging to complete on time and within budget? Are the Federal-aid Program requirements daunting? If the answer to these questions is "yes," then this Every Day Counts (EDC) initiative may be right for you!

To address these concerns, the second round of EDC introduced a three-pronged strategy to aid local public agencies (LPAs) through the complexities of delivering and administering Federal-aid projects. The strategy focuses on:

Stakeholder Partnering

Communication, coordination and cooperation are key to successfully implementing any funding program. Clarity of FHWA's requirements for LPA administered Federal-aid projects is critical. To aid in this partnering effort and collaboration goal, a Stakeholder Committee composed of FHWA, state and LPA representatives may be established. Its purpose is to ensure effective communication among members, training is provided and that development and delivery processes are reviewed and refined.

Certification Programs

Certification programs developed by state transportation agencies (STAs) ensure that LPAs have the technical capabilities to manage project activities that use Federal-aid funds, mitigating the potential for non-compliance and reducing the potential for unnecessary project delays.

Consultant Services Flexibilities

STAs and LPAs have the flexibility to use consultant services to manage, develop and deliver the locally administered Federal-aid program and projects. Understanding the available options may allow agencies to lower projects costs, shorten project development and delivery times, improve the quality and performance of contracted services and ensure projects meet the necessary Federal and state requirements.

The session will highlight examples that demonstrate the successful use of these LPA initiatives.

Join the Federal Highway Administration, the _____ Local Technical Assistance Program and the _____ Department of Transportation for a presentation on the Locally Administered Federal-Aid Projects Initiative via a live webinar on September, 24, 2013 from 2:00 pm to 4:30 pm Eastern Time.

Locations for your participation will be located at

Add additional local information as needed.

Advisory Committee Meeting Dates

Date	Time	Location
Thurs., June 20	10 a.m.-12 noon	Austin
Thurs., Aug. 15	10 a.m.-12 noon	Austin
Wed., Oct. 16	1-2 p.m.	Bryan Dist.
Tues., Dec. 17	10 a.m.-12 noon	Austin

- Distributed at last meeting:
 - Dollar-wise, what percentage is the LG program of the entire transportation improvement program for your agency?
 - With the knowledge you have today, what is your overall opinion of the TxDOT Local Government Projects Program?
 - Please describe your perception of the adequacy of the current LG Project Procedures document.
 - What specific areas are done well?
 - What specific areas need improvement?
 - Does it include adequate information to convey all requirements?
 - Is the document easy to use?

■ Continued:

- Please provide any specific comments on each of the following topics:
 - Project selection process to receive funding.
 - Negotiation of the funding agreement.
 - Qualifications training.
 - Consultant selection requirements.
 - Environmental reviews/coordination.
 - Design reviews/coordination.
 - ROW/Utility relocation reviews/coordination.
 - Project letting and award process requirements.
 - Construction inspection and contract administration requirements.
 - TxDOT reimbursement process.
 - Project close-out procedures.
- Do you find the TxDOT personnel you deal with on your LG projects knowledgeable, helpful, responsive, and friendly?
- Please provide any additional comments or suggestions regarding the TxDOT LG program.

Discussion Topics

- Project selection process to receive funding.
- Negotiation of the funding agreement.
- Qualifications training.
- Consultant selection requirements.
- Environmental reviews/coordination.
- Design reviews/coordination.
- ROW/Utility relocation reviews/coordination.
- Project letting and award process requirements.
- Construction inspection and contract administration requirements.
- TxDOT reimbursement process.
- Project close-out procedures.

