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CHAPTER 4 - PROJECT SELECTION

4.1 GENERAL

Federal and state laws influence the selection of transportation projects:

- A. ***Title 23 U. S. Code Sections 134 and 135, the Clean Air Act Amendments (CAAA), 1990, 23 CFR part 450, and Intergovernmental Coordination and Review (ICAR) via Title 15, CFR, Part 930*** are the primary Federal laws affecting project selection.
- B. ***Chapters 163, 186, 334, and 339, Florida Statutes***, are the primary State laws affecting project selection with the ***Department of Transportation. Gubernatorial Executive Order 83-150*** and Intergovernmental Coordination and Review Process, also affects the project selection process.

Each of these laws requires the selection of transportation projects to be documented and consistent with certain requirements or considerations.

Prior to assigning a project to a Local Agency the scope of the project, Local Agency's staff level, past performance on LAP projects, and ability to deliver the project within the applicable requirements must be considered by the District.

4.2 ADDING PROJECTS TO THE WORK PROGRAM

The Work Program is a five-year plan developed and maintained to maximize the Department's production and service capabilities through innovative use of resources, increased productivity, reduced cost, strengthened organizational effectiveness, and efficiency.

Adopted Work Program - refers to the five-year plan approved by the Secretary of Transportation on July 1 of each year. Any changes (additions, deletions, deferrals, etc.) to projects in the first year of the Adopted Work Program (current year) must be approved by the Executive Office of the Governor (EOG) via an EOG Work Program Amendment request.

Preliminary Tentative Work Program - refers to the five-year plan encompassing the five years past the current Work Program year. Two (2) weeks prior to the Legislative session, the Tentative Work Program is submitted to the Legislature, the Governor, the Florida

Transportation Commission (FTC) and the Department of Economic Opportunity (DEO) for review.

Tentative Work Program – refers to the Tentative Work Program submitted to the Legislature, the Governor, the Florida Transportation Commission (FTC) and the DEO two (2) weeks after the beginning of the legislative session.

The development of the Work Program is guided by the **Work Program Instructions**, which are updated annually and maintained by the FDOT Office of Work Program. The following link provides access to the Work Program Instruction:

http://www.dot.state.fl.us/programdevelopmentoffice/Development/WP_instructions.shtm

4.2.1 Project selection

Project selection is performed in accordance with **23 CFR 450.216 and 330** which mandates certain cooperative development requirements for selecting federally funded projects. Federally funded projects must be in the MPO's approved Transportation Improvement Plan (TIP) and included in the Work Program and State Transportation Improvement Plan (STIP) prior to the authorization of federal funds.

Detailed information on the MPO planning process and the development and adoption of the TIP can be found in the *Metropolitan Planning Organization Program Management Handbook* maintained by the FDOT Office of Policy and Planning.

4.3 SELECTING LAP AS THE PROCESS TO DELIVER A PROJECT

This section describes how to identify potential projects and/or work phases of a project using LAP.

After a project has been identified as an eligible project to be included in the Work Program, there are many possibilities for the development and delivery of the project. There are variable funding sources (local, state and federal) for each phase, therefore there may be a different responsible entity (local or state) for completing project phases, alternative construction contracting methods, and variable project delivery expectations or requirements based on project type, location, or other factors. Using LAP as the process to deliver a project must be determined based on communication with the proposed Local Agency and the responsible District Office(s). The Local Agency must be LAP certified to undertake a LAP project. The Local Agency will generally be responsible for the entire project development and construction process even if only a single phase of the project has federal funds.

When a project or any individual work phase of a project is programmed to be delivered, there should be early coordination with the Local Agency on the expectations and requirements for the delivery of the project. All phases of the process must be known by the District LAP Administrator and affected District Offices, even if the phase is not federally funded. The **Sample Project Information Sheet for Local Agency Project Selection** found in the appendix can be used to communicate this information. After completing the project programming process, the specific requirements for the project should be clearly discussed and outlined with the Local Agency. Requirements may change as the project development progresses and more information about a project becomes available. Further details of the specific requirements are discussed throughout the LAP Manual.

Prior to adding a LAP project to the Work Program a coordinated review and selection process involving the Local Agency is required. A sample **Project Information Sheet for Local Agency Project Selection** is included in the appendices to assist with the review and coordination with a Local Agency in selecting the appropriate projects. Each District is encouraged to modify this information sheet to reflect any District specific practices or project specific requirements when using LAP as the process for delivering projects.

After a Local Agency is certified to complete projects under LAP, it may be interested in applying to develop specific projects in the FDOT Work Program. It should be noted that right of way and environmental certification is specifically excluded from the Local Agency Certification process, these certifications must be obtained from the FDOT. It should also be noted that different projects may require different development procedures depending on their size, complexity, and system.

FHWA requires the Department to identify in the STIP the Local Agency responsible for all LAP projects. The District LAP Administrator will input the "External Agency" field in Project Suite Enterprise Edition for all LAP projects to meet this requirement. The responsible agency identification must be completed for all LAP projects in all years of the new Tentative Work Program prior to its adoption on July 1.

4.4 WORK PROGRAM FUNDING PHASES

When programming a project phase, the District will use individual phase codes for each phase. The use of Federal funds is permissible for the following project phases:

- A. Planning (Phase 18)
- B. Preliminary Engineering for Project Development and Environmental Studies (Phase 28)

- C. Design (Phase 38)
- D. Right of Way Acquisition (Phase 48)
- E. Construction (Phase 58)
- F. Construction Engineering and Inspection (Phase 68)

Further detail on programming LAP projects can be found in the FDOT Work Program Instructions, **LAP Chapter (17)**.

Although all of the above phases are eligible for Federal funding, project specific concerns, funding availability and MPO funding priorities will determine which project phase or phases are funded.

The use of Federal funds in any phase of project development should be carefully considered when developing project schedules. Using Federal funds in any phase may require additional work or activities in prior work phases or require certain commitments or compliance in later work phases.

4.4.1 Documentation Required for Authorization of Funds - The documentation required for the authorization of Federal funds varies by work phase. The District LAP Administrator and/or the Project Manager should refer to the appropriate chapter of this manual for guidance on requirements for submitting and processing federal authorization for each work phase and coordinate with the Local Agency to ensure requirements are met.

4.4.2 Reviews and Approvals - **Table 1** shows the required reviews and approvals for LAP projects. Specific sections of the **LAP Manual** should be referenced. It may be necessary to review additional manuals for specific technical guidance.

Table 1: Review and Approval Authority

ITEM	LOCAL AGENCY		FDOT		FHWA	
	REV.	APR.	REV.	APR.	REV.	APR.
Project in MPO Plan	X		X			
Project in Transportation Improvement Plan			X			
Federal Fund Authorization			X		X	X
Local Agency Program Agreement	X		X	X		
Utility, RR, and Std. Consult. Agreements	X	X	X	X		
Facilities Crossing DOT Right-of-Way			X	X		
Non-Standard Consultant Agreements			X	X		
Consultant Selection	X	X	X	X		
Public Hearings (NEPA)	X	X	X	X	X	X
Environmental Processes, 4(f) and Historic Pres.			X	X	X	X
Design Standards and Construction Specifications	X	X	X	X		
Design Variation	X	X	X	X		
Design with or without deviation (PS&E)?	X	X	X	X		
Design and Utility Exceptions	X	X	X	X		
Right of Way Procedures			X	X		
Local Ad and Award Procedures			X	X		
Contract Administration	X	X	X			
Final Inspection	X			X		X

When the Local Agency is the approving authority for any phase of work, it must follow the LAP Manual and comply with all applicable Federal, State, and Local laws and regulations. As described in **Chapter 3, Section 3.8**, the Department will monitor the Local Agency's

performance. The Department has the approval authority for all LAP processes and for the authorization of all applicable State funds. The FHWA approves the authorization of all applicable Federal funds.

4.5 LOCAL AGENCY PRODUCTION SCHEDULE

To be in compliance with the LAP Agreement's general requirements, all Local Agencies should start and complete their projects in a sound, economical, and efficient manner. The projects must also follow the provisions described in the executed LAP Agreement between the Local Agency and the Department. To allow the Local Agency to meet these general requirements and help to reduce the LAP roll forwards, the District LAP Administrator and/or Project Manager needs to closely monitor the Local Agency's production schedule. Every effort should be made to work with the Local Agency to ensure that the project completion date is realistic. This may include the Department adding time to the Local Agency's estimated completion date.

4.6 APPENDIX

Sample Project Information Sheet for Local Agency Project Selection

Name of Applying Agency:
Contact Person (Name & Title):
Email:
Phone:
Mailing Address:

Your signature indicates that the information included with this application is accurate.

Signature:

Date:

Is the Agency LAP certified?:

Yes No

Name of Maintaining Agency:
Contact Person (Name & Title):
Email:
Phone:
Mailing Address:

Your signature indicates your concurrence with the information provided within this application and your agency's willingness to allow this improvement within your right-of-way and enter into the appropriate Local Agency Program (LAP) or maintenance agreement as applicable.

Signature:

Date:

If the City or County is located within an M/TPO area, a M/TPO representative must fill in the required information below:

Name of M/TPO:
Contact Person (Name & Title):
Email:
Phone:
Mailing Address:

Your signature indicates the MPO has reviewed the application for consistency with all applicable adopted plans as well as program requirements and supports the proposed project.

Signature:

Date:

For FDOT Use Only:

Application Complete Yes No

Implementation Feasible Yes No

Project Eligible Yes No

Recommend Programming Yes No

Liaison _____

LAP Coordinator _____

Production Staff _____

SWAO Director (if applicable) _____

Director of Production _____

Project Information:

Project Category: Choose an item. If other, please indicate funding source being sought.

Project Name (Street Name):

Project Limits (From & To) (if not at an intersection, use logical termini):

Detailed project description: (lane width; design – rural or curb & gutter; shoulder width, paved or grass; signals; median width, painted, grass or raised, etc.)

- a. Existing Conditions (provide labeled & dated pictures):
- b. Proposed Improvements:

Cost Estimate by Phase:

	Planning Study	PD&E	Design (PE)	ROW	Construction
Cost Estimate (Present Day Cost)					
Fiscal Year Funding Available					
Phase Status	<input type="checkbox"/> Not Started <input type="checkbox"/> 30% <input type="checkbox"/> 60% <input type="checkbox"/> 90% <input type="checkbox"/> Complete <input type="checkbox"/> N/A	<input type="checkbox"/> Not Started <input type="checkbox"/> 30% <input type="checkbox"/> 60% <input type="checkbox"/> 90% <input type="checkbox"/> Complete <input type="checkbox"/> N/A	<input type="checkbox"/> Not Started <input type="checkbox"/> 30% <input type="checkbox"/> 60% <input type="checkbox"/> 90% <input type="checkbox"/> Complete <input type="checkbox"/> N/A	<input type="checkbox"/> Not Started <input type="checkbox"/> 30% <input type="checkbox"/> 60% <input type="checkbox"/> 90% <input type="checkbox"/> Complete <input type="checkbox"/> N/A	<input type="checkbox"/> Not Started <input type="checkbox"/> 30% <input type="checkbox"/> 60% <input type="checkbox"/> 90% <input type="checkbox"/> Complete <input type="checkbox"/> N/A
Funding Type (Local, State or Federal)	<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local				

Date project was endorsed by local jurisdictional board/council. Provide certified meeting minutes:

Is the Project in the Metropolitan/Transportation Planning Organization's (M/TPO) Financially Feasible Long Range Transportation Plan: Yes No N/A If yes, provide page #: _____ If no, the project cannot be considered at this time.

Is the Project in the local jurisdictions Capital Improvement Plan: Yes No If yes, provide an adopted copy.

Is the applicant LAP certified? Yes No

Constructability Review:

For items 2 – 7 provide labeled & dated photos.

1. Are there any other projects programmed (local, state or federal) within the project limits? Yes No If yes, please provide details, including but not limited to, project scope and schedule.
2. Does the applicant have an adopted ADA transition plan? Yes No Identify areas within the project limits that will require ADA retrofit.
3. Bus Stops/Shelters/Benches: (Number, type, etc.)
4. Drainage Structures: (Number of Culverts or Pipes currently in place; type, replace, extend, etc.) Does the project fall within an area covered by a stormwater master plan? Yes No If yes, please provide a copy of the plan.
5. Any excavation greater than one foot below land surface? Yes No If yes, give locations:
6. Utilities: Yes No If yes, please list specific utilities within project limits and any issues.
7. Bridges within project limits: Yes No Can existing bridges accommodate proposed improvements? Yes No
8. Right-of-way (Existing Width) See letter E under "Required Documentation":
9. Additional Right-of-way/Easement Required: Yes No If yes, project is not eligible at this time. If Right-of-Way was previously acquired, please provide documentation supporting process consistent with 49 CFR Part 24 was followed.
10. Is there a railroad within the project limits: Yes No If yes, project cannot be considered.

For items 11 – 17, if the answer is yes, please provide additional details, including the credentials for the person responding and by what method was the information obtained. If the answer is no, please note how this conclusion was drawn.

11. Are there any permits required?: Yes No
12. Are there any wetlands within the project limits: Yes No
13. Is there any critical habitat within the project limits: Yes No

14. Are there any endangered species within the project limits: Yes No
15. Is a historic survey required: Yes No
16. Is Recreational or 4(f) property within the project limits: Yes No
17. Are there any contamination areas within the project limits: Yes No
18. Additional Information:

Required Attachments:

- A – Project Location Map
- B – Dated & Labeled Pictures of the project
- C – Detailed Cost Estimate including pay items
- D – Local Capital Improvement Program (if necessary)
- E – Survey/As-builts/ROW documentation (provide enough detail to show that adequate right-of-way exists for the proposed improvement)
- F – Property Acquisition Process (if necessary)
- G – Certified Meeting Minutes

Resources:

- A – Project Development and Environment (PD&E) Manual
(<http://www.dot.state.fl.us/emo/pubs/pdeman/pdeman1.shtm>)
- B – Local Agency Program (LAP) Manual
(http://www.dot.state.fl.us/projectmanagementoffice/LAP/LAP_TOC.shtm)

Glossary of Terms:

ADA Transition Plan: An adopted list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities; a detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible; the schedule for taking the necessary steps to achieve compliance. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period; and, 4) the name of the official responsible for the plan's implementation.

Bridges: A box culvert greater than 20' long is considered a bridge (for construction purposes)

Contamination: The presence of any regulated material/chemical contained within the soil, surface water or groundwater on or adjacent to project, that may require assessment, remediation or special handling, or that has a potential for liability.

Critical Habitat: Area essential to the conservation of a listed species, though the area need not actually be occupied by the species at the time it is designated.

Endangered Species: A species is in danger of extinction throughout all or a significant portion of

its range.

Historic Survey: The act or process of determining the location and identification of historical and archaeological sites and properties. An aspect of identification is evaluation, meaning determination of the historical significance or values represented by historical and archaeological sites and properties which have been located and otherwise described.

Logical Termini: The end points to a transportation improvement allowing for the review of environmental impacts.

Recreational or 4(f) property: FHWA and other DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless the following conditions apply:

- There is no feasible and prudent alternative to the use of land.
- The action includes all possible planning to minimize harm to the property resulting from use.

Survey: Measurement of a specific parcel of land to ascertain area, corners, boundaries, topography, and divisions with distances and directions of such parcel(s). An instrument that specifies precise property boundaries.

Wetland: 1) lowlands covered with shallow and sometimes temporary or intermittent waters 2) those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.