

## **INTRODUCTION**

Preface

# Locally Administered Projects (LAP) Manual

Updated June 2021

## **Purpose**

This Locally Administered Projects manual has been written to assist the Local Public Agency (LPA) in the administration of federal and state funded transportation projects, as well as to provide consistency on a statewide basis. It also provides guidance for VDOT staff responsible for supporting these projects.

This manual describes the processes, procedures, documents, authorizations, approvals, and certifications that are necessary in order to receive federal aid and/or state funds for many types of local transportation projects. The information has been compiled from numerous sources and is intended to give a broad overview of local-let activities. This manual should not be used as a substitute for federal and state laws, statutes and regulations for project administration activities using federal funds. Rather, this document is intended to foster the expeditious and lawful delivery of local projects.

While this manual provides detailed guidance for most parts of the project development process, it is not a replacement for regular contact with VDOT staff. Please work closely with the staff of the appropriate VDOT district office for your project.

## **Organization of the manual**

### **Definitions and acronyms**

This section provides a list of frequently used terms and definitions found throughout the manual. Terms are defined as they pertain to this manual.

### **Symbols**

Occasionally, symbols are used – at times with bold or italicized font – in this manual to highlight important information. Generally, the following three symbols are used:



**Required submission**

**Important information**

**Must be kept on file**

The manual is divided into four parts. Each part contains several chapters which describe the requirements for completing specific project development activities.

**Part 1** is focused on overall program development that addresses roles and responsibilities, qualifications, and project initiation. This section details requirements for state-funded projects and delineates differences in certain special programs.

Part one will be helpful to LPAs in understanding VDOT's approach to locally administered projects.

Part one appendices include:

- a flow chart summarizing major activities required to develop a transportation project.
- a federal-aid checklist of tasks necessary to complete various project phases.
- a Local Government Certification for state-aid projects.

**Part 2** is focused on project management and provides guidance for project development and construction. This part is organized to reflect the flow of a project from the development of the project administration agreement through construction and project closeout. In each chapter, there is a general discussion section which gives background information, applicability, regulatory requirements, and the rationale for the requirements. This is followed by a detailed description of procedures, documents and approvals. In most cases, general discussion appears at the beginning of each chapter,

while details of the process appear later in the chapters. Additional references appear in appendixes to each chapter.

Part 2 will be helpful to LPAs for day to day project development.

**Part 3** addresses standards and practices for functional areas that cut across phases of project delivery including: civil rights, environmental, right of way, structure and bridge, and financial management. Part 3 contains detailed information for each of the functional areas and will be helpful to LPAs in identifying specific requirements.

Generally, in parts 2 and 3 of the manual, the chapters follow this outline:

- *Introduction/Summary/Applicability*
  - *Processes/Procedures*
  - *Outline of any differences required by special programs or funding*
  - *Table of Key Submittals/Requirements*
- Appendices include chapter specific information*

**Part 4** provides a list of required submittals for federally funded projects and contains samples of properly completed submittals.

### **Effective Date**

This document is intended to supersede and replace all previous versions of the Guide for the Local Administration of VDOT projects. All projects with an advertisement date after July 1, 2009, will be developed in accordance with this manual. If provisions found in this manual place an undue hardship on projects scheduled for advertisement before September 30, 2009, VDOT may allow the locality to use guidance from the previous Guide.

## Update Process

The LAP Manual will be periodically updated to reflect changes in funding programs, policy, federal and state requirements and statutory changes. When changes are necessary, VDOT posts the updated pages on its [Web site](#), with the latest revision dates listed in the Table of Contents.

## Recommending Changes and Updates

LAD staff places a high value on users' suggestions and recommendations for improvement of this manual. Each suggestion will be thoroughly evaluated and referred to the division that is responsible for the chapter or topic where an update has been suggested or when a general update is being considered. Divisions are responsible for preparing necessary updates and they are reviewed by LAD prior to publication.

LAD staff will evaluate and prioritize the sequencing of updates to the manual.

## FHWA Coordination

This manual is a fundamental part of VDOT's continued and effective relationship with FHWA for the delivery of federally funded, locally administered projects. The LAP manual was reviewed and approved by the FHWA Virginia Division as the primary source of guidance for locally administered projects prior to publication.

As the LAP manual is a federally approved document, LAD must coordinate changes and updates to the manual with the FHWA Virginia Division. The level of coordination and approval will vary based upon the type of modifications being made to the manual.

Substantive modifications will be reviewed and approved by FHWA prior to publication. Examples of substantive changes include: changes that result in delegation of approval authority, modification of project submittal requirements, or changes in required project documentation by a local participating agency, as well as any changes in VDOT

approval processes. Administrative or procedural modifications do not require FHWA concurrence prior to publication. Examples of administrative or procedural modifications include: changes to administrative procedures, revision of the *Standard Federal-aid Project Administration Agreement*, or changes in references to the CFR / USC, VDOT specifications or standards (**not** the specification or the standard itself).

Annually, VDOT will prepare a summary of all administrative or procedural changes made to the LAP Manual and will provide that summary to FHWA for their information.

### **Interpretations of LAP Manual Guidance**

From time to time, it may become necessary to provide clarification or interpretation of the guidance provided in the LAP Manual. An interpretation may clarify a VDOT business practice, or be legal or statutory in nature, and should be directed to the Local Assistance Division. Such requests may come from localities or from VDOT staff. Local requests should be routed through the assigned VDOT Project Coordinator for resolution. The Local Assistance Division will coordinate, as deemed necessary, with the appropriate central office policy division to provide the necessary clarification.

It may also become necessary to “waive” certain business practices or procedures outlined in the LAP Manual. Only the Director or Assistant Director of the Local Assistance Division can approve any deviation or material change in interpretation from the procedures documented in the LAP Manual. LAD will consult, as deemed necessary, with the appropriate central office policy division to provide “waivers” from VDOT business practice or procedures. Deviations from federal or state law and regulation cannot be considered and such provisions will not be waived.

Note: Please refer to Chapter [12.2.4](#) for the process for **design exceptions and design waivers**.

**INTRODUCTION**  
Definitions

Locally Administered  
Projects (LAP) Manual

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## **Definitions and Acronyms**

**AASHTO** - American Association of State Highway Transportation Officials.

**Acquisition** - The process of obtaining right of way necessary to construct or support your project.

**ACE** - Area Construction Engineer, VDOT's field engineer that has the responsibility of determining that all construction and maintenance projects are being constructed in compliance with the plans and specifications.

**ACO** - VDOT's Assurance and Compliance Office (Formerly External and Construction Audit Division – ECAD).

**ADA** - The Americans with Disabilities Act of 1990 which mandates sweeping changes in building codes, transportation, and hiring practices to prevent discrimination against persons with disabilities, not just in projects involving federal dollars, but all new public places, conveyances, and employers.

**APPX A** - Appendix A's detail each project's finances and any local matches and contributions. Each project agreement must have an Appx A associated with each UPC.

**BR** - Federal Bridge Program.

**CAAA** - The Clean Air Act Amendments of 1990 identify "mobile sources" (vehicles) as primary sources of pollution and call for stringent new requirements in metropolitan areas and states where attainment of National Ambient Air Quality Standards (NAAQS) is or could be a problem.

**CADD** - Computer Aided Design.

**Capital Improvement Plan** - A planning document that outlines a locality's long range capital improvement objectives and priorities and typically includes major investments in the locality's transportation, schools, and parks and recreation infrastructure.

**CE - Categorical Exclusion (NEPA)** - Categorical exclusions are actions that do not individually or cumulatively have a significant effect on the environment. Once a categorical exclusion is approved for a project, environmental clearance requirements of the National Environment Policy Act (NEPA) have been satisfied.

**CEDAR** - Comprehensive Environmental Data and Reporting System, VDOT's environmental database.

**CEI** - Construction Engineering & Inspection.

**Central Office** - The headquarters office of the VDOT which is located at 1401 East Broad St., Richmond, VA 23219.

**CFDA** - Catalog of Federal Domestic Assistance.

**CFR - Code of Federal Regulations** - The codified administrative regulations of the federal government.

**CMAQ** - The Congestion Mitigation and Air Quality Program is a \$6 billion funding program contained in Title I of ISTEA. Funds are provided for projects and activities which reduce congestion and improve air quality.

**CMS** - Congestion Management Systems require large metropolitan areas (200,000 population or more) and states to develop management plans which make new and existing transportation facilities more effective through the use of travel demand management and operational management strategies.

**Coast Guard Permit** - A permit issued by the Coast Guard for all structures in navigable waterways (Rivers and Harbors Act (33 USC9)).

**CTB** - Commonwealth Transportation Board.

**Comprehensive Plan** - The general, inclusive long-range statement of the future development of a community. The plan is typically a map accompanied by description and supplemented by policy statements that direct future capital improvements in an area.

**Completion Letter** - A letter from the Local Public Agency Project Manager notifying the construction contractor that a project is complete.

**Construction** - Those activities that are involved in the building of a new road facility or improvement of an existing facility to a higher geometric or structural standard or serve to increase the capacity or efficiency of an existing facility.

**Consultant** - A private individual, corporation or other business organization that may be selected to provide architectural, engineering, environmental, or other related technical services for a local agency project.

**Consultant Service** - Utilization of professional expertise external to an agency, on a contract basis, to perform a specific study, project, or task. Does not include personal-service contracts for routine, continuing, and necessary tasks.

**D-B** - Design-build project delivery is an alternative to the traditional design-bid-build method of delivering transportation projects.

**D-B-B** - Design-bid-build project delivery is the traditional method of delivering transportation projects.

**DBE** - Disadvantaged business enterprise (see 49CFR Parts 23 & 26), a small business concern: (a) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly-owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

**DPOR** - Department of Professional and Occupational Regulation for the Commonwealth of Virginia.

**Department of Transportation** - The Department of Transportation of the Commonwealth of Virginia, also referred to as the Department, State, or VDOT.

**Design Hearing** - A public hearing to examine the design features of a proposed transportation facility.

**District** - A subdivision of the Department organized to administer the affairs of the Department for a specific geographical area and for the local agencies in that area.

**DEIS - Draft Environmental Impact Statement** - A document identifying a course of action, alternative actions, analysis of the environmental impacts of alternates considered, and proposed mitigation of impacts. The DEIS is circulated to other agencies and the public for review and comment.

**EA** - Environmental Assessments are not categorical exclusions (CE), but do not appear to be of sufficient magnitude to require an EIS. The EA provides sufficient analysis and documentation to determine if a Finding of No Significant Impact (FONSI) can be adopted or if an EIS must be prepared. An EA can be developed as either build/no-build or as a multi-alternative analysis.

**EA, Build/No-Build** – An Environmental Assessment that evaluates a single build concept and the no-build alternative.

**EA, Multi-Alternative** – An Environmental Assessment that evaluates multiple build concepts and the no-build alternative.

**EE** - Engineer's Estimate.

**ECAD** - See **ACO**.

**EEO - Equal Employment Opportunity** - A general term referring to all contract provisions relative to EEO.

**Effective Authorization Date** - This is the date after which work that is to be reimbursed with federal funds may begin. Any costs for work occurring prior to this date are not eligible for federal reimbursement.

**EIS** - Environmental Impact Statement, a detailed written statement of project environmental effects required by federal and/or state law. This term refers to either a Draft or Final Environmental Impact Statement, or both, depending on context.

**Environmental Document** - A term used for any document prepared under NEPA that identifies the social, economic, and environmental effects of a proposed action.

**ERP - Environment Review Process** - Method of reviewing the potential environmental resources on a project using GIS and assigning tasks to technical specialists for further study of identified resources.

**Fair Offer** - An offer to acquire real property for just compensation, which is the approved appraisal of the property's fair market value.

**FAR** - Federal Acquisition Regulations.

**Federal-aid** - As used in this manual, refers to Federal funds provided for the development of surface transportation and administered by the FHWA. It also includes FHWA administered funds from previous acts frequently titled Highway Acts.

**Federal Funds** - Federal funds reflect the amount of federal funding available for a project. Depending on the type of federal program funding requested, the federal share may be different. For most programs (although there are exceptions), the federal share is 80 percent of the total eligible project costs. However, the total amount of federal funds received is subject to either the federal aid limit shown in the Statewide Transportation Improvement Program (STIP) or the limit established by the type of federal-aid program.

**FEIS** - Final Environmental Impact Statement is a document containing an evaluation of the course of action that an agency intends to follow. It contains the same information required for

the DEIS, with appropriate revisions reflecting comments received from circulation of the DEIS and from public meetings.

**FHWA** - Federal Highway Administration; The Federal agency responsible for administering the Federal-aid Highway Program.

**FHWA Authorization** - The action taken by FHWA when signing the Authorization / Agreement document or the Amendment / Modification document. This action obligates federal funds at the specified pro-rata share for the specific type of project costs identified on the Authorization / Agreement or Amendment / Modification.

**Final Estimate** - An estimate of the total cost of a project prepared after completion of the construction contract and used as the basis for final payment to the contractor.

**FMV** - Fair Market Value.

**FOIA** - Freedom of Information Act.

**FONSI - Finding of No Significant Impact** - A document prepared by the federal lead agency, after an EA has been completed, outlining the final decision on a project. It identifies the decision, alternatives considered, and measures to minimize harm; and it outlines a monitoring or enforcement program.

**Force-Account Work** - Construction work not covered in the contract documents and of a type not amenable to definition by a change order. Force-account reimbursement is used when it is difficult to provide adequate measurement or to estimate the cost of certain items of work. The contractor is reimbursed for the cost of the work plus profit using established weighted wage rates, equipment-rental rates, and the invoice cost of materials.

**HES** - Hazard Elimination Safety Program.

**HMOF** - The Highway Maintenance and Operating Fund provides funds for VDOT's maintenance, operations and administrative needs.

**IFB** - Invitation for Bids.

**LAD - Local Assistance Division** - The VDOT division that sets policy for locally administered projects.

**Lead Agency** - A federal, state, or local agency taking primary responsibility for preparing an environmental document.

**Liquidated Damages** - Amounts of money to be assessed against a contractor for late completion. These amounts must be related to the actual damages suffered by the owner because of the late completion.

**Local Match** - That portion of a project's cost paid for with local agency funds.

**Location Hearing** - A public hearing to examine the location of a proposed transportation facility, also called corridor or route hearing.

**LPA - Local Public Agency** - A Virginia city, county, town or other local public agency; In many instances, this term is used loosely to include nonprofit organizations.

**MAP-21** - Moving Ahead for Progress in the 21<sup>st</sup> Century Act is the current federal appropriation act for transportation funds.

**MOA** - Memorandum of Agreement.

**MPO** - Metropolitan Planning Organization is the agency designated by the Governor (or governors in multistate areas) to administer the federally required transportation planning in a metropolitan area. An MPO must be in place in every urbanized area over 50,000 population. The MPO is responsible for the long-range plans and the transportation improvement program. The official name for an MPO may also be Council of Governments, Planning Association, Planning Authority, Regional or Area Planning Council, Regional or Area Planning Commission.

**MUTCD** - Manual on Uniform Traffic Control Devices for Streets and Highways, USDOT and FHWA.

**NEPA - National Environmental Policy Act** - An Act that directs Federal Agencies to conduct environmental reviews to consider the potential impacts on the environment by their proposed actions. NEPA "environmental documents" include Categorical Exclusions, Environmental Assessments, and Environmental Impact Statements.

**NEPA Concurrence Form** – The NEPA Concurrence Form is a document VDOT submits to FHWA requesting concurrence with the level of NEPA document selected for the project. This form serves as an environmental checkpoint before starting a NEPA document.

**NHS** - National Highway System.

**Nonparticipating Items** - Items of project work that are not a part of the federal aid funding.

**Notice of Intent** - A federal notice, printed in the Federal Register, advising that an EIS will be prepared and considered for a proposal.

**Obligation - An obligation is a commitment** - The Federal government's promise to pay the Federal share of a project's eligible cost. This commitment occurs when the project is authorized by FHWA and the Authorization/Agreement or the Amendment/Modification is executed through FMIS. Obligation is a key step in financing. Obligated funds are considered "used," or set aside for that particular project, even before any cash is transferred.

**Obligation Authority (OA)** - Yearly, the United States Congress places a limitation on obligations that can take place during a certain federal fiscal year, regardless of the year in which federal funds were apportioned or allocated.

**OJT** - On the Job Training.

**OMB** - Office of Management and Budget.

**OTPCE - One-Time Programmatic Categorical Exclusion** - PCE-level actions which require no further NEPA approval or documentation.

**PAA** - Project Administration Agreement.

**Partial Acquisition** - The taking of only a part of a property for public use under the power of eminent domain and for which just compensation must be paid, offsetting the damages and/or special benefits to the remaining property.

**Phase** - For the purposes of Federal-aid authorization, the development of a project is broken into stages or phases; Preliminary Engineering, Right of Way and Construction. Each of these phases must be individually authorized, usually at different times in the development of a project.

**PCE - Programmatic Categorical Exclusion** - Actions that fall under VDOT's programmatic agreement with FHWA which allows for expeditious and efficient approval of Categorical Exclusions.

**PCES** - Project Cost Estimating System.

**PDP - Project Development Process** - The Project Development process guides VDOT's Preliminary Engineering. It establishes guidelines for increased involvement of all stakeholders in the project lifecycle, with the goals of improving project coordination and communication, and ultimately improving the quality of the design-construction process.

**PPTA** - Private Public Transportation Act.

**PS&E - Plans, Specifications and Estimates Package** - A packet of information needed to obtain Federal authorization prior to the advertisement of a project for construction bids. Its content shall include a copy of the project agreement (if not previously submitted), the Project Engineer's official cost estimate, a copy of the plans, the environmental consultation form, the right of way certification, and a copy of the project specifications. The estimate and plans must be signed and sealed by a professional engineer, and the number of copies will vary by VDOT district.

**PE - Preliminary Engineering** - This phase includes all project initiation and development activities undertaken after its inclusion in the approved STIP through the completion of PS&E. It may include preliminary Right of Way engineering and investigations necessary to complete the environmental document.

**PEI - Preliminary Environmental Inventory** - The resulting inventory from the SERP. The information can be used to identify potential environmental impacts early in project development.

**Prequalified Contractor** - The selected contractor is prequalified by VDOT for a specific work type through the submission of credentials. A list of prequalified contractors and prequalification work types is maintained on VDOT's website.

**Prequalifying Prospective Bidders** - A process by which a contracting agency in advance of considering, opening, or accepting bids, or in advance of issuing bid proposals, establishes limitations on amounts and types of work contractors are permitted to bid on and to have underway at one time.

**Primary** - A non-interstate road with a route number under 600 that is not maintained by a municipality.

**Progress Billing** - A request from a local agency or contractor to VDOT for state/federal reimbursement for work completed on a federal aid transportation project during a defined time period.

**Progress Estimate** - An estimate of the total amount of work completed by a contractor as of the estimate date listed by work item.

**Project Manager** - The person designated by a local agency to oversee development of a project.

**Pro Rata Share** - The percentage of eligible and authorized project costs paid by the Federal government. With a few exceptions, the Federal government does not pay for the entire cost of construction or improvement of Federal-aid highways. Federal funds must be matched with funds from other non-federal sources.

**Public Involvement Plan** - A required, integral part of an environmental study plan which outlines procedures for presenting information to the public, obtaining public comment, and considering public opinion.

**QAP** - Quality Assurance Plan.

**RA** - Residency Administrator, VDOT's manager in a local field office overseeing one to six counties.

**ROD - Record of Decision** - A document prepared by the federal lead agency, after an EIS has been completed, outlining the final decision on a proposal. It identifies the decision, alternatives considered, and measures to minimize harm; and it outlines a monitoring or enforcement program.

**RFP** - Request for Proposals.

**Right of Way (R/W)** - This phase includes the work necessary to appraise and acquire project right of way, relocate individuals or businesses, and revise or relocate utilities.

**RSTP** - Regional Surface Transportation Program funds are federal funds used for transportation projects in urban areas. Project selection for RSTP funds is made by the local MPO.

**SAFETEA-LU** - Safe, Accountable, Flexible, Efficient Transportation Equity Act is the previous federal appropriation act for transportation funds.

**SAM - System for Award Management** - Federally maintained system utilized to track suspension and debarment of contractors.

**Section 4(f) Evaluation** - A document presenting the consideration, consultations, mitigative measures, and alternatives studied for the use of properties identified in Section 4(F) of the U.S. Department of Transportation Act as amended (49 USC 1653H).

**SERP** - The State Environmental Review Process allows state environmental agencies the opportunity to comment on VDOT projects at the initial stage of project development, supplying environmental resource information to VDOT. This only applies to state funded projects that

have no federal funds in the project. The project must be \$500,000 or more to be considered for the SERP.

**Socially And Economically Disadvantaged Individuals** - Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans, and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act. These individuals must be U.S. citizens or lawfully admitted permanent residents.

**Special Provisions** - A portion of the construction contract specifications separate from the General Provisions and covering conditions unique to a specific project.

**SSYP** - Secondary Six Year Plan is a county's plan and budget for secondary road projects.

**Standard Specifications** - Sets of typical construction contract specifications.

**State Fiscal Year** - Begins on July 1 and ends on June 30 of each calendar year. For example, July 1, 2008 is the beginning of the state fiscal year 2009.

**State funds** - As used in this manual, includes the State funds provided to local agencies for specific transportation projects.

**STIP - Statewide Transportation Improvement Program** - A three-year list of all State and local transportation projects proposed for Federal surface transportation funding with the State. This is developed by VDOT with cooperation of the MPOs and in consultation with the local non-urbanized government. The STIP includes the TIPs, which are incorporated by reference and other rural federally funded projects. The STIP, including incorporated TIPs is only valid for use after FHWA approval.

**SYIP** - Six Year Improvement Program is VDOT's plan to allocate funds for transportation projects proposed for construction, development, or study in the next six years.

**TA - Transportation Alternative Projects** - TAP is a compilation of former Enhancement, Safe Routes to Schools and Recreational Trails Program activities.

**TEA-21** - Transportation Equity Act for the 21st Century.

**23 USC** - The section (Title 23) of the United States Code containing laws relating to highways.

**23 CFR** - The section (Title 23) of the Code of Federal Regulations containing regulations (general and permanent rules published in the Federal Register) relating to highways. Not included are regulations based on Civil Rights requirements in Title 49, the Uniform Relocation

Assistance and Real Property Policies, and other Federal laws and regulations as described in this manual.

**TIER 1 Project** - These projects are considered to be smaller, less complicated projects that have fewer risks, fewer right-of-way impacts and fewer construction impacts. These projects generally include projects having construction values less than \$10 million that have been designated as NFO projects. Oversight responsibility for these projects is at the VDOT District level and will follow reviews processes established by VDOT Districts for these types of projects.

**TIER 2 Project** - These projects are more complex, have more right-of-way and construction issues, include Design-Build and FO projects, and all projects that have a construction value greater than \$10 million. Tier 2 projects will have full CO oversight and will follow the processes outlined in this manual.

**TIP** - Transportation Improvement Program is a three-year transportation investment strategy, required at the metropolitan level, and a two-year program at the state level, which addresses the goals of the long-range plans and lists priority projects and activities for the region.

**Total Cost** - Total cost on a federally funded project includes all federal funds, state funds, local funds, private funds, in-kind contributions, nonparticipating funds, and other funds on the project.

**TMA** - MPOs with populations over 200,000 are designated as Transportation Management Areas (TMAs).

**TTF** - The Transportation Trust Fund was created by the 1986 Special Session. VDOT manages the 78.7% of the TTF funds dedicated by the Code of Virginia for highway construction.

**UCI** - Urban Construction Initiative provides participating municipalities with the opportunity to manage their entire construction program.

**UPC** - Universal Project Code is a unique number assigned to each project funded through VDOT.

**UPM** - Urban Program Managers are the primary VDOT liaison with the municipalities in the urban system.

**USC** - United States Code.

**USPAP** - Uniform Standards of Professional Appraisal Practice.

**VDHR** - Virginia Department of Historic Resources.

**VDOT** - Virginia Department of Transportation.

**VE** - Value Engineering (VE) is a systematic, creative study process conducted by engineers and technicians to obtain optimum value for every dollar spent. The Code of Virginia requires VDOT to employ value engineering in conjunction with any project on any highway system using criteria established by the Department and including but not limited to all projects costing more than \$15 million in construction cost.

**VPPA** - Virginia Public Procurement Act.

**VMT** - Vehicle Miles Traveled.