CAPITAL AREA MPO

Locally Administered Projects Program (LAPP)
Applicant Training
August 19, 2021
9:00 AM – 12:00 PM

Housekeeping

- Follow Along: https://www.campo-nc.us/funding/locally-administered-projects-program/training
- Please keep phones on mute
- Ask questions in chat box
- MANDATORY training- make sure I have counted you in attendance
- Will take breaks as needed

Today's Agenda

1. Introduction to LAPP Contacts
2. LAPP – Introduction & Administrative Details
3. LAPP Q&A
4. NCDOT & FHWA Processes
5. NCDOT & FHWA Q&A
6. LAPP - Scoring & Selection
7. Scoring & Selection Q&A
8. LAPP- Submittal Demo

LAPP - Introduction

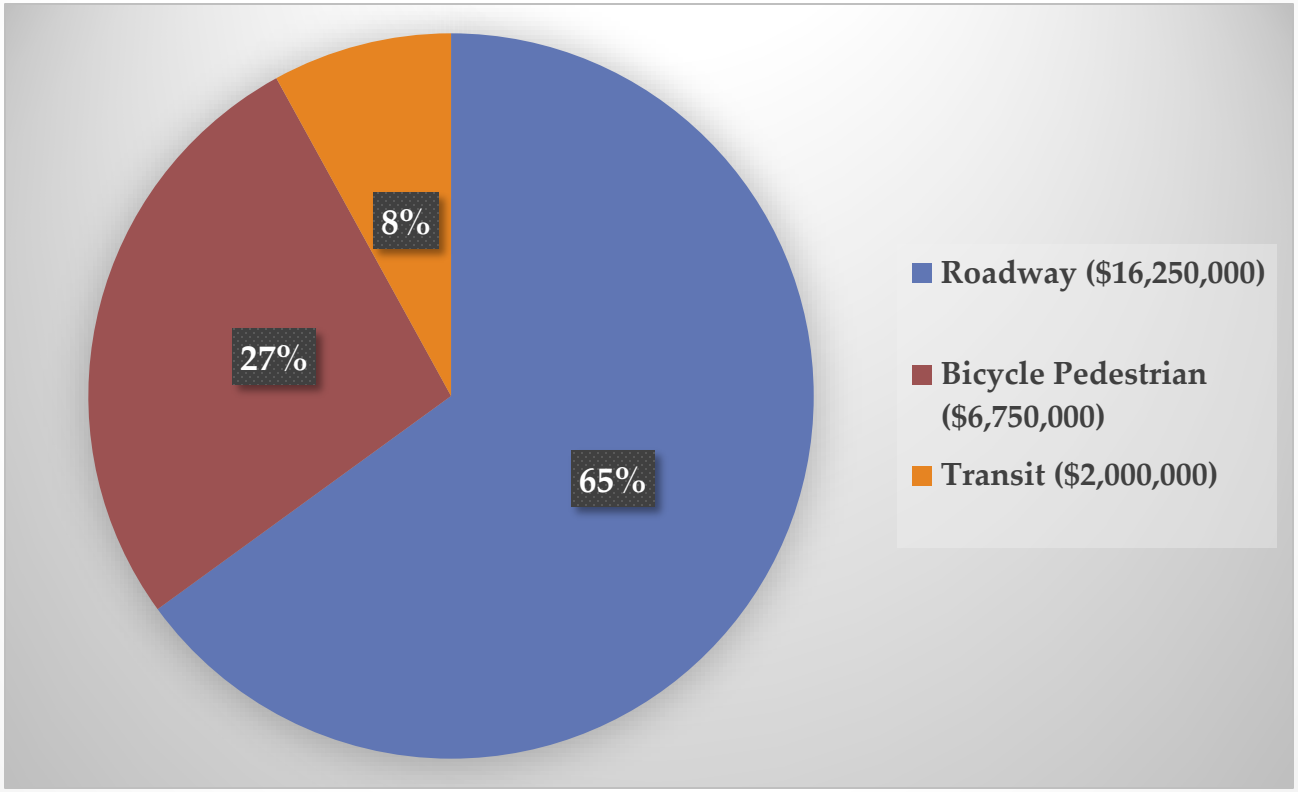
- In March, 2010 the TAC directed staff to create the Locally Administered Projects Program.
  - Holistic approach to identify & prioritize highly effective projects
  - Utilize available fund sources in a more efficient manner
  - Avoid future Federal rescissions to the maximum extent possible
  - Establish an annual modal investment mix to guide investments
  - Create an appropriate project tracking system to monitor status and ensure obligation and expenditure of programmed funds
  - Establish a training program

LAPP - Introduction

- LAPP Committee established to assist in development of the program
- LAPP Committee consulted to update LAPP for FFY 2023
- CAMPO Adopted Public Involvement Program
- Separate Impartial Selection Committee

LAPP - Introduction

FFY23 Target Investment Mix



Following the Money &

Scope, Funding and Schedule Changes

		CFFY Carry Forward	Current Year Appropriations	Total Appropriations	Net Available Funding	Obligation or Committed Amount	Funding Balance
Fund		$	$	$	$	$	$
1500/2713M301R	Transp Alt. Prog >200K Raleigh	1,661,763.00		1,661,763.00	1,495,586.70		1,495,586.70
1500/2713M3E1R	Transp Alt. Prog >200K Raleigh - Ext.		670,899.00	670,899.00	603,809.10		603,809.10
1500/2731L230R	STP >200K POPULATION-RALEIGH	37,071.59		37,071.59	33,364.43	36,485.00	-3,120.57
1500/2731L23ER	STP >200K POP-RALEIGH-SAFETEA-LU EXT	356,621.00		356,621.00	320,958.90	-194,507.00	515,465.90
1500/2731L23RR	STP >200K POPULATION-RALEIGH-RE	449,401.41		449,401.41	404,461.27	449,401.00	-44,939.73
1500/2731M230R	Urban Over 200K Population-Raleigh	9,127,968.00	-1,004,000.00	8,123,968.00	7,311,571.20	1,329,572.00	5,981,999.20
1500/2731M23ER	Urban Over 200K Population-Raleigh Ext.		8,224,102.00	8,224,102.00	7,401,691.80	649,600.00	6,752,091.80
Result		11,632,825.00	7,891,001.00	19,523,826.00	17,571,443.40	2,270,551.00	15,300,892.40

All LAPP Awarded projects are funded with CAMPO STPDA and TAPDA Appropriations and NC CMAQ Allocations.

- Funds are programmed (not yet guaranteed). CAMPO over-programs because some projects get delayed or cancelled.
- Obligation Ceiling is the net available funding.
- Funds obligated by FHWA are committed to the project.
- FFY (Oct 1-Sept 30): Funding Balance.

LAPP – Eligibility

- **Federal Aid Eligible -** FHWA helps evaluate this during pre-submittal
  - Highway projects must be classified as an urban collector or higher on the federal aid system.
  - Safety projects and bridge rehabilitation or replacement projects on any road are eligible, but must meet strict requirements to establish the need.
  - Bicycle and pedestrian projects that serve a transportation purpose (as opposed to a recreational-loop purpose) are eligible.
  - Transit projects that encourage the development, improvement and use of public mass transportation systems are eligible. Transit vehicles are not eligible.
  - Each funding source has separate eligibility requirements (STP/TAP/CMAQ/ARRA/Other)

- **Locally- Administered**
  - By applying, the local government or NCDOT Division is committing to sponsor the project.
  - The sponsor will be responsible for all federal and state reporting requirements.
  - There will also be reporting on a regular basis required by CAMPO.
  - An inter-local agreement will be required between NCDOT and the project sponsor.
  - Local sponsors will be required to front all project costs, invoice NCDOT, and get reimbursed for the agreed upon federal percentage.

LAPP – Eligibility

- **MTP compliant**
  - Roadway projects must be identified as an operational improvement, safety improvement, 1st -horizon year project or 2nd - horizon-year project.
  - Greenway/multi-use path or on-road bicycle projects must be identified as a statewide, regional or local tier project on the MTP.
  - Sidewalk projects are included in the MTP programmatically, and are eligible. Safe Routes to Schools (SRTS) Infrastructure projects may be submitted.
  - Transit projects must be identified as an operational improvement, safety improvement, 1st - horizon year project or 2nd - horizon-year project.

- **ITS Eligible**
  - In the approved ITS Deployment Plan for the Metropolitan Area or in a Local Plan with NCDOT Approval.
  - Results in complete deployment systems including central computer and communication devices, such as cameras, loop detectors or other technology to measure congestion, detect incidents and communicate with the central system.
  - Must include all functionally beneficial locations.

- **Project Phase by fiscal year of obligation - Construction receives priority**
  - NEPA / Design (beyond 30% plans)
  - Mitigation
  - Utilities (municipally owned are not eligible)
  - Right of way purchase
  - Construction
  - Transit Capital Projects, excluding Transit Vehicles
  - Travel Demand Management Projects, coordinated through CAMPO TDM Program
  - ITS Project Implementation

LAPP – Eligibility

- Shovel Ready
  - Design, NEPA, Right-of-way and Construction.

*To fulfill the Shovel Ready Purpose of the program, the following schedule standards apply:

- ***Fully Executed Agreement*** including NCDOT final signature, must be received at least 15 days prior to the start of the federal fiscal year for the phase and year the project is awarded (***prior to September 15***).
- ***Final submittals*** must be made to NCDOT ***prior to June 1*** for all approvals required for authorization of the funded phase (the final funded phase if a multi-phase project).
- ***Funding Authorization*** must be received at least 15 days prior to the end of the federal fiscal year for that funding round (***prior to September 15***). The deadline is the core deadline of the program, allowing CAMPO to fulfill Goals 2 and 3 of the LAPP.

LAPP – Eligibility

- **Highly Effective Solution to Current Transportation Problem**
- **Does Not Supplant Local or NCTA Funds**
- **Locally Funded Minimum Match Committed – 20%**
- **TIP- friendly**
  - Group Project, or
  - For Stand-alone Projects, must include next phase as locally funded
- **LAPP is <u>NOT</u> for study-only projects.**
  - The UPWP funds special studies. The call for projects is now open *(closes 10/29/21)*.

LAPP – Required Submitted Materials

- Problem Statement
- Map, when applicable, or photo documentation including all information related to effectiveness scoring.
- Detailed Cost Estimates for the phase being requested, planning level estimates for the remaining phases.
- Parallel Route for New Location Roadway Projects*
- TEAAS Reports
- Rail Crossing Meeting Memorandums
- Toll Related Project approvals for access from NCTA and/or project partnership information.
- ITS Feasibility Studies, System Operations Manuals and Infrastructure Specifications.
- GIS Layers
- Other Pertinent Information or Justification

Cost Estimates

1. Cost Estimate Must be 2 Years within Application Year
2. Contingency:

   Required Contingency: 25%

STRONGLY Recommended Variable Contingency:

Phases Completed			Recommended Contingency
PE	ROW	CON	45%
PE ✓	ROW	CON	30%
PE ✓	ROW ✓	CON	25%

LAPP – Scope & Size

- Scope Size
  - Project funding limit
    - ***$200,000*** minimum total project size for Roadway and Bicycle/Pedestrian.
    - ***$100,000*** minimum total project size for Transit.
    - ***$100,000 - $200,000*** project size for Roadway and Bicycle/Pedestrian may be allowed, but subject to approval by CAMPO Exec. Dir. prior to submittal.
    - Individual projects cannot exceed modal target funding limit
    - <= 10% scope modifications may be approved by CAMPO Exec. Director
- Per-Agency project submittal limit
  - Transit, 3 per transit agency
  - NCDOT Divisions, 3 per Division
  - Roadway and Bike/Ped Based on Population
    - >200,000 = 5 projects per mode (10 total)
    - 100,000 – 200,000 = 4 projects per mode (8 total)
    - <100,000 = 3 projects per mode (6 total)
- No unfunded project carryover
    - Project resubmittal with updated information required
      - Scope may change
      - Cost may change
      - Priority may change
      - Prior submittal notation

LAPP - Pre-Submittal

Pre-Submittal Process

- Review of project submittals to ensure:
  - Scope clarity
  - Better understanding of project specifics
- Pre-Submittal Panel
  - NCDOT, FHWA, CAMPO staff
- Meeting Schedule:
  - September 14 & 21
  - Approximately 30 – 60 minute windows to review project submissions by each agency, depending on number of projects (up to 2 per half hour)
  - Sign up via online LAPP Database

LAPP - Pre-Submittal

Capital Area MPO

FFY2023 LAPP Presubmittal Meetings

Please review the available slots below and click on the button to sign up. Thank you!

Location: TBD

Created by: GV Gretchen Vetter

Date (mm/dd/yyyy)	Time (EDT)	Available Slot	Calendar View
09/14/2021 (Tue.)	9:00am - 9:30am	Presubmittal Meeting	Sign Up
	9:30am - 10:00am	Presubmittal Meeting	Sign Up
	10:00am - 10:30am	Presubmittal Meeting	Sign Up
	10:30am - 11:00am	Presubmittal Meeting	Sign Up
	11:00am - 11:30am	Presubmittal Meeting	Sign Up
	11:30am - 12:00pm	Presubmittal Meeting	Sign Up
	1:00pm - 1:30pm	Presubmittal Meeting	Sign Up

- Sign up at: https://www.signupgenius.com/go/508094BABA629A5FE3-ffy2023

Changes for FFY2023

Update to Project Submittal Limit

- New to FFY2023:

Beginning with the LAPP FFY23 Call for Projects, for applicants with prior projects that have not obligated funds, the applicant must reduce the number of allowable new applications per agency by the number of that agency's prior LAPP projects (by mode) that did not meet authorization prior to the end of the federal fiscal year.

Update to Project Submittal Limit

- Example: Community A has two prior year bike/ped LAPP projects that do not have their funding authorization. The current policy would allow Community A to submit three roadway projects, one bike/ped project, and three transit projects. The proposed policy would allow Community A to submit one project per mode.
- If Community A is eligible to submit three projects per mode and has three outstanding LAPP projects, Community A would still be allowed to submit one total project.

Parallel Route Selection Requirement

- Roadway project on new location are evaluated using a "parallel route"
  - *TEAAS (Safety)*
  - *V/C Ratio*
  - *Travel Time Savings*

Current Selection Process: Informal. Submitted by applicant and reviewed by CAMPO.

CHANGE: Add field to application for parallel route and require submittal prior to presubmittal meetings. This will allow time for discussion and collection of TEAAS reports prior to submittal window deadline.

Location requirements for bundled transit projects

- Current Policy: *LAPP transit applications are not required to include locations of bundled projects Ex: bus stop improvements, enhanced transfer points.*

- Issue raised by LAPP Selection Panel after FFY22 round
- Intended to help evaluate projects similar to each other
- Helps assist with tracking projects after funding awarded

CHANGE: Require locations to be identified for bundled transit projects

Project Cost Application Fields (Administrative)

- LAPP Applicants are required to submit the following cost and match information as a part of their application:
  - Cost by phase of work
  - Total project cost
  - Total cost requested from CAMPO
  - Local match

All fields are individual and do not have any consistency checks in place to ensure costs and match are accurate.

CHANGE: Update LAPP application to include consistency checks as part of cost and match information.

FHWA Transportation Conformity CMAQ/NEPA

Joe Geigle & Lorretta Barren

Transportation Conformity

What is Transportation Conformity?

- It's how we ensure that Federal funding and approval goes to transportation activities that are consistent with air quality (AQ) goals

CAMPO Conformity Impacted Counties

- Franklin
- Granville
- Johnston
- Wake

What if conformity determination cannot be made?

- The use of Federal aid funds is stopped
  - Impacts design work, right-of-way acquisition, construction, permitting and approval of environmental documents

What are conformity triggers?

- Change of project scope
  - Change in number of lanes
  - Auxiliary lanes
  - Managed lanes (HOV/HOT)
  - Change in project length
  - Addition/deletion of an interchange
  - Replacing an intersection with an interchange

What initiates the need for a conformity determination?

- Adoption or amendment of a MTP
- Adoption or amendment of a local TIP or STIP *(project scope, horizon year or termini change during project development – NEPA)*

Transportation Conformity Implications

Conformity Implications

- Projects in non-attainment or maintenance areas
- Amendments (unless the project is exempt)

NO Conformity Implications

- Projects NOT in non-attainment or maintenance areas
- Administrative Modifications
- Exempt projects

Planning and Transportation Conformity Amendment Timelines

- Planning (no conformity)
  - 2 to 3 months to add a project to MTP/TIP/STIP
- Planning (with transportation conformity)
  - 4 to 6 months conformity without a regional emissions analysis
  - 9 to 12 months conformity with a regional emissions analysis

CMAQ

Congestion Mitigation & Air Quality Program (CMAQ)

- Federal program that provides funding for projects or programs in air quality concern areas to help achieve & maintain air quality standards
- Jointly administered by FHWA & FTA, in conjunction with EPA
- Funding available for areas that are (or were) non-attainment or maintenance
- Eligible projects / programs include those with air quality benefit that are likely to contribute to the attainment of the standards

Eligible CMAQ Projects

- Congestion Reduction & Traffic Flow Improvements
- Transit & Public Transportation Improvements
- Bicycle & Pedestrian Facilities/Programs
- Transportation Control Measures (TCMs)
- Travel Demand Management
- Public Education & Outreach
- Idle Reduction
- Alternative Fuels & Vehicles
- Carpooling & Vanpooling
- Diesel Engine Retrofits & Other Advanced Truck Technologies
- Value/Congestion Pricing

CMAQ

- **Project Submittal Process**
  - Initial Discussion with Applicants to Pre-screen Projects
  - CMAQ Application
  - Submitter review
  - MPO/RPO Endorsement and Approval

CMAQ

- **Interagency Review**
  - FHWA, NC Division of AQ (NCDAQ), Environmental Protection Agency (EPA) and Federal Transit Administration (FTA) review applications for eligibility and provide review comments to NCDOT
  - Projects are not approved until comments/questions are addressed

FHWA CMAQ Project Authorization

- CMAQ Application with Emissions Benefits
- Metropolitan Transportation Plan (MTP)/Transportation Improvement Program (TIP)/State TIP
- Right of Way Authorization
- Environmental Document
- Federal Share
- Project Completion Date

National Environmental Policy Act (NEPA)

NEPA

- NEPA of 1969 (signed January 1, 1970)
- Established Nat'l environmental policy & goals
- Required agency disclosure of impacts of proposed actions and possible mitigation
- Created basis for environmental impact statements (EIS) for major Federal actions
- Created Council on Environmental Quality (CEQ)- monitors Federal actions, provides overall guidance, tracks trends and resources.

When Does NEPA Apply?

- For FHWA, basically when a project is proposed for Federal-aid Highway Funding
- Action-highway or transit project proposed for FHWA funding, but…
- …actions must also include activities such as multiple use permits or changes in access control that may or may not involve commitment of funds

What must be considered?

- Natural and "built" environments
- Agencies must take a "hard look" at consequences of actions and keep public informed
- NEPA goal: Promote efforts which will prevent or eliminate damage to the environment

What are Classes of Actions?

- Categorical Exclusion (CE)-actions which do not individually or cumulatively have a significant effect on the human environment
- Environmental Assessment (EA)-significance of environmental impact is not clearly established; to determine the appropriate environmental document required
- Environmental Impact Statement (EIS)-detailed written statement on major Federal actions significantly affecting the human environment

Categorical Exclusion (CE)

Documentation Requirements and Approval Procedures for Federal-Aid Projects Classified as Categorical Exclusions

US Department of Transportation
Federal Highway Administration
North Carolina Division Office

And

North Carolina Department of Transportation

Approved:

10/21/2019
Date

Christopher M. Werner, PE,
Director of Technical Services
NCDOT, Division of Highways

10/21/2019
Date

John F. Sullivan, III, PE, Division Administrator
Federal Highway Administration

- Current Version is October 2019
- General Documentation
- Consultations

What will be needed to receive the Federal Funds?

- Completed/approved environmental document (PCE/CE/EA/EIS)
- Approved change in access if building/modifying and Interstate interchange.

Additional NEPA Resources

- Federal Aid Essentials for Local Public Agencies
- http://www.fhwa.dot.gov/federal-aidessentials/
- NCDOT Local Projects Administration
  - https://connect.ncdot.gov/municipalities/funding/Pages/default.aspx
- Local Programs Management (LPM) Handbook Updates
  - https://connect.ncdot.gov/municipalities/Funding/Pages/LPM%20Handbook.aspx

Questions????

FHWA Funding, Monitoring & Reporting

Tammy Richards - FHWA

FHWA's Role

- To provide Federal funding for your project.
- To ensure that our Federal dollars are spent appropriately.
- To ensure that there is no fraud, waste and/or abuse.
- To ensure that the recipient/sub-recipient has a good project.
- To ensure that the recipient/sub-recipient has every opportunity to keep every dollar of their Federal funds.
- I AM NOT here to make the process hard for you or to "ding" you, but there are regulations that YOU have agreed to uphold by asking for and receiving our money.

NCDOT's Role

Although NCDOT doesn't have any funds in LPA projects, they have oversight of all LPA projects.

23 CFR 635.105(a) & (b)

(a) The State Transportation Department (STD) has responsibility for the construction of **all** Federal-aid projects, and **is not relieved of such responsibility by authorizing performance of the work by a local public agency** or other Federal agency. The STD shall be responsible for insuring that such projects receive adequate supervision and inspection to insure that projects are completed in conformance with approved plans and specifications.

(b) Although the STD may employ a consultant to provide construction engineering services, such as inspection or survey work on a project, **the STD shall provide a full-time employed State engineer to be in responsible charge** of the project.

If funds have to be re-paid or deemed non-participating, they are taken from NCDOT and then the municipality will be responsible for paying NCDOT (or it will be taken from your Powell Bill).

Common Terms

Contract Authority
U.S. Congress: *"You (NCDOT) <u>might be able to</u> obligate X dollars . . ."*

Obligation Ceiling (or Obligation Limitation)
". . . but, based on overall budget conditions, you can only obligate Y dollars"

Funds programmed (not yet guaranteed)
NCBOT adopts a new "Funding Program" (7-year STIP) every two years

Funds obligated (safe from rescission axe)
Upon NCDOT request, FHWA agrees to reimburse for a specific project

Rescission (*"Houston, we have a problem"*)
Congress decreases the State's Contract Authority

2 CFR 200 “The Supercircular”

Period of Performance:

- Imposes a period when project costs can be incurred
  - Start Date (Project Effective Authorization Date) through the End Date
  - Costs can only be incurred within start and end date
  - After project end date - no additional costs can be incurred
  - Requires that projects be closed out 15 months after the “End Date” established and documented on the FHWA Authorization

- Extension/modification of End Date is authorized by the awarding agency when there is a project delay beyond the control of the recipient/subrecipient (

Project/Funds Authorization

FHWA commitment that Federal funds are available for the project

- **Preliminary Engineering (PE) – (you have 10 years to construct the project – "Studies" are not a good idea) CFR 630.112(2)**
- **Right of Way acquisition (ROW)**
- **Construction (CON)**

- **Authorization is required <u>prior</u> to incurring any expenses**

  - **Work done before the date of FHWA Division authorization is NOT eligible for reimbursement**

Inactive Projects

- An Inactive Project is defined as any project (regardless of the dollar value) that has not had any expenditures charged to it in FHWA's system in the given timeframe.
- Once a project hits the 1-year report, FHWA's Finance Section is REQUIRED to deobligate the funding.
- Remember that the Municipal Agreement states that a project must be invoiced at least once every 6 months to keep the project active and eligible for Federal funding.
- The Municipal Agreement also states:

> ▪ **FINAL INVOICE**
>
> All invoices associated with the Project must be submitted within six (6) months of the completion and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

Review Findings

1. Expenditures occurred before FHWA Authorization was signed
2. Projects not competitively bid
3. Improper pay records/diaries
4. Improper weigh tickets
5. Improper certified payrolls
6. Improper wage rate interviews
7. Improper material received reports
8. Improper Buy America Certification
9. Improper testing/test reports
10. Improper DBE documentation
11. Improper NCDOT oversight
12. NCDOT personnel were not verifying pay quantities before approving invoices
13. Force Account by local agency
14. Municipality destroyed records before the end of the records retention date

Items Typically Reviewed

- Advertisement/Bid documents
- Consultant Selection process
- Project Diaries
- Pay Record Books
- Concrete/Asphalt/ABC test results/frequencies
- Weight tickets
- Pay Estimates
- Supplemental Agreements
- Wage Rates/Interviews
- DBE/Subcontractors
- Grading
- Traffic Control
- Erosion Control
- Signs
- Material Certifications
- Job-site Posters
- LPA/NCDOT Oversight
- Project Final Acceptance Process

Preliminary Project Reviews

LPA Program Manager will be conducting two types of reviews:

Pre-Construction Conference Attendance/Review – When you receive your Concurrence In Award letter from NCDOT, it will have on it that an invitation to the Pre-Construction Conference should be sent to your NCDOT contact, NCDOT M&T Contact, as well as myself.

Please don't "forget" to invite NCDOT. Someone from DOT (or their representative) needs to be at each Pre-Construction Conference.

Records Reviews – Will consist of a review of all project records and documentation for the project around 50%-75% of project completion. (I will provide a copy of the checklist that I use!)

Material Certification

In order to achieve project final certification, the NCDOT (Materials & Test Unit) will need to certify your project (requested by an NCDOT-1446B form). Please make sure all records are available for their review.

Note to NCDOT & Municipalities: Please schedule M&T's review, the punch list walk through, final invoice, etc. as soon as you can in the final acceptance process to ensure proper (and timely) project closeout.

2 CFR 200 (aka: Supercircular) - Requires that projects be closed out 15 months after the "End Date" established and documented on the FHWA Authorization.

If timeframes are not met, the Supercircular states that ALL project funds shall be taken back.

Project Closeout & Records Retention

A Federal project is not closed out until FHWA closes it in our project tracking system (FMIS). After NCDOT fiscal has received the NCDOT-1446B and the Material Certification Letter from M&T, they close the project in their accounting system and send it electronically to our FMIS system for closure.

A Final Voucher Date is assigned to the project once it has been closed in FMIS.

The NCDOT Division will send the municipality a letter letting you know what your Final Voucher Date is.

Keep all project records for three years after the Final Voucher Date as they can be audited by FHWA until that time!

Example of Items That Are Not Eligible

Don’t Be Afraid To Ask For Help!

Remember: If you have questions, run into a problem or don’t know how to handle something, please ask your NCDOT partners. They are there to help you and to keep you out of trouble!

Questions?

Tammy Richards
FHWA - Local Programs Manager
(919) 747-7004
Tammy.Richards@dot.gov

"It is my hope that when funds are given to a municipality, that they keep all of them and a great project is created. When I have to take funds back, I take it personally. It's a bad day at the office for me. It means I failed…we all failed in some way. That's a bad day for everyone." – Tammy Richards

NORTH CAROLINA
Department of Transportation

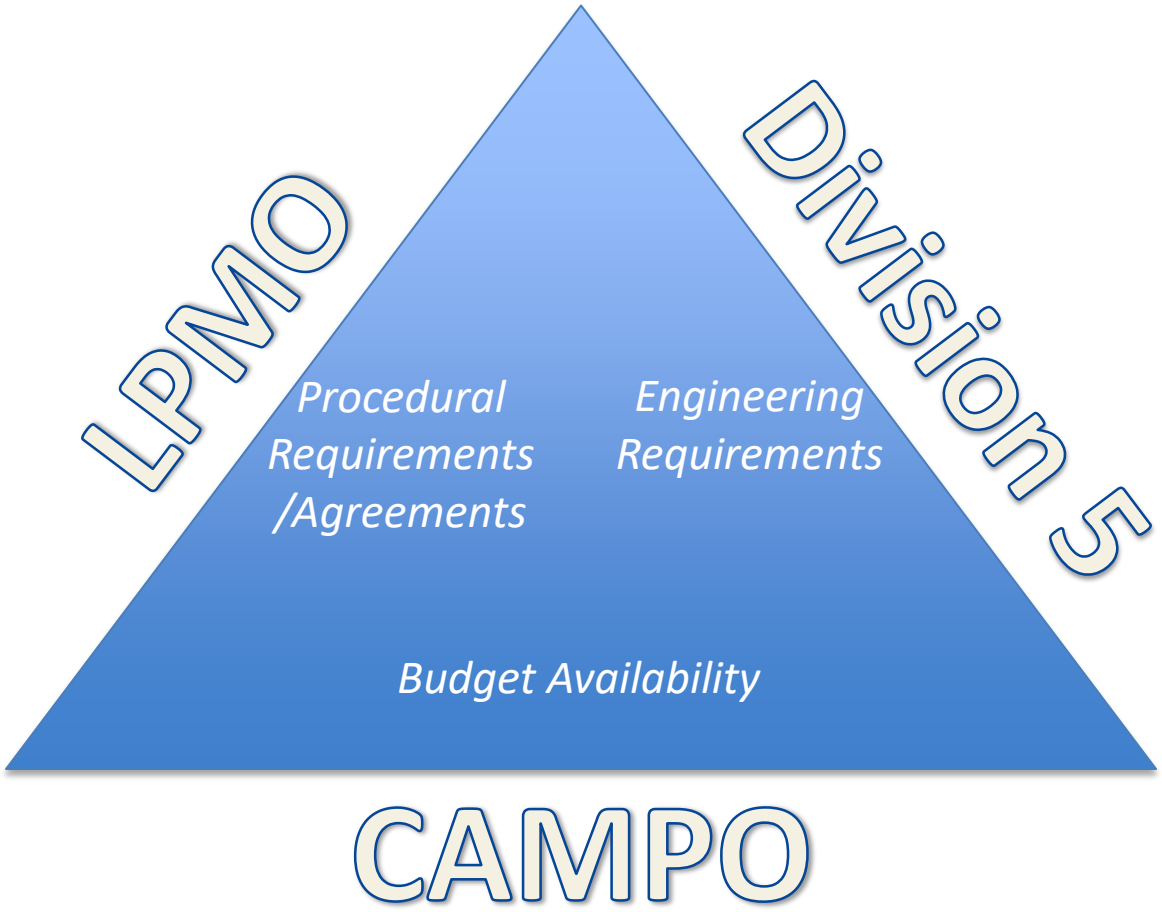
Applicant Overview for Local Projects

Marta Matthews, Raymond Hayes, Tracy Parrott

August 19, 2021

What Makes a Good Project?

Project Coordination FHWA - Requirements



CAMPO
Gretchen Vetter

- Where you get your money
- Scoring & Project Selection Process
- If you need additional funding for your Project
- If you need to move money around from one project to another
- Any scope changes to your project

DOT - LPMO
Marta Matthews, Local Projects

- EBS/Agreement
- Funding Authorizations
- RFLOI reviews
- Hiring process for PE/CEI Firms
- PE Claims (reimbursements)
- Change Requests approvals
- PEF Tasks and Manday hours with Rates

DOT – Division 5
Raymond Hayes, Project Manager

- CE Document and/or CE Consultation
- ROW Certification and Utility Certification (new)
- Plans (25%, 65%, 90% and final)
- ROW/Construction Claims (reimbursements)
- Contract Proposal
- Assist with closeout

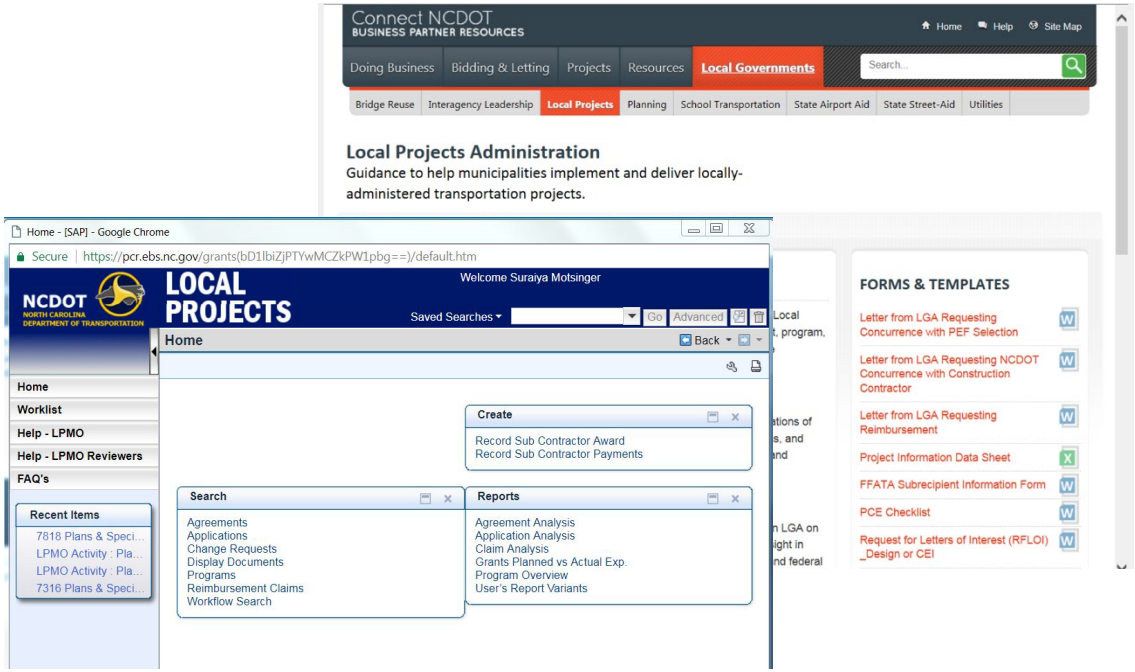
LPMO or Division

- For assistance you can call or email Marta with LPMO, Raymond and Tracy with the Division Office.

Project Development Communication Protocol

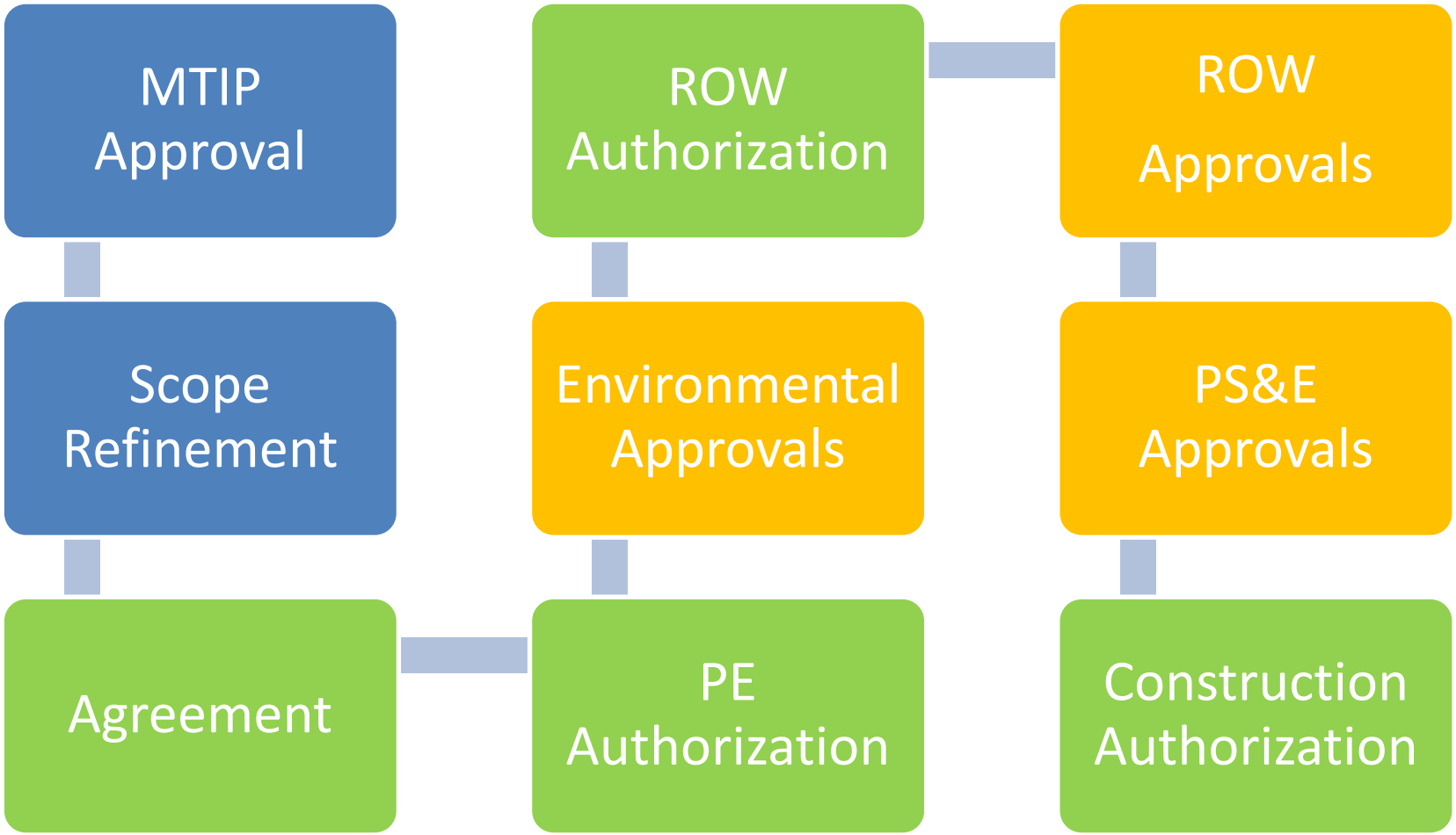
Available Tools:

- EBS
- LPMO Forms
- Emails/Calls
- Share Point



Working Together

Blue – CAMPO (Gretchen)
Green – LPMO (Marta)
Orange – Division (Raymond)



Project Delivery

- Major emphasis with NCDOT
- Locally Administered Projects are in the STIP, Must have a Schedule!
- When Milestones are missed, EVERYONE gets questions
- Be REALISTIC when setting Schedules
- Expect the Unexpected
- Project completion occurs after Construction completion – must close out Projects to complete

Major Show Stoppers

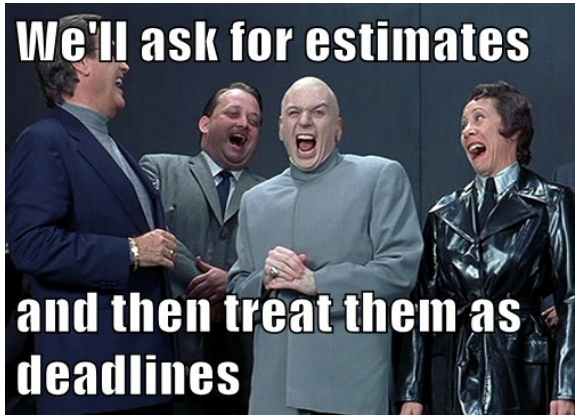
- Feasibility
  - Poorly defined scope
  - Constructability
  - Available Right of Way
  - Extent of Utility conflicts

Major Show Stoppers

- Funding
  - Unrealistic Estimates
  - Scope Creep or Scope Reduction
  - Inaccurate Quantities (or no quantities)
  - No estimate for Right of Way
  - No estimate for Utility Relocation
  - Environmental Issues

Unrealistic Estimates

- Do Not use prices from a previous project
- NCDOT publishes average bid prices
- Re-advertising issues/problems
- Adjusting Engineers estimate
- Negotiating with bidders not permitted



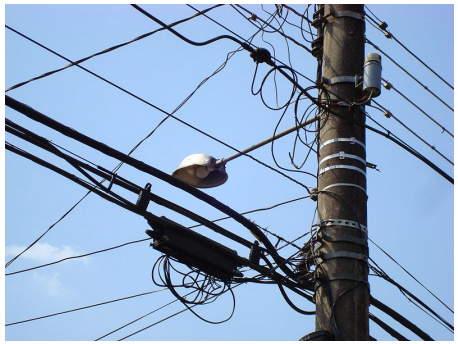
Right of Way Issues

- Must be Certified
- Must follow the Uniform Act
- Condemnation
- Multiple property owners
- Title issues

This always takes longer than you Think

Utility Issues

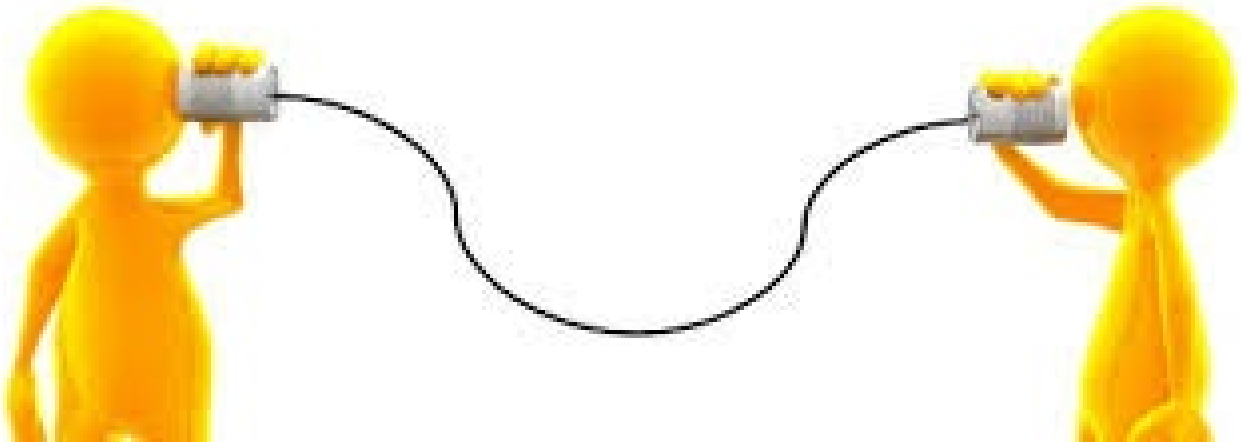
- Power company will not begin Engineering until plans are complete, at least up to Hydro.
- What about utilities underground (communication, gas, water/sewer)
- Most underground are by encroachment
- Permanent Utility Easements (PUE's)
- Utility/RR Certification
- Utilities can get pricey….



Other Admin Cost

- Funds for each phase of work must be Authorized Prior to any work being performed or advertised
- PE is around 10 – 15% of your construction cost
- Right of Way cost can be harder to predict
- Contract Administration/CEI per agreement shouldn't exceed 15% but we have seen exceptions being made for 20%
- Review and Oversight Agreements

Communication



Questions

Contact Information

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Raymond Hayes, PE Division 5 Local Projects Management/Construction Oversight 919-628-8999 rjhayes@ncdot.gov	Tracy Parrott, PE Division 5 Local Projects Division Project Delivery Engineer 919-220-4600 tnparrott@ncdot.gov

NCDOT

Right of Way

Division Office:

Authorization & Certification

Raleigh Office:

Appraisal Review

Right of Way Acquisition

GETTING STARTED

- **MUNICIPAL AGREEMENT/SUPPLEMENTALS**
  - MUST BE SIGNED
  - READ RIGHT OF WAY SECTIONS FOR ADHERENCE
  - MUST BE SUBMITTED WITH VALUATIONS/APPRAISALS
- **CONSTRUCTION PLANS**
  - IDENTIFY THE EXISTING RIGHT OF WAY LIMITS
  - PREFER A PARCEL NUMBER, OWNER'S NAME, DEED REFERENCE, AND PIN
  - MUST BE APPROVED AND SUBMITTED WITH VALUATIONS/APPRAISALS

Right of Way Acquisition

NEXT

- **PROGRESS REPORTS AND TIME CHARGES**
  - PARCEL ENTRY SPREADSHEET TO SET UP IN NCDOT SAP
  - REPORT B TO TRACK PROJECT PROGRESS

- **APPRAISAL/VALUATIONS**
  - ALL APPRAISALS AND VALUATIONS MUST BE APPROVED BY NCDOT PRIOR TO OFFERS
  - WAIVER VALUATIONS CAN BE USED FOR VALUES $10,000.00 OR LESS

Right of Way Acquisition

- **APPRAISALS/VALUATIONS (CONT.)**
  - VALUES IN EXCESS OF $10,000 AND CONDEMNATIONS MUST BE APPRAISED BY NCDOT RECOMMENDED APPRAISERS AND REVIEWED BY NCDOT AREA APPRAISAL DEPARTMENT
  - OWNERS MUST KNOW THEY HAVE A RIGHT TO ACCOMPANY THE APPRAISER
  - WAIVER VALUATIONS APPROVALS CAN BE FACE TO FACE OR EMAILED

Right of Way Acquisition

- **DEEDS/AGREEMENTS**
  - ALL DEEDS/AGREEMENTS MUST HAVE A LEGAL DESCRIPTION
  - LAND CONVEYED TO THE NCDOT MUST BE VETTED AND ACCEPTED
    - IF NCDOT WILL CONSTRUCT AND/OR MAINTAIN THE RIGHT OF WAY, DEEDS WILL NEED TO BE CONVEYED FROM THE OWNER TO THE LPA WITHOUT SPECIAL PROVISIONS THAT WILL EXTEND TO THE NCDOT
    - AFTER THE PLANS HAVE RECEIVED NCDOT FINAL APPROVALS OR FINAL CONSTRUCTION APPROVAL THE LPA WILL REQUEST TO CONVEY RIGHT OF WAY TO THE NCDOT FOR ACCEPTANCE
    - THE NCDOT MUST ACCEPT ALL RIGHT OF WAY TO VALIDATE THE CONVEYANCE

Right of Way Acquisition

GUIDELINES

- **FOLLOW THE UNIFORM ACT OF 1970**
  - REQUIRED ADHERENCE IF ONE DOLLAR OF FEDERAL FUNDS IS INVOLVED IN THE PROJECT
- **MAKE OFFERS**
  - ALL OFFERS MUST BE MADE IN WRITING
- **WAIVER FORMS**
  - MUST BE SIGNED BY PROPERTY OWNERS FOR ALL DONATIONS
  - MUST ALWAYS BE SIGNED BY THE LPA
- **CLEAR TITLE**
  - IT IS THE REPONSIBILITY OF THE LPA TO SECURE CLEAR TITLE OF THE LANDS ACQUIRED FOR CONSTRUCTION
  - TITLES AND RELEASES ARE REQUIRED IF LAND IS TO BE CONVEYED TO THE NCDOT FOR MAINTAINENCE
- **CONDEMNATIONS**
  - PROPERTY OWNER RIGHTS MUST BE APPLIED

Right of Way Acquisition

GUIDELINES

- **SETTLEMENTS**
  - CLAIMS ARE SETTLED ONCE THE OWNER ACCEPTS THE APPROVED JUST COMPENSATION OR NEGOTIATED AMOUNT IN WRITING BY DEED/AGREEMENT
- **CLOSINGS**
  - CLAIMS ARE CLOSED ONCE THE DEED/AGREEMENT IS RECORDED IN THE COURTHOUSE
- **EMINENT DOMIAN**
  - CLAIMS ARE FILED ONCE THE DOCUMENTS AND JUST COMPENSATION FUNDS ARE DEPOSITED IN THE CLERK'S OFFICE VIA MEMORANDUM OF ACTION DEED BOOK AND PAGE
- **CERTIFIABLE CLAIM**
  - ONCE ALL CLAIMS ARE CLOSED OR FILED AND THE PROPERTY OWNER OR LIEN HOLDER HAS BEEN PAID

Right of Way Certification

- CERTIFICATION REQUEST SUBMISSION PACKAGES
  - CHECKLIST IS AVAILABLE ON THE CAMPO WEBSITE OR UPON REQUEST
  - PROJECT SUBMISSION MAY TAKE 2-8 WEEKS TO BE REVIEWED
  - A FACE TO FACE CERTIFICATION MEETING CAN BE SCHEDULED IF ALL RIGHT OF WAY IS ACQUIRED
  - RIGHT OF WAY DISCUSSION UPON REQUEST BUT NO PARTIAL CERTIFICATION SUBMISSIONS

Right of Way Certification

- All acquisition must be in conformance with the "Uniform Act," whether ROW Acquisition is being reimbursed with Federal funds or not.
- Certification is done by the Division ROW Agent:
  - Div 4 Lloyd Johnston
  - Div 5 Brian Rogers
  - Div 6 Raphael A. Marshall
- Certification is the document that concurs that the LPA has legal access of all ROW needed for project.

CAMPO

Locally Administered Projects Program

LAPP - FFY 23 Schedule

- August 2021
  - Training for LAPP applicants
  - Call for projects Opens
  - Set Target Modal Investment mix
- September 7, 2021 at 4pm
  - Pre-submittal deadline
- September 14 & 21, 2021
  - Pre-submittal project meetings
- **October 29, 2021 at noon**
  - Call for projects closes
- November – December, 2021
- Project Scoring
  - Selection Committee Meetings
- January 2022
  - TCC recommends project list to Executive Board for 2023 LAPP projects

LAPP - FFY 23 Schedule

- January – May 2022
  - Public Involvement
  - TIP & STIP Amendment Process
  - CMAQ Applications

- February 2022
  - Executive Board adopts project list
  - Training for LAPP selected project managers

- February – September 2022
  - Municipal Agreements signed by local gov.
  - Municipal Agreements signed by NCDOT – September 15th Deadline
  - FTA Request for Draft Grant # for Transit Flex Projects

- June 2022*
  - *Begin Process for FFY 2024 LAPP*
  - *Final Chance for FFY 2022 Transit Funds Flexed to FTA*
  - *Final Submittals for FFY 2022 Roadway and Bike/Ped Projects*
  - ***June Reprogramming Exercise****

- October 1, 2022– September 30, 2023
  - FFY 23 LAPP Funds Obligated

LAPP - FFY 23 Schedule

- June 2023
  - Deadline for final submittals for all LAPP projects
  - Consideration given to reprogramming funds that are not anticipated to be obligated before October ***June Reprogramming Exercise***

- September 15, 2023
  - Final Deadline for Funding Obligation: All unobligated funds for LAPP projects eligible for de-programming.

- NOTE: Upon obligation of funds for any particular project phase, the applicant has the obligation year plus two more years to complete the project and expend the funds authorized for that project phase.

- NOTE: Since funds are anticipated to be over-programmed (i.e., more funds will be programmed for projects than may be actually available for projects) annually, applicants are encouraged to achieve obligation as quickly as possible for each phase requested through LAPP.

LAPP – Scoring / Prioritization Roadway

- Selection Criteria:
  - Local Priority (up to 10 pts /project – 15 pts total)
  - MTP Compliant (up to 10 pts)
  - Prior Funding (up to 10 pts)
  - Roadway-Effectiveness (up to 50 pts)

❖ **Total Points** **80 pts**

LAPP – Scoring / Prioritization Bike/Ped

- Selection Criteria:
  - Local Priority (up to 10 pts /project – 15 pts total)
  - MTP Compliant (up to 10 pts)
  - Prior Funding (up to 10 pts)
  - Bike/Ped-effectiveness (up to 50 pts)

❖ **Total Points** **80 pts**

LAPP – Scoring / Prioritization Transit

- Selection Criteria:
  - Local Priority (up to 10 pts /project – 15 pts total)
  - Plan Compliant (up to 10 pts)
  - Prior Funding (up to 10 pts)
  - Transit-effectiveness (up to 50 pts)

❖ **Total Points** **80 pts**

LAPP – Scoring

- Highway projects will be scored against other highway projects
- Bicycle and pedestrian projects will be scored against other bicycle and pedestrian projects
- Transit projects will be scored against other transit projects.
- All projects are expected to score at least 50% of the points awarded to the top-scoring project in each mode.
- If a project does not score at least 50% of the top project's point value, the project will be routed to the LAPP scoring committee to determine if the project should be funded, or if the funds from that modal mix element should be reallocated to the other modal mix element to fund higher-scoring projects.

LAPP – Scoring

- Local Priority
  - 15 points per agency per mode
  - All submissions must have at least 1 pt assigned
  - No more than 10 pts for any project

LAPP – Scoring

- MTP Compliant (Roadway)
  - 1st Horizon Year (2025) – 10 points
  - 2nd Horizon Year (2035) – 5 points
- MTP Compliant (Multi-use Path & Onroad Bike)
  - MTP Classification (Statewide) – 10 points
  - MTP Classification (Regional) – 5 points
  - MTP Classification (Local) – 3 points
- Adopted Plan (Sidewalks)
  - Project included in locally adopted transportation plan – 5 points
- Plan Compliant (Transit)
  - 2nd Horizon Year MTP Project… 5 Points
  - 1st Horizon Year MTP Project / 1st Ten Years of Wake Transit Work Plan… 10 Points

LAPP - Scoring

Prior Agency Funding Amount

- Scoring based on Per-Capita Funding
- Prior 5 yr period (FY 17-22)
  - Funding = $0 = 10 points
  - Funding < $50 = 8 points
  - Funding < $100 = 6 points
  - Funding < $150 = 4 points
  - Funding < $200 = 2 points
  - Funding => $200 = 0 points
  - Use NC Certified Estimates (updated annually)

- NCDOT Division projects
  - Use the points for the project location
  - Funding will be included in local prior funding score
  - Regionally significant projects (ITS, Interchange) would not count against the local jurisdiction
  - Projects to address a Safety concern are exempt

LAPP – Scoring

Modal Effectiveness

- Roadway Effectiveness *(*must improve traffic conditions)*
  - Congestion
  - Safety
- Bicycle/Pedestrian Effectiveness
  - Missing Link
  - Overcome an Obstacle
  - Connections
  - Improve Commuter Patterns
  - Safety
  - Benefit/Cost
- Transit Effectiveness
  - Rider Experience
  - Improved Facilities
  - Safety and Security Concerns
  - Reliability Improvements
  - Connectivity
  - Benefit/Cost

Project Phase Multiplier

- CON = 100% of score
- ROW = 50% of score
- PE/NEPA = 10% of score

LAPP – Scoring

- Roadway Effectiveness (up to 50 pts)
  - Congestion(10 pts)
    - Current Volume to Capacity Analysis
      - V/C < .2 = 0 points
      - V/C < .4 = 2 points
      - V/C < .6 = 6 points
      - V/C < .8 = 8 points
      - V/C > .8 = 10 points
  - Benefit/Cost (20 pts)
    - Travel Time Savings / Cost to the LAPP Program
    - Scaled with top project earning 20 points
  - Safety (FHWA Crash Reduction Factors) (10 pts)
      - CRF < 10% = 0 points
      - CRF > 10% = 2 point
      - CRF > 20% = 4 points
      - CRF > 30% = 6 points
      - CRF > 40% = 8 points
      - CRF > 50% = 10 points
        - http://www.cmfclearinghouse.org/ and http://safety.fhwa.dot.gov/tools/crf/
  - EPDO Score (TEAAS Crash Report) (10 pts) *APPLICANT SUBMITS
    - Additional TEAAS guidance to be provided.
    - EPDO Score can be reviewed at pre-submittal meeting

LAPP – Scoring

- Bike/Ped Effectiveness (up to 50 pts)
  - Missing Link (10 pts)
    - Both sides connect to existing Bike/Ped facility
    - Scale by distance of continuous facility (on residential collector or higher)
      - < .5 mi 1 point
      - .5 mi to 2 mi 5 points
      - >2 mi 10 points
  - Overcoming an Obstacle (5 pts)
    - Project must create the crossing, not improve an existing crossing
      - Limited-access facility, Railroad, Major Stream (USGS) 5 points
      - Other 4+ Lane Roadway 3 points
  - Connections (15 pts)
    - .25 mi to other mode/greenway or activity center (i.e. school, parks/rec, government facility, shopping center, high density res, etc.)
    - Points per connection
  - Proven Demand(5 pts)
    - Serves a footpath (residential collector or higher)
    - Within +/- .25 mi of existing or proposed transit services
  - Safety (5 pts)
    - Project addresses a documented safety issue (TEAAS crash report, local crash data, roadway safety audit, etc.)
  - Benefit/Cost (10 pts)
    - Effectiveness Score / LAPP Cost (Scale to be created based on projects received)

LAPP – Scoring

- Transit Effectiveness (up to 50 pts) *Updated changes in **Bold**
  - **Rider Experience (5 pts)**
    - **Points awarded based on project type and relative impact to rider experience.**
  - Improved Facilities (10 pts)
    - # average daily ridership anticipated in 12 months after improvement.
    - (Scale to be created based on projects received)
  - **Safety and Security Concerns (5 pts)**
    - **Points awarded based on project type and relative impact to safety and security.**
  - **Reliability Improvements (10 pts)**
    - **Points awarded based on project type and relative impact to reliability.**
  - Connectivity (10 pts)
    - Directly connects the transit user with other modes, routes, systems, or destinations.
  - Benefit/Cost (10 pts)
    - Effectiveness Score / LAPP Cost (Scale to be created based on projects received

LAPP – Scoring

- Transit Effectiveness Changes- NEW for FFY2022

Combined Proposed Tiered Scoring for Reliability Improvements, Safety and Security, and Rider Experience				
Primary Project Types	Secondary Project Types	Reliability Improvements	Safety and Security	Rider Experience
Admin/Maintenance Facilities	All	Low Impact (1 pt.)	Low Impact (1 pt.)	Low Impact (1 pt.)
Customer Facilities	Bus Stop/ Shelter Improvements	Low Impact (1 pt.)	Medium Impact (3 pts.)	High Impact (5 pts.)
Customer Facilities	Transit Centers/ Stations	Medium Impact (5 pts.)	High Impact (5 pts.)	High Impact (5 pts.)
Customer Facilities	Bike/Ped Access Infrastructure	Low Impact (1 pt.)	Medium Impact (3 pts.)	High Impact (5 pts.)
Infrastructure Improvements	Bus on Shoulder	High Impact (10 pts.)	Low Impact (1 pt.)	High Impact (5 pts.)
Technology/Equipment	Administrative	Low Impact (1 pt.)	Low Impact (1 pt.)	Low Impact (1 pt.)
Technology/Equipment	Operations Support	Medium Impact (5 pts.)	Medium Impact (3 pts.)	Medium Impact (3 pts.)
Technology/Equipment	Onboard Systems — ITS/Communications	High Impact (10 pts.)	Medium Impact (3 pts.)	High Impact (5 pts.)
Technology/Equipment	Onboard Systems — Safety	No Impact (0 pts.)	High Impact (5 pts.)	Low Impact (1 pt.)
Technology/ITS	Signal Coordination/ Priority Systems	High Impact (10 pts.)	Low Impact (1 pt.)	Medium Impact (3 pts.)

LAPP - Scoring

Project Scoring & Prioritization

- All projects are expected to score at least 50% of the top-scoring project for each mode.
- If a project does not score at least 50% of the top project's point value, the project will be reviewed to determine programming eligibility
  - Un-programmed funds from that modal mix element may be reallocated to the other modes to fund higher-scoring projects.
- All recommendations from the LAPP committee will be submitted to the TCC and Executive Board for review and approval.

LAPP – Application Process

- Required Pre-Submittal Project Information
  - Project Scope
    - Description
    - Problem Statement
  - Project Extent
  - Project Map and GIS layers
  - Project Budget
  - Project Schedule
  - Parallel Route (if applicable)

❖ ***Pre-Submittal Deadline: September 7, 2021, 4pm***

LAPP – Application Process

- Required Final Project Submittal Information
  - TEAAS Reports (EPDO), CRF
  - Problem Statement (CTP/NEPA Guidelines)
  - Map and GIS layers
  - Copy of all other pertinent project information/justification

❖ ***Submittal Deadline October 29, 2021, noon***

LAPP – Application Process

Online project submission

NEW APPLICATION SUBMITTAL SITE (2021)

For Access, Need: Email, Name, Jurisdiction

https://ral.maps.arcgis.com/apps/webappviewer/index.html?id=f7c0ca2471bf4217a8f5b03306294034

APPLICATION PORTAL OPENS August 19 @ 2:00PM

LAPP – Selection Process

- Project Eligibility Review
- Project Scoring
- LAPP Scoring Committee Review & Recommendation
- TCC Review & Recommendation
- Executive Board Review & Programming

LAPP Selection Committee

LAPP Selection Panel

- Impartial scoring committee (non-applicant agency representatives or other professionals that could objectively evaluate the merits of each project independently).

- Meeting Schedule:
  - November / December 2021

Project Reporting Requirements

- In addition to the requirements associated with receiving federal funding, the MPO will also require regular reporting on projects funded through the LAPP.
- Applicants are required to provide updates to the MPO outlining where the project is in the timeline toward funding obligation of all phases awarded for the project. This includes NEPA, plan and right-of-way submittals.
- More frequent communications are required if project location, schedule or funding changes are likely to occur.
- Applicant are also required to include CAMPO on key date communications toward implementation of the project, such as bidding, ground breaking and opening ceremonies.

Important Dates

August 18	Opening of LAPP Database
Sept. 7	LAPP Pre-Submittal Deadline
Sept. 14 & 21	LAPP Pre-Submittal Meetings
October 29	LAPP Project Submission Deadline
Nov. 2021	LAPP Submission Eligibility Review & Scoring
Dec. 2021	LAPP Selection Panel Meeting

Locally Administered Project Program

Questions????

Gretchen Vetter

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