

## Guide and / or I.M. Revision Notice

**To:** Cities, Counties, and Consultants

**Date:** August 24, 2012

**From:** Office of Local Systems

**Revision Notice Number:** 2012-02

The Federal-aid Project Development Guide (Guide) and / or Instructional Memorandums to Local Public Agencies (I.M.s) have been revised as indicated below. This revision notice identifies all new or revised documents and includes a summary of the significant changes. Where appropriate, it also references the existing Project Development Information Packet (Packet) or County Engineers I.M. documents that have been replaced or superseded.

The Iowa DOT does not provide paper copies of the Guide or I.M.s. Since these documents are updated frequently, we recommend using the on-line version of the [Guide and I.M.s](#) for reference. However, if you prefer using paper copies, all new or revised documents have been included in this file for convenient printing. If you maintain a paper copy of these documents, please remove the old documents and replace them with the new documents. Note: This file is designed for double-sided printing; therefore, all documents with an odd number of pages will be followed by a blank page.

For more information and additional download options, refer to the [Guide and I.M.s](#) web page. If you have any questions concerning these revisions, please contact Donna Buchwald [Donna.Buchwald@dot.iowa.gov](mailto:Donna.Buchwald@dot.iowa.gov) or 515-239-1051.

**\*\*\* PLEASE NOTIFY ALL AFFECTED PERSONNEL OF THIS CHANGE \*\*\***

<b>Document Title or I.M. Number</b>	<b>Summary of Significant Revision(s)</b>
<b>I.M. Table of Contents</b> August 24, 2012	The I.M. Table of Contents has been revised to reflect new or revised I.M.s, as indicated below.
<b>Federal-aid Project Development Guide</b> August 24, 2012	<p>The Guide has been updated. Substantive changes from the previous version include the following:</p> <ul style="list-style-type: none"> <li>• Updated reference in 5.3.2, Bicycle and Pedestrian Facilities, to Chapter 12 of the Iowa Design Manual.</li> <li>• Added requirement in 9.1, Completion of the Construction Contract, to require the LPA to notify the Administering Office within 30 days of field work completion that the project is ready for inspection. Also requires a completed Pre-Audit Checklist and associated documentation.</li> <li>• Complete revision to 10.1.2, Americans with Disabilities Act.</li> </ul>
<b>I.M. 1.080</b> ADA Requirements August 24, 2012	<p>This I.M. has been updated. Substantive changes from the previous version include the following:</p> <ul style="list-style-type: none"> <li>• Complete revision to meet current requirements and guidance.</li> <li>• Added guidance for documenting exceptions to ADA requirements, including Form 517118, Accessibility Exceptions Certification.</li> <li>• Attachment A - Complete revision of the sample transition plan to meet current requirements and guidance.</li> </ul>
<b>I.M. 3.770</b> <b>New</b> Paving Point Requirements August 24, 2012	<p>This I.M. is new.</p> <ul style="list-style-type: none"> <li>• The content of this I.M. was taken from the County Secondary Road Budget and Program instructions.</li> <li>• Clarified ability to include paving point public hearing with hearing for the Secondary Road Construction Program.</li> <li>• Attachment A - New.</li> <li>• Attachment B - New.</li> <li>• Attachment C - New.</li> </ul>



# Instructional Memorandums to Local Public Agencies

## Table of Contents



Some I.M.s are written either to counties or cities; others are written to both counties and cities. The intended audience is indicated in the "To:" field of the I.M. as well as the Table of Contents below. Many of the I.M.s are referenced by the Federal-aid Project Development Guide (Guide). These I.M.s are marked with an asterisk (\*). For more information about the relationship between the Guide and I.M.s, refer to the [Guide and I.M.s web page](#).

**Note:** The I.M.s are currently in the process of being transitioned into a new format and numbering system. New or updated I.M.s will use the new format. Existing I.M.s will remain in the old format until they are revised or updated. Some of the I.M.s are not yet complete, as shown in light grey text. Some incomplete I.M.s will be based on an existing Project Development Information Packet document, some will be based on an existing County Engineers I.M. that will be renumbered, and some will include entirely new content. Where applicable, a reference and link to the existing Packet document or County Engineers I.M. is provided.

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# **Federal-aid Project Development Guide**

## **For Local Public Agencies**

August 24, 2012

**Iowa Department of Transportation**  
Office of Local Systems  
800 Lincoln Way Ames, IA 50010  
[http://www.iowadot.gov/local\\_systems/publications/im/guide.pdf](http://www.iowadot.gov/local_systems/publications/im/guide.pdf)

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## 1 Introduction

### 1.1. About the Guide

#### 1.1.1. What is the Guide for?

The Federal-aid Project Development Guide for Local Public Agencies (the Guide) exists to provide information and instructions to Local Public Agency (LPA) staff in order to help them successfully develop their Federal-aid transportation projects.

#### 1.1.2. How should the Guide be used?

For LPAs that are unfamiliar with Federal-aid procedures, the Guide serves as an overview and introduction to the Federal-aid process. For those LPAs that frequently use [Federal funds](#) for their transportation projects, the Guide also serves as a reference tool to quickly locate more detailed information on a specific topic.

The Guide is not intended to include all the details of the Federal-aid process. Instead, where appropriate, the Guide references other documents that provide additional detailed instructions concerning specific parts of the process. In other words, the Guide provides a central location from which all of the information relevant to development of LPA Federal-aid transportation projects may be located.

Most of the detailed information referenced by the Guide is contained in the Instructional Memorandums to Local Public Agencies (I.M.s). To view or print a referenced I.M., simply click on the hyperlink provided, shown with [blue, underlined text](#). The Iowa DOT does not provide printed copies of the I.M.s; however, all I.M.s are available on-line in Adobe Acrobat's Portable Document Format (PDF). For convenient printing, all of the I.M.s that are referenced by the Guide can be downloaded as a single PDF file. Refer to the [Guide and I.M.s web page](#) for additional download options.

Although the Guide is written using an informal style, in some places, it is necessary to use technical terms or phrases. When such terms or phrases are used, they are defined in [Appendix B - Glossary of Terms](#). To jump to the glossary entry for a defined term or phrase, simply click on the [green, dotted-underline text](#).

#### 1.1.3. What does the Guide cover?

The focus of the Guide is project development. However, it also provides some guidance for a wider range of project activities – beginning immediately after funding approval and continuing up through construction and final reimbursement.

The Guide is applicable to any transportation project that is funded in whole or in part with Federal Highway Administration (FHWA) program funds that are passed through the Iowa Department of Transportation (Iowa DOT) to a local government or other government agency. Examples of such programs include traditional highway and bridge programs such as the Surface Transportation Program and Highway Bridge Program; and other transportation-related programs such as the Transportation Enhancement Program, Federal Recreational Trails Program, and many others. The Guide is also applicable to projects funded with Federal [earmark or demonstration](#) funds that are subject to FHWA requirements, as specified in Title 23, United States Code and its associated regulations.

### 1.2. Working with the Iowa DOT

#### 1.2.1. Roles and Responsibilities

With respect to an LPA Federal-aid transportation project, the Iowa DOT serves as both an advisor and a monitor. With each role, the Iowa DOT has different responsibilities. As an advisor, the Iowa DOT is responsible for providing guidance and assistance to LPAs to help them successfully implement their Federal-aid transportation projects. As a monitor, the Iowa DOT is

responsible to the FHWA for administering and overseeing the various Federal transportation programs that are available to LPAs.

### 1.2.2. Who do I Contact?

The administration and oversight of these Federal programs is a combined effort of many different divisions and offices within the Iowa DOT. However, the LPA's primary point of contact with the Iowa DOT will be the [Administering Office](#). Unless specified otherwise, all project submittals, correspondence, and questions should be directed to the Administering Office.

For projects funded by any or a combination of the Transportation Enhancement, Federal Recreational Trails, Safe Routes to School, National Scenic Byways programs, the [Office of Systems Planning](#) is the Administering Office. Systems Planning is also the Administering Office for [earmark](#) projects involving activities that are eligible under one of the aforementioned programs, and certain projects funded by the Iowa Clean Air Attainment Program. For all other projects, the Administering Office is one of the 6 District Offices, depending on which [Iowa DOT District](#) the LPA is located in.

The [Office of Local Systems](#) is responsible for providing written guidance, including the Guide, I.M.s, and other information, to both the Administering Offices and LPAs. The Office of Local Systems also provides assistance with the interpretation and implementation of that guidance. When policy or procedure questions require the assistance of the FHWA, the Office of Local Systems serves as a liaison between the FHWA and the Administering Offices or LPAs.

## 2 Federal-aid Basics

**Before beginning any project activities for which Federal reimbursement will be requested, read this section carefully!** This section of the Guide explains several critical activities and their sequence in the Federal funding process. To have a successful Federal-aid project, it is crucial that the LPA officials working on the project understand and comply with these basic requirements of the Federal funding process.

### 2.1. Project Programming

All Federal-aid projects must be included, or "programmed," in the appropriate Regional Planning Affiliation (RPA) or Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP). All of the RPA and MPO TIPs are then combined, along with Iowa DOT Federal-aid projects, to form the Statewide Transportation Improvement Program (STIP).

As discussed in [Section 2.3](#) below, project activities for which Federal reimbursement will be requested must receive [FHWA Authorization](#) before those activities begin. However, before any project activities can receive FHWA Authorization, the project must be included in the STIP. Therefore, project programming is a critical first step in the Federal-aid process.

The LPA is responsible for working with the applicable RPA or MPO to ensure that their project is included in the TIP / STIP and is programmed with an adequate amount of funds for the correct [Federal Fiscal Year \(FFY\)](#). Funds should be programmed in the FFY(s) in which FHWA Authorization will need to occur; not on the basis of when actual expenditures will occur.

Project programming information for the TIPs is submitted, reviewed, and transmitted to the Iowa DOT for inclusion in the STIP using the [Transportation Project Management System](#) (TPMS). TPMS is web-based tool developed by the [Iowa County Engineers Association Service Bureau](#) (ICEASB) to assist local agencies with project programming and development tracking. While this tool was initially developed for the counties, it is also available for use by cities and consultants. For more information about TPMS or to request access to this system, call the ICEASB at 515-244-0779.

### 2.2. Funding Agreement

Another important initial step in the Federal funding process is execution of a funding agreement between the Iowa DOT and the LPA. As soon as funding has been approved, the LPA should submit a copy of the approved funding application, Concept Statement, or other documentation to the [Administering Office](#) as soon as possible. Other documentation shall include, as a minimum, the name and title of the LPA's

contact person, a project description that identifies the limits and basic character of the proposed work, and a current cost estimate. (Note: If the funding application was approved by the Administering Office, as may be the case with the Office of Systems Planning, additional documentation is usually not required.)

Upon receipt of this information, the Administering Office will prepare a funding agreement and send an unsigned copy to the LPA for signature. By signing the funding agreement, the LPA agrees to follow all of the applicable Federal and State laws, regulations and policies pertaining to the specific type(s) of [Federal funds](#) that are involved. Therefore, project development activities should not proceed until a funding agreement has been executed.

In general, the funding agreement spells out the responsibilities of both the LPA and the Iowa DOT. The details of the funding agreement will vary, depending on the type of Federal funds that are involved. The LPA officials responsible for the project should thoroughly review the funding agreement prior to bringing it to the board of supervisors or city council for action. Any questions or concerns should be directed to the [Administering Office](#).

### **2.3. FHWA Authorization**

[FHWA Authorization](#) is the single most important aspect of the entire Federal funding process. If not done correctly or in a timely manner, it can jeopardize Federal reimbursement for part or all of a project.

#### **2.3.1. When is FHWA Authorization Needed?**

FHWA Authorization must be obtained before beginning any project activity for which Federal-aid reimbursement will be requested. *If the LPA does not have written confirmation from the Iowa DOT that FHWA Authorization has been secured for a specific project activity, work should not begin.* The cost of work occurring prior to FHWA Authorization will not be reimbursed with Federal-aid funds. If there is any doubt about whether FHWA Authorization has been obtained, contact the Administering Office for assistance.

Depending on the type of Federal funds and the provisions of the funding agreement, there are several different types of project activities that may be eligible for Federal-aid reimbursement. Some of these may include environmental studies, design, right-of-way acquisition, utility relocations, railroad work, construction, and construction inspection. Refer to the project funding agreement for the specific types of project activities that may be reimbursed with Federal funds.

#### **2.3.2. How is FHWA Authorization Obtained?**

The following is a summary of the FHWA Authorization process. This process has been generalized for the sake of clarity. The actual authorization process will vary depending on the specific type of project activity that is being authorized. Additional details are provided in the sections of the Guide and / or I.M.s that address each type of project activity.

1. The LPA sends a written request for FHWA Authorization to begin a specific type of project work to the [Administering Office](#), including the appropriate documentation for the type of work being requested.
2. The Administering Office reviews the LPA's request and verifies the required clearances and reviews have been completed.
3. If acceptable, the Iowa DOT verifies the availability of [Federal funds](#) and prepares the electronic [Authorization/Agreement](#) or [Amendment/Modification](#) document, using the [Fiscal Management Information System](#) (FMIS).
4. The Iowa DOT sends the electronic document to FHWA for review and approval.
5. FHWA reviews the electronic document, and if acceptable, electronically signs the document. If the request is not acceptable, FHWA contacts the Iowa DOT to resolve any questions or issues.
6. After FHWA has signed the electronic document, the Administering Office notifies the LPA that FHWA Authorization has been obtained and the requested work may begin.

## 2.4. Reimbursement

All of the Federal-aid transportation programs administered by the Iowa DOT operate on a reimbursement basis. That is, the LPA, after completing the necessary steps and receiving the appropriate approvals, pays project expenses up front. In turn, the LPA submits a request for reimbursement to the Iowa DOT. The request should be made using the form or format provided by the Administering Office. To ensure proper accounting of costs, reimbursement requests for costs incurred prior to June 30 shall be submitted to the Administering Office by August 1 if possible, but no later than August 15.

Requests for reimbursement shall be made on a periodic basis after costs have been incurred. To prevent the project obligation from becoming inactive as per 23 CFR 630.106(a)(5), reimbursement shall be requested at least annually but not more than bi-weekly. *If the project becomes inactive, the Iowa DOT will notify the LPA that the unexpended balance of Federal funds will be de-obligated if the LPA cannot provide documentation within 30 days to support the remaining balance.* Such documentation shall include a revised cost estimate and a date by which a reimbursement request for the remaining Federal funds will be submitted. If a reimbursement request cannot be submitted within 30 days, written justification will be required for retaining the unexpended balance of Federal funds. The justification shall explain why the delay in requesting Federal reimbursement is beyond the control of the LPA. Examples include delays resulting from environmental reviews or permits, right-of-way acquisition, utility relocations, unresolved litigation or contract claims, or compliance with other Federal requirements. Failure to adequately plan for these requirements will not be considered adequate justification. If adequate justification is not provided, the unexpended balance of Federal funds will be de-obligated, and as a result, may no longer be available for reimbursement. For more information about the inactive obligation review requirements and process, refer to [I.M. 2.080](#), Inactive Obligations.

After Iowa DOT review and approval, the LPA will be reimbursed by the Iowa DOT at the agreed upon [Federal share](#) for properly documented, eligible, and authorized project costs. Reimbursements to the LPA are typically made by issuing a State warrant. However, a slightly different process is used for county Federal-aid projects on the Farm-to-Market System. For those projects, payments are typically made by Iowa DOT from the county's Farm-to-Market account. After such payments have been made, the Iowa DOT will request Federal reimbursement, and the [Federal share](#) of such costs will be credited to the county's Farm-to-Market account.

## 2.5. Match Requirements

### 2.5.1. General Match Requirements

Most Federal transportation programs require some type of cost sharing or match to the [Federal funds](#). In most cases, the match must come from non-Federal sources. Usually, this match is provided in the form of cash; that is, eligible project costs that have been paid for by entities other than the Federal government. Sources of cash may include donations of funds made by a third party, special assessments made for the project, and other non-Federal sources of funds. However, if the total cash received up-front for the project exceeds the required non-Federal share, the Federal share shall be reduced or the excess cash must be returned. In other words, an LPA may not make money on a Federal-aid project.

### 2.5.2. In-Kind Contributions

Under certain circumstances, certain non-cash contributions by a third party may be counted towards the required non-Federal match. These non-cash contributions are referred to as an in-kind contribution. A third party is any entity other than the Federal government, the Iowa DOT, or the LPA who is the recipient of the Federal funds. The type of in-kind contribution that may be counted toward the non-Federal match varies, depending on the timing of the contribution and the type of Federal funds that are being matched. Projects funded by one or more of the Small Federal Programs (Transportation Enhancement, Federal Recreational Trails, and National Scenic Byways) may utilize right-of-way, services, materials, or equipment as an in-kind contribution. For all other Federally funded projects, only right-of-way may be used as an in-kind contribution. For additional guidance, eligibility limitations, and instructions on how to obtain Iowa DOT and FHWA approval of in-kind contributions, refer to [I.M. 3.050](#), In-Kind Contributions.

## 3 Getting Started

### 3.1. Project Development Overview

The Federal-aid project development process is shown graphically in [Appendix A - Project Development Flowchart](#). This flow chart includes references to some of the applicable I.M.s for additional details concerning specific parts of the development process. The remaining sections of the Guide provide a written overview of the project development process.

### 3.2. Concept Statement

Submittal of the Concept Statement for Local Public Agency Federal-aid Projects (Form 517001) is a critical first step that typically initiates the project development process. This form provides information about the proposed location and types of work, possible environmental impacts, and proposed design.

Since this information is used by the Iowa DOT to initiate a number of different project reviews and processes, this form should be submitted by the LPA as soon as possible. Otherwise, the required reviews and processes will be delayed, and this may delay the project as a whole.

For additional information and detailed instructions for completing this form, refer to [I.M. 3.105](#), Concept Statement Instructions.

### 3.3. Project Schedule

The time required to develop a Federal-aid project from funding approval to project letting varies greatly, depending on a number of factors. Some of these factors include: whether or not right-of-way must be acquired, the type and magnitude of environmental or social impacts, and whether or not utility relocations or work on railroad property or facilities is required. Therefore, it is not possible to specify a project schedule that is applicable to all situations. Nevertheless, some typical project schedules are provided in [I.M. 3.002](#), Federal-aid Project Scheduling. These schedules show the relationship between the typical project tasks and the time it usually takes to complete each one, based on certain assumptions.

### 3.4. Project Submittal Dates

[I.M. 3.005](#), Project Development Submittal Dates and Information, provides specific dates for some of the key project submittals, based on a targeted Iowa DOT letting date. It also provides a summary of what should be included in those submittals.

*Please note that I.M. 3.005 is only intended to show the minimum amount of time required for the Iowa DOT to review the project submittals listed. Depending on the circumstances of each project, other submittals or activities may be the controlling factor in determining when a project may be let. These dates do not account for the review times of other Federal or State agencies that may or may not be necessary for a given project. In addition, the dates shown in I.M. 3.005 assume that the project will complete the NEPA process as a Categorical Exclusion (CE); they are not applicable for projects that will require an Environmental Assessment (EA) or Environmental Impact Statement (EIS). For more information about the different levels of environmental classification, refer to [I.M. 3.112](#), FHWA Environmental Concurrence Process.*

### 3.5. Project Tracking

The Iowa DOT requires the LPA(or the consultant acting on its behalf) to use TPMS (as described in [Section 2.1](#)) to record and monitor the programming and development status of their projects that involve construction. Use of TPMS for non-construction projects is optional. Much of the information in TPMS is transferred electronically to the Iowa DOT for use in project programming, development, and letting. Therefore, it is important for LPAs to keep their project information current in TPMS.

### 3.6. Financial Plan

For major projects (those with an estimated cost of \$100 million or greater) the LPA will be required to prepare a financial plan. For purposes of this requirement, a “project” is defined by the limits used for the

environmental review process described in Section 4 below, unless specifically stated otherwise in the environmental document.

The LPA's project financial plan must be reviewed and approved by the Iowa DOT and FHWA. The estimated cost shall include all elements of work for all segments of the overall project. Elements of work refer to the different categories of work, such as engineering, right-of-way, construction, etc. Segments refer to the portions of the total project which can be defined by physical limits. For example, the design, right-of-way and construction activities for several projects in the same highway corridor, even though they are separated for purposes of bidding and construction, may be considered one overall project.

If a project may fall into the major project category, the LPA should contact the Iowa DOT [Administering Office](#) for assistance. Additional information is available on FHWA's [Innovative Program Delivery](#) web site.

## 4 Permits and Environmental Review

This section of the Guide gives a brief summary of the typical permits or environmental reviews that may be required by the applicable Federal or State laws and regulations.

### 4.1. The NEPA Process

The National Environmental Policy Act (NEPA) and its associated Federal regulations require that certain procedures be followed in developing a Federal-aid project. The purpose of these procedures is to provide consideration of a wide variety of social or environmental impacts that may result from the project.

The amount of time and effort required to comply with the NEPA process varies greatly, depending on the anticipated level of impacts. The effort required by an LPA may be as minimal as completing a few forms; or it may be as involved as preparing extensive environmental documentation and facilitating a significant amount of public involvement, which can be a very costly and time-consuming process.

The Iowa DOT is responsible to review the environmental impacts of all LPA Federal-aid transportation projects and assist the LPA in complying with the NEPA requirements. This review is coordinated and ultimately approved by the FHWA, based on the established policies and procedures.

There are several distinct parts of the NEPA process. Completion of the NEPA process is referred to in the Guide and I.M.s as [FHWA Environmental Concurrence](#). For an overview of the NEPA process as a whole, refer to [I.M. 3.112](#), FHWA Environmental Concurrence Process. For additional guidance concerning the different parts of the NEPA process, refer to the following I.M.s:

- [I.M. 3.105](#), Concept Statement Instructions, provides detailed instructions for completing the Concept Statement for Local Public Agency Federal-aid Projects (Form 517001). This form is used to begin the [FHWA Environmental Concurrence](#) Process.
- [I.M. 3.110](#), Environmental Data Sheet Instructions, provides detailed instructions for completing the Environmental Data Sheet (Form 517006). In some cases, more detailed information about potential environmental impacts will be required than what is provided on the Concept Statement. The Environmental Data Sheet provides some of this information.
- [I.M. 3.114](#), Cultural Resource Regulations, provides guidance concerning the requirements and procedures for potential impacts to cultural resources, such as archeological sites and historic properties.

### 4.2. Section 404 Permits

Section 404 of the Clean Water Act and its associated Federal regulations place restrictions on the use of wetlands, streams, rivers, or other aquatic resources. If any project construction will occur in any of these areas, the LPA may be required to notify the U.S. Army Corps of Engineers and obtain the appropriate Section 404 permit. For more information, refer to [I.M. 3.130](#), 404 Permit Process.

### 4.3. Iowa DNR Floodplain Development Permits

Projects that will involve construction in the flood plain of any river or stream in Iowa may require a Floodplain Development Permit from the Iowa Department of Natural Resources (Iowa DNR). The

threshold for when a permit is required depends on the location, type of construction, and drainage area of the river or stream. For more information, refer to [I.M. 3.410](#), Preliminary Bridge or Culvert Plans.

#### **4.4. Storm Water Permits**

The Clean Water Act and its associated Federal and State regulations may also require a National Pollutant Discharge Elimination System (NPDES) permit. If project construction activities will disturb more than 1 acre of ground, the LPA is required to submit a notification and obtain an NPDES permit from the Iowa DNR. Ground is considered disturbed if the soil is exposed to erosive forces, such as wind or water, for any period of time. For more information, refer to [I.M. 3.140](#), Storm Water Permits.

#### **4.5. Farmland Protection Policy Act**

The Farmland Protection Policy Act and its associated Federal regulations are designed to minimize the conversion of farmland to non-agricultural purposes by Federally funded programs. If the project will require less than 5 acres of farmland per mile or per site, no action needs to be taken. However, if the anticipated impacts will exceed these thresholds, the LPA is required to complete a form and submit it to the Natural Resources Conservation Service. For more information, refer to [I.M. 3.120](#), Farmland Protection Policy Act Guidelines.

#### **4.6. Projects in the Vicinity of an Airport or Heliport**

If project construction will take place in the vicinity of a public airport or heliport, the LPA may be required to provide notice to the Federal Aviation Administration (FAA) and local airport officials. For more information, refer to [I.M. 3.150](#), Highway Improvements in the Vicinity of Airports or Heliports.

#### **4.7. Hazardous Materials**

In order to construct a transportation project, it is possible that hazardous materials may be encountered during the demolition or construction of buildings, bridges, or other structures. In those cases, certain Federal and State laws and regulations may govern how the demolition or construction may proceed.

The Clean Air Act and its associated Federal regulations require certain inspection, testing, notification, and removal procedures to be followed if the project involves removal of any structures or material that may contain asbestos. This includes buildings and bridges. For more information on the required procedures, refer to [I.M. 3.160](#), Asbestos Inspection, Removal, and Notification Requirements.

If contaminated soil or other hazardous wastes are encountered during project construction or on property acquired for the project, the LPA may be responsible for removal or treatment of such materials. If hazardous wastes may be present, the LPA may contact the Iowa DOT [Office of Location and Environment](#), Regulated Materials Section, for assistance.

#### **4.8. Work on Primary or Interstate Highways**

If a locally sponsored project involves a Primary or Interstate highway, additional coordination and approvals by the Iowa DOT and / or FHWA are required, as described below.

##### **4.8.1. Permits**

If the project will require any work within or abutting the right-of-way of an Interstate or Primary Highway, the LPA must acquire the appropriate permit(s) from the Iowa DOT. Execution of the project funding agreement does not grant any of the Iowa DOT permits that may be required. The type of permits required depends on the type of work being done. For more information, contact the Engineering Operations Technician in the [Iowa DOT District Office](#) in which the project is located.

##### **4.8.2. Interchange Justification Reports**

If the project will involve studies, design, or construction associated with a new or revised interchange on an Interstate highway, an Interchange Justification Report (IJR) must be prepared. The purpose of an IJR is to evaluate the need and engineering feasibility of the proposed interchange. The IJR must be reviewed and approved by the Iowa DOT and the

FHWA. For more information, refer to the Iowa DOT's [User Guide – Process for New or Revised Interchange Access](#).

## 5 Project Design

Unless specified otherwise in the project funding agreement, the LPA is responsible for all project design activities. The project design may be completed by the LPA's own staff, by a consultant, or if provided for by an intergovernmental agreement with another governmental agency, the staff or consultants hired by that agency. In any case, all plans and specifications must be prepared by a professional engineer or architect licensed to practice in the State of Iowa, unless specified otherwise in the project funding agreement.

### 5.1. Final Design and FHWA Environmental Concurrence

As discussed in [Section 4.1](#) above, the NEPA process requires that certain procedures be followed in the process of selecting the location of a Federal-aid project. The NEPA process also places limits on when certain project activities may begin. One of the activities limited by the NEPA process is final design. Until [FHWA Environmental Concurrence](#) has been obtained, final design activities may not begin.

Environmental and related engineering studies, agency coordination, public involvement activities, and preparation of Preliminary Plans are not considered final design. Therefore, these activities may proceed prior to completing the NEPA process. However, work directly associated with preparation, review, or submittal of Check Plans or Final Plans is considered final design.

### 5.2. Federal Participation in Design Activities

For most Federal-aid projects, project design activities may be eligible for Federal-aid reimbursement. For purposes of [FHWA Authorization](#), these costs are categorized as one of the following:

- Preliminary Engineering (PE) includes work that is part of the development of the plans, specifications, and estimate (PS&E) for a construction project. This includes environmental studies and documents, preliminary design, and final design up through and including the preparation of bidding documents. PE does not include planning or other activities that are not intended to lead to a construction project. Examples include planning, conceptual, or feasibility studies.
- Construction Engineering (CE) includes materials testing, construction inspection, and other work directly related to the administration of the construction contract (e.g., processing contractor payment requests, or preparing change orders, a final punch list, or project close-out paperwork).

#### 5.2.1. Consultant Services

If the LPA desires Federal reimbursement for the costs of consultant services, certain procedures must be followed in acquiring, preparing, reviewing, approving, and administering the consultant contract. For more information, refer to [I.M. 3.305](#), Federal-aid Participation in Consultant Costs.

#### 5.2.2. In-House Services

If the LPA chooses to perform PE, CE, right-of-way acquisition, or other work directly related to the development of the project with its own staff, these costs may also be reimbursed with [Federal funds](#), if the appropriate procedures are followed. To be approved, the LPA must be able to segregate and provide an accounting of the cost of its in-house services. For more information, refer to [I.M. 3.310](#), Federal-aid Participation In-House Services.

### 5.3. Design Guidelines

Federal-aid projects should be designed to meet the guidelines provided by the Iowa DOT. Generally speaking, these guidelines correspond to nationally recognized design guidelines, such as those published by the American Association of State Highway Transportation Officials (AASHTO).

#### 5.3.1. Roadways and Bridges

There are several I.M.s that provide design guidelines for LPA Federal-aid road or bridge projects. These are listed and briefly described below:

- For projects involving new construction or complete reconstruction, refer to either [I.M. 3.205](#), Urban Design Guidelines, or [I.M. 3.210](#), Rural Design Guidelines.
- For rehabilitation, restoration, or resurfacing (3R) projects, refer to [I.M. 3.214](#), 3R Guidelines.
- For guidance concerning the use and placement of guard rails and bridge rails, refer to [I.M. 3.213](#), Traffic Barriers (Guardrail and Bridge Rail).
- For guidance in providing a safe recovery area, refer to [I.M. 3.215](#), Clear Zone Guidelines.

### **5.3.2. Bicycle and Pedestrian Facilities**

For bicycle facility projects, designs should meet or exceed the minimum recommended values provided in Chapter 12A and 12B of the [Iowa DOT Design Manual](#).

New construction or alterations to pedestrian facilities shall be designed to meet the requirements of the Americans with Disabilities Act (ADA). Refer to [I.M. 1.080](#), ADA Requirements for the applicable design guidelines.

### **5.4. Design Exceptions**

Designs that do not meet the guidelines specified by the applicable I.M.s or documents referenced in Section 5.3 will require a written design exception. The LPA must prepare and submit the design exception and its accompanying documentation to the [Administering Office](#) for review and approval. Design exceptions should be submitted with the Concept Statement submittal, or as soon as it becomes apparent that an exception will be necessary, but in no case later than the Check Plan Submittal.

For more information on the design exception process for road or bridge projects, refer to [I.M. 3.216](#), Economic Analysis (Benefit-to-Cost Ratio) and [I.M. 3.218](#), Design Exception Process. For design exceptions related to bridge width, refer also to [I.M. 3.220](#), Design Exception Information for Bridges Narrower than Approach Pavement.

Design exceptions for bicycle facilities do not require a benefit-cost analysis. However, justification for using a design value less than the minimum recommended should be provided to the Administering Office. This justification should be based on sound engineering judgment, describe the proposed mitigation measures, and include any other supporting documentation that is appropriate.

### **5.5. Plans and Specifications**

There are several points during project development at which plans must be submitted to the Iowa DOT. These submittals are a key part of the project review and provide much of the information required by the Iowa DOT. Each submittal shall be accompanied by a transmittal letter / e-mail and other documents as required. The content of each submittal is summarized in [I.M. 3.005](#), Project Development Submittal Dates and Information.

#### **5.5.1. Preliminary Plans**

The Preliminary Plans are used by the Iowa DOT to evaluate the proposed project design, right-of-way needs, and possible environmental impacts. For more information, refer to [I.M. 3.405](#), Preliminary Plans. If the project involves a bridge or culvert, refer also to [I.M. 3.410](#), Preliminary Bridge or Culvert Plans.

#### **5.5.2. Check and Final Plans**

Most Federal-aid transportation projects must be let by the Iowa DOT. To be successfully let by the Iowa DOT, the plans and specifications must conform to the Iowa DOT letting process. For example, the Iowa DOT Standard Specifications and the accompanying list of standard bid items shall be used when appropriate. In addition, use of Iowa DOT [Standard Road Plans](#) and [Road Design Details](#) (includes standard tabulations, notes, details, and typical sections) are also strongly encouraged. Use of these standards promotes consistency and uniformity among all projects let by the Iowa DOT. In turn, plan consistency helps reduce the project cost, because bidder uncertainties associated with different specifications or plan formats are reduced.

The Check Plan submittal serves as a precursor to the Final Plans. Even so, Check Plans should be 100% complete. This allows the [Administering Office](#) to review all the required elements of the plans and provide enough time to make any changes that may be needed. If the Check Plans are not complete, the project letting may be delayed.

For detailed information about the plan requirements for letting at the Iowa DOT, refer to [I.M. 3.505](#), Check and Final Plans, and [I.M. 3.520](#), Electronic Bid Item Information. If the project involves a bridge or culvert, refer also to [I.M. 3.510](#), Check and Final Bridge or Culvert Plans.

## 6 Right-of-Way, Utilities, and Railroads

### 6.1. Right-of-Way

For some transportation projects, it is necessary to acquire some type of property rights in order to construct the project. As used in the Guide and the I.M.s, the term, “right-of-way” includes the acquisition of any type of property rights. These property rights may be temporary, such as a temporary construction easement; or they may be permanent, such as a drainage easement or title to a property.

Regardless of what type of property rights are acquired, there are a number of Federal and State laws and regulations that govern how and when this may be accomplished on a Federal-aid project. These laws and regulations are lengthy and complex, and in many cases, will require the use of specially trained staff or consultants to ensure they are followed properly. Nevertheless, there are a few points that everyone should understand:

- The Federal and State right-of-way laws and regulations always apply, even if right-of-way costs will not be reimbursed with [Federal funds](#).
- Acquisition of any type of property rights may not begin until after [FHWA Environmental Concurrence](#) has been obtained. One exception to this requirement is when property is acquired because of a hardship on the property owner, or when purchase is necessary to protect a corridor for future transportation use. However, individual parcels to be acquired under the hardship or protective buying provisions still must have prior approval by the Iowa DOT and the FHWA.

For more information about right-of-way acquisition resources, procedures, and requesting [FHWA Authorization](#) of right-of-way costs, refer to [I.M. 3.605](#), Right-of-Way Acquisition.

### 6.2. Utilities

#### 6.2.1. Accommodation and Coordination

Early coordination with utilities that may be impacted by a transportation project is critical. Even though, in many cases, the utility company is obligated to move its facilities if required by a transportation project, failure to communicate by either the LPA or the utility can cause project delays and added expense.

All utility relocations required by a Federal-aid project shall comply with the applicable utility accommodation policy. For projects located on non-primary, [Federal-aid highways](#), refer to the [Policy for Accommodating Utilities on the County and City Non-Primary Federal-aid Road System](#). For projects located on primary highways, refer to [761 Iowa Administrative Code, Chapter 115 Utility Accommodation](#). For more information, refer to [I.M. 3.640](#), Utility Accommodation and Coordination.

#### 6.2.2. Federal Participation in Utility Relocations

[Federal funds](#) may or may not participate in the costs, depending on their location, ownership, and which entities have either the obligation or authority to pay for the costs of relocating the utilities. In most cases, utilities located in the public right-of-way must move at their own expense and are not eligible for Federal reimbursement. Utility relocation costs include the costs to relocate utilities that must be moved in order to construct the project. Besides construction, these costs may also include design, and in some cases, the acquisition of a replacement easement.

For more information, refer to [I.M. 3.650](#), Federal-aid Participation in Utility Relocations.

### **6.3. Railroads**

#### **6.3.1. Coordination**

When a transportation project requires the use of railroad property, even for minor maintenance-type work of limited duration, advance notification and approval by the railroad will be required. Projects that require access to the railroad right-of-way or modifications to railroad facilities will require an agreement with the railroad.

Therefore, as is the case with utilities, early coordination with the affected railroad(s) is critical. The LPA should contact all railroad companies that have tracks inside or adjacent to the project work area to determine what type of approvals or agreements will be required. The Iowa DOT has developed a process for coordinating with railroads, including specific procedures and specifications that shall be used for all projects let by the Iowa DOT. For more information, refer to [I.M. 3.670](#), Work on Railroad Right-of-Way.

#### **6.3.2. Federal-aid Projects Involving Railroads**

All Federal-aid projects that will require access to the railroad right-of-way or modifications to railroad facilities must comply with a number of other specific requirements, including project design, notifications and / or agreements, insurance, and provisions for railroad flaggers.

If required by the transportation project, the costs of work performed by a railroad or the railroad's contractor may be eligible for Federal reimbursement. In other cases, if the proposed improvements have a benefit to the railroad, the railroad may also be required by the Federal regulations to share in the cost of the work. However, the cost of improvements that are for the sole benefit of the railroad are not eligible for Federal participation.

For purposes of [FHWA Authorization](#), railroad work includes the costs of modifications to railroad facilities that are required in order to construct the project. This may include construction, flaggers, right-of-way, and engineering costs. These costs shall be identified as part of the agreement between the LPA and the railroad, and the agreement must be reviewed and approved by the Iowa DOT prior to being executed by the LPA and the railroad. For more information, refer to [I.M. 3.680](#), Federal-aid Projects Involving Railroads.

## **7 Letting and Contract Award**

### **7.1. Iowa DOT Letting Procedures**

Competitive bidding has been a long-standing requirement for the Federal transportation programs, with a few exceptions. As a result, there are many Federal laws and regulations that pertain to the construction contracting process. Because of the complexity of these requirements, the Iowa DOT requires that most Federal-aid projects be let at the Iowa DOT. This enables the Iowa DOT to better ensure compliance with these laws and regulations by conducting and directly monitoring the letting process. The Iowa DOT letting process is described in detail by [I.M. 3.730](#), Iowa DOT Letting Process. However, some important aspects of this process are highlighted in the subsections below:

#### **7.1.1. FHWA Authorization of Construction Costs**

As part of the letting process, the Iowa DOT obtains FHWA Authorization for the costs of the proposed construction contract. FHWA Authorization will be requested based on the plans, specifications, and estimate (PS&E) submitted by the LPA. If the bids come in significantly higher or lower than the estimate, the FHWA Authorization may be adjusted accordingly, provided that sufficient [Federal funds](#) are available for the project. The Iowa DOT requires that the LPA budget sufficient funds and be prepared to award a contract for bids that are up to 110% of the LPA's estimate.

### 7.1.2. Project Clearances

Before letting may proceed, the project should have all of the necessary clearances. These clearances are documented by the LPA and reviewed by the Iowa DOT using the Project Development Certification (Form 730002). This form should be submitted with the Final Plans. For more information, refer to [I.M. 3.750](#), Project Development Certification Instructions.

Without the required clearances, projects are normally not allowed to enter the Iowa DOT letting process. However, under special circumstances, a project may begin the letting process without all of the necessary clearances provided the LPA requests and the [Administering Office](#) approves a Public Interest Finding.

The LPA's request must document the reasons why it is in the public's best interest to deviate from the standard procedures. For additional guidance on this process, as well as other conditions that require a Public Interest Finding, refer to [I.M. 3.760](#), Public Interest Findings.

### 7.1.3. Iowa DOT Concurrence in Award

After bids are opened, the Iowa DOT determines the lowest responsive and responsible bidder and provides the LPA with tabulation of bids received and the unexecuted contract documents. Within 30 days of the letting, the LPA must either accept the low bid or reject all bidders. If the low bid is accepted, the LPA forwards the contract documents to the contractor for signature. After executing the contract, the LPA forwards the executed contract documents to the Iowa DOT Office of Contracts for review and concurrence in the award. If acceptable, the Iowa DOT indicates its concurrence on the contract documents and returns the contract documents to the LPA and the contractor. *Work shall not begin and the preconstruction meeting shall not be held prior to Iowa DOT concurrence in the award.* If the LPA elects to reject all bids, it shall notify the Iowa DOT Office of Contracts of its decision.

## 7.2. Local Letting Procedures

While most Federal-aid projects must be let at the Iowa DOT, there are a few non-highway transportation programs for which lettings may be held locally. These include the Transportation Enhancement, Federal Recreational Trails, National Scenic Byways, and Safe Routes to School programs.

Even though projects funded by these programs may be let locally, the applicable Federal and State competitive bidding requirements must still be satisfied, as well as several other Federal requirements. To assist in meeting these requirements, the Iowa DOT has developed procedures and standardized bidding documents for use with locally let Federal-aid projects. Before advertising for bids, the LPA must submit the proposed bidding documents for review and approval by the Iowa DOT.

For more information on the types of Federal-aid programs and projects that may be let locally, and the required procedures for conducting a local letting, refer [I.M. 3.720](#), Local Letting Process – Federal-aid.

### 7.3. Participation by Disadvantaged Business Enterprises

The requirements of the Disadvantaged Business Enterprise (DBE) program apply to all contracts awarded under all of the Federal transportation programs, regardless of how the contract is acquired. These requirements apply to construction contracts let locally or by the Iowa DOT. They also apply to consultant contracts which will be reimbursed with [Federal funds](#).

In summary, a DBE goal is not always required, but DBE firms must always be given consideration for participation in Federally funded contracts. For specific guidance on applying the DBE requirements to construction contracts or consultant contracts, refer to [I.M. 3.710](#), DBE Guidelines.

## 8 Construction

### 8.1. Contract Administration and Inspection

Unless specified otherwise in the funding agreement, the LPA will be responsible for all aspects of administration and inspection of the construction contract. This includes providing daily, on-site inspection of the contractor's work activities and processing all of the paper work associated with the

construction contract, including any change orders. All change orders shall have approval of the appropriate governing authority, such as the city council or county board of supervisors. Change orders must also have Iowa DOT concurrence.

If the LPA does not have adequate staff to perform this work, it may hire a consultant or enter into an agreement with another governmental agency to provide these services. If the LPA elects to hire a consultant, the consultant staff shall be competent in construction inspection and perform this work under the direct supervision of a registered professional engineer or architect licensed in the State of Iowa.

However, use of a consultant does not relieve the LPA of ultimate responsibility for the proper administration and inspection of the construction contract. If a consultant is used to provide the inspection services, an LPA employee shall oversee the consultant's work.

For additional information about the construction inspection procedures, including the required forms and paper work, refer to [I.M. 3.805](#), Construction Inspection.

## **8.2. Iowa DOT and FHWA Reviews**

The Iowa DOT and / or the FHWA may also conduct a field review of selected LPA projects during construction. Selected projects will be reviewed by [Administering Office](#), Office of Local Systems, or FHWA staff. If selected, the LPA may be notified when the field review will be conducted, or the review may be conducted unannounced. The purpose of the field review is to spot check the LPA's construction inspection documentation and provide assistance to the LPA if any deficiencies are identified.

## **8.3. Federal Participation in Construction by LPA Forces**

In some cases, construction of part or all of a Federal-aid project may be accomplished by LPA forces. Under very limited circumstances, the costs of such work may be eligible for Federal participation. Federal participation in such work requires prior approval by the Iowa DOT, as outlined in [I.M. 3.760](#), Public Interest Findings. The Public Interest Finding must be based on both the cost effectiveness of such work and on special circumstances that are unlikely to be repeated. For more information on how to request [FHWA Authorization](#) for work done by LPA forces, refer to [I.M. 3.810](#), Federal-aid Construction by Local Agency Forces.

Regardless of whether Federal participation is requested for this work, it must also comply with State bidding laws that limit the amount of work that can be performed by LPA forces. In general, work associated with construction, reconstruction or improvements must be obtained either by bids or competitive quotes if the estimated cost of such work exceeds the thresholds specified by the Code of Iowa. These thresholds are summarized on the Office of Local Systems web page titled, [Bid Thresholds for Iowa Cities and Counties](#).

# **9 Project Close-out and Audits**

## **9.1. Completion of the Construction Contract**

The LPA is responsible for ensuring that all project construction has been completed and providing all of the necessary paperwork as required by the construction contract. This involves conducting a pre-audit of all contract items and associated paperwork. Not more than 30 days after the field work is complete, the LPA's project engineer (or designated representative) shall notify the [Administering Office](#) the project is ready for a field inspection. The notification shall include a completed Pre-Audit Checklist and associated documentation. The Administering Office staff will conduct a field inspection to verify completion of the work. When both the LPA and the Administering Office accept the field work as complete, the LPA's project engineer shall certify that the project was constructed in accordance with the plans and specifications and request a final audit of the construction contract.

## **9.2. Final Audits**

After receipt of the request for a final audit, the Administering Office may elect to conduct a final audit of the construction contract documentation. This will include a review of the final pay quantities for the construction contract, including material certifications, test results, and other documentation. If Federal

participation was requested for the costs of a consultant contract, work by LPA forces, utility relocations, or railroad work, a final audit or review of these costs may also be conducted.

If the final audits or reviews find that the LPA has been over-reimbursed, the LPA shall reimburse the Iowa DOT for the amount identified by the final audit or review. In turn, the Iowa DOT will credit these funds to the FHWA. Otherwise, the Iowa DOT will make the final reimbursement to the LPA, taking into account any adjustments required by the final audit or review.

### **9.3. Closing the Project and Records Retention**

After the final reimbursement to the LPA has been processed, the Iowa DOT will prepare a final [Amendment/Modification](#) to the [FHWA authorization](#) for the project in [FMIS](#), including the final total costs and final amount of Federal-aid reimbursement. After FHWA has approved this request, a copy of this document will be distributed to various Iowa DOT offices, the LPA, and the appropriate RPA or MPO.

The LPA shall maintain all project records for a period of three years after FHWA approval of the final Amendment / Modification document. Afterwards, the LPA may discard its project files if desired.

For more detailed information concerning the entire project close-out process, refer to [I.M. 3.910](#), Final Review, Audit, and Close-out Procedures for Federal-aid Projects, and [I.M. 3.930](#), Interest Payment Procedures.

## **10 Other Federal Requirements**

This section of the Guide addresses those Federal requirements that do not correspond to a particular part of the project development process but are nonetheless very important considerations for any LPA using Federal funds.

### **10.1. Nondiscrimination**

#### **10.1.1. Title VI**

Title VI of the Civil Rights Act of 1964 (Title VI) is a foundational piece of legislation that forms the basis for a wide array of other laws and regulations that prohibit discrimination on the basis of race, color, national origin, disability, gender, and age. Title VI has a very broad application. It prohibits discrimination in all programs or activities of any LPA that is a recipient of any Federal financial assistance; even those programs or activities that do not directly benefit from such assistance. For additional guidance, refer to [I.M. 1.070](#), Title VI and Nondiscrimination Requirements.

#### **10.1.2. Americans with Disabilities Act**

The Americans with Disabilities Act of 1990 (ADA) is another piece of legislation aimed at prohibiting discrimination. Title II of the ADA applies to State and local governments, and its requirements affect the design, construction, and maintenance of all transportation projects, regardless of the funding sources.

The ADA requires that all new construction, reconstruction, and alterations to existing pedestrian facilities be made accessible to persons with disabilities. In addition, for those existing facilities that are not accessible, a transition plan must be prepared and implemented to bring those facilities into compliance.

For more information on ADA requirements related to transportation projects and facilities, refer to [I.M. 1.080](#), ADA Requirements.

### **10.2. Single Audit Requirements**

LPAs that expend more than \$500,000 in [Federal funds](#) of any kind during a [Federal Fiscal Year \(FFY\)](#) are required to prepare and file a Single Audit Report in accordance with the requirements of the Office of Management and Budget (OMB) [Circular A-133](#), Audits of States, Local Governments, and Non-Profit Organizations. If the LPA's Single Audit Report contains findings that relate to Federal funds passed through the Iowa DOT, the Iowa DOT will investigate those findings and issue a management decision

regarding the LPA's response to those findings, as stated in the Single Audit Report. The Iowa DOT's management decision may require additional documentation or changes to the LPA's procedures to prevent similar future audit findings.

### **10.3. Bridges**

#### **10.3.1. Bridge Inspections**

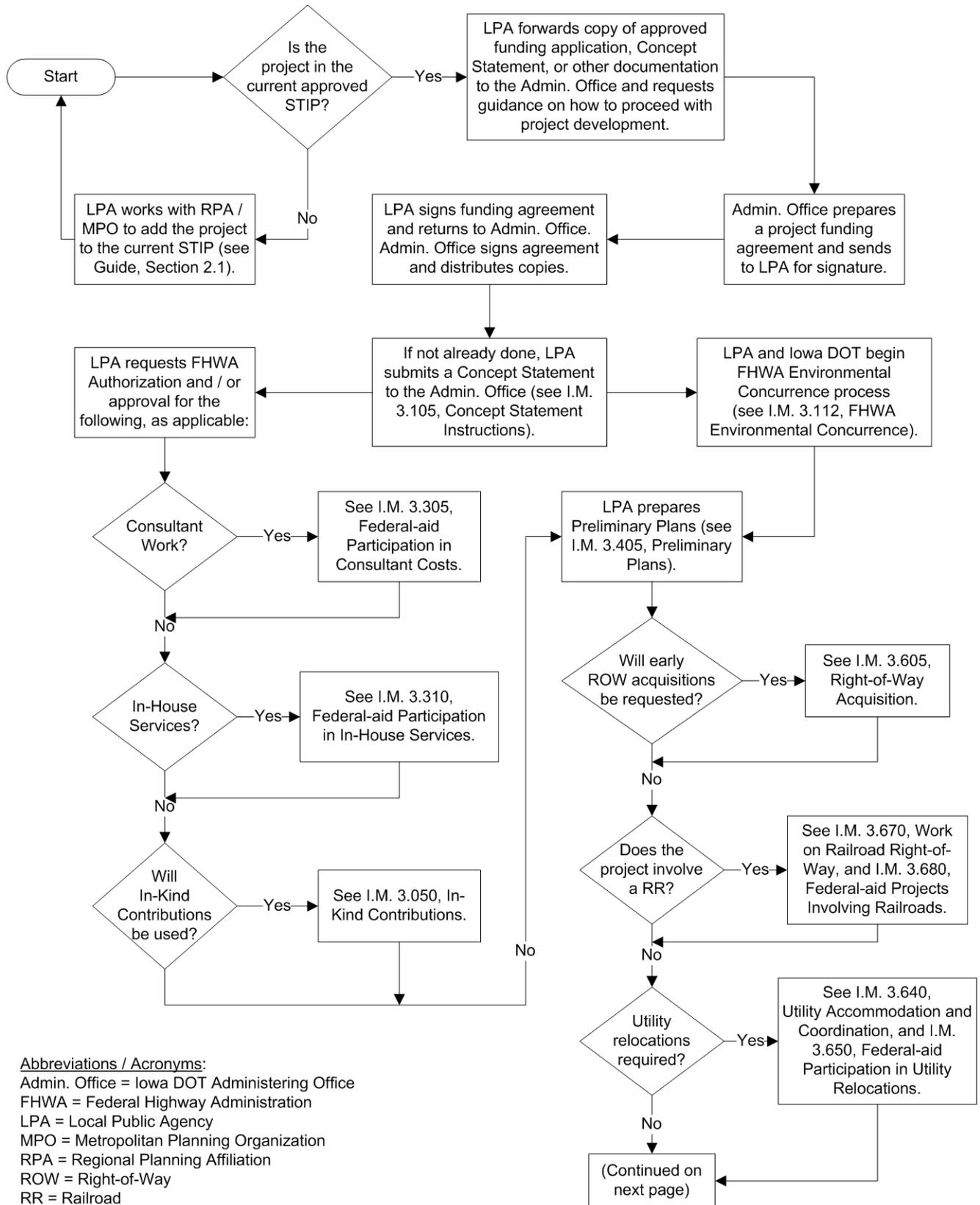
As a condition of receiving any Federal funds, LPAs with highway bridges under their jurisdiction must comply with the National Bridge Inspection Standards (NBIS). The NBIS requires regular inspections, bridge ratings, posting where appropriate, and qualified personnel to perform and supervise inspections. For more information, refer to [I.M. 2.120](#), Bridge Inspections.

#### **10.3.2. Bridge Funding Programs**

The Highway Bridge Program (HBP) provides Federal funding for replacement or rehabilitation of highway bridges that meet the eligibility criteria, such as structural condition, roadway and bridge geometrics, and traffic volumes. HBP funds may also be used for bridge inspections. The HBP funds available for the State of Iowa are divided between the Iowa DOT, cities, and counties on a formula basis. Each county receives an annual allocation of funds which may be used on any eligible bridge, subject to certain restrictions. Cities compete for HBP funding based on a priority point system. In addition to the HBP funds, there is a small amount of State funds available annually for city and county bridges under the City and County Bridge Construction funds, respectively. For complete information regarding the bridge programs for both cities and counties, refer to [I.M. 2.020](#), Federal and State Bridge Programs.



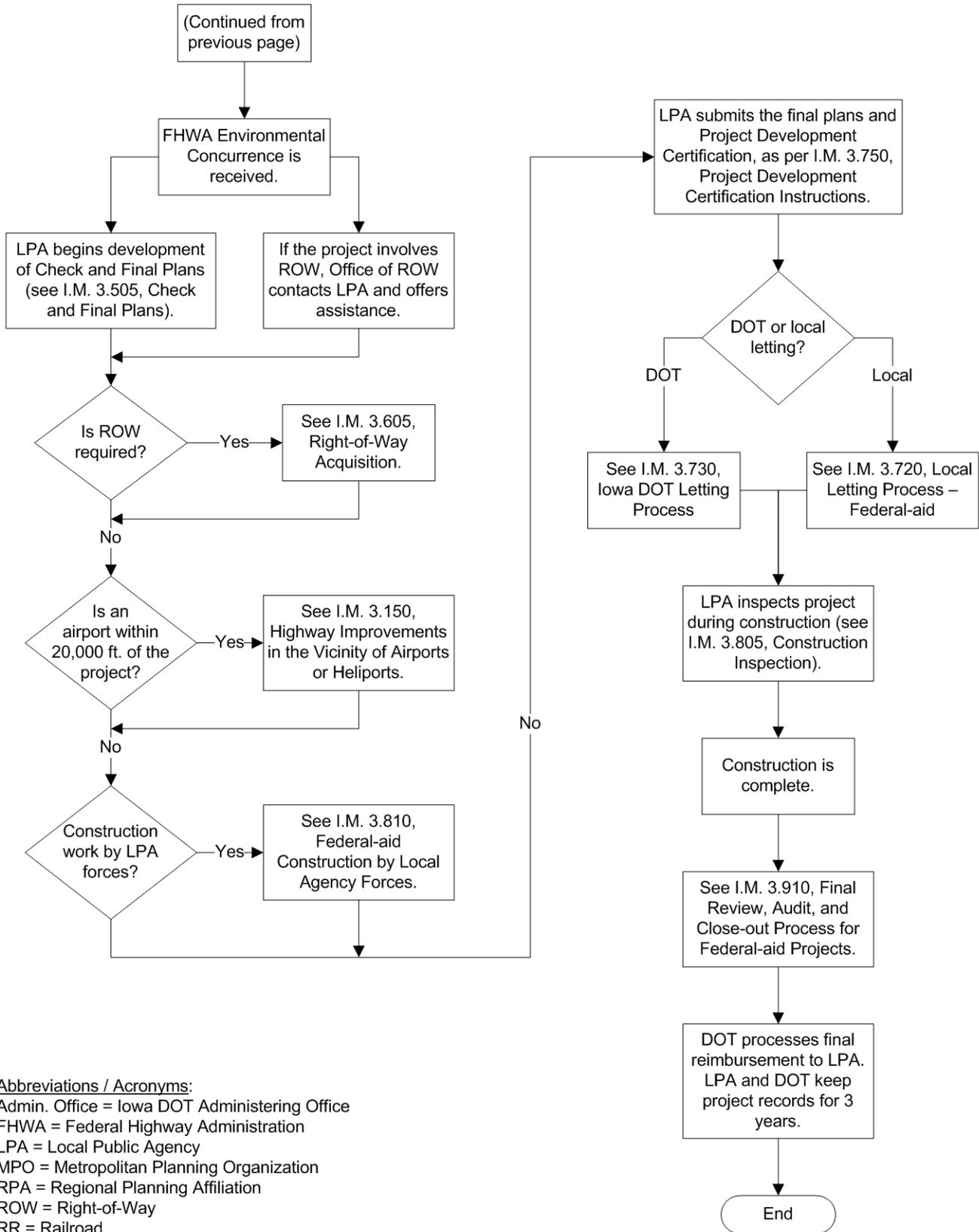
### Appendix A – Project Development Flow Chart



**Abbreviations / Acronyms:**

- Admin. Office = Iowa DOT Administering Office
- FHWA = Federal Highway Administration
- LPA = Local Public Agency
- MPO = Metropolitan Planning Organization
- RPA = Regional Planning Affiliation
- ROW = Right-of-Way
- RR = Railroad
- STIP = Statewide Transportation Improvement Program
- Note:** Project submittals shall be as per I.M. 3.005, Project Development Submittal Dates and Information.

**Appendix A – Project Development Flow Chart (continued)**



**Abbreviations / Acronyms:**

- Admin. Office = Iowa DOT Administering Office
- FHWA = Federal Highway Administration
- LPA = Local Public Agency
- MPO = Metropolitan Planning Organization
- RPA = Regional Planning Affiliation
- ROW = Right-of-Way
- RR = Railroad
- STIP = Statewide Transportation Improvement Program
- Note: Project submittals shall be as per I.M. 3.005, Project Development Submittal Dates and Information.

## Appendix B – Glossary of Terms

Below is an alphabetical listing of terms and phrases used in the Guide. Following each term or phrase is a brief definition.

**Administering Office:** For projects funded by any or a combination of the Transportation Enhancement, Federal Recreational Trails, Safe Routes to School, National Scenic Byways, certain Iowa Clean Air Attainment Program projects, and certain [earmark](#) projects, the [Office of Systems Planning](#) is the Administering Office. For all other projects, the Administering Office is one of the 6 District Offices, depending on which [Iowa DOT District](#) the LPA is located in.

**Authorization/Agreement:** A document that the Iowa DOT and FHWA electronically sign in [FMIS](#) that obligates [Federal funds](#) for the project. This document also establishes the [Effective Authorization Date](#).

**Amendment/Modification:** A document that amends a previously executed Authorization/Agreement or a prior Amendment/Modification. In instances when a Federally-funded project needs to be amended for any reason (cost overrun, additional phase of work, supplemental agreement, etc.), an Amendment/Modification is signed by the Iowa DOT and FHWA to electronically approve the modification. This process is also completed through [FMIS](#).

**Earmark or demonstration funds:** Federal funding that is directed to specific projects in legislation enacted by the United States Congress. Earmark funding may be included either in a multi-year transportation bill such as the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), or as part of an annual appropriations bill. *Even though these projects receive their funding in a different way, earmark projects must still follow the same project development procedures as all other Federal-aid projects.*

**Effective Authorization Date:** This is the date after which work that is to be reimbursed with [Federal funds](#) may begin. Any costs [incurred](#) prior to this date are not eligible for Federal reimbursement. This date is shown on the [Authorization/Agreement](#) and [Amendment/Modification](#) documents.

**Federal-aid highways:** All roads except those with a [Federal Functional Classification](#) of Rural Minor Collector or Local.

**Federal Fiscal Year (FFY):** Begins on October 1 and ends September 30 of each calendar year. For example, October 1, 2008 is the beginning of the Federal fiscal year 2009.

**Federal funds:** Federal funds reflect the amount of Federal funding available for a project. 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 project funding agreement.

**Federal 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 the project. In most cases, Federal funds must be matched with funds from non-Federal sources. For most FHWA transportation programs, the federal share of project costs is 80%. Refer to the funding agreement for the applicable pro-rata Federal share and matching requirements of the specific type of Federal funds involved.

**FHWA Authorization:** The action taken by FHWA when signing the [Authorization/Agreement](#) document or the [Amendment/Modification](#) document in [FMIS](#). Except in the case of Advance Construction, this action results in an [obligation](#) of Federal funds at the specified Federal share for the specific type of project costs identified on the Authorization/Agreement or Amendment/Modification.

**FHWA Environmental Concurrence:** This milestone in project development is marked by different events for different types of projects, depending on the anticipated level of environmental impacts. The event that marks the completion of the NEPA process depends on the type of NEPA document that is required for the project:

- For projects that are classified as a Categorical Exclusion (CE), the NEPA process is complete as of the effective date of FHWA Environmental Concurrence. This date is specified in the written notice the LPA will receive from the Iowa DOT Office of Location and Environment.
- For projects that require an Environmental Assessment (EA) or Environmental Impact Statement (EIS) document, the NEPA process is considered complete as of the date that the FHWA signs the Finding of No Significant Impact (FONSI) or Record of Decision (ROD) document, respectively.

## Appendix B – Glossary of Terms (continued)

For more information about the different types of environmental documentation, refer to [I.M. 3.112](#), FHWA Environmental Concurrence Process.

**Fiscal Management Information System (FMIS):** FMIS is the FHWA’s electronic financial tracking system for Federal-aid transportation projects. Iowa DOT personnel use this system to request [FHWA Authorization](#) or obtain project information and funding reports.

**Incurred Costs:** Costs are considered to be incurred when the work associated with those costs begins. Example: Costs have been incurred once a consultant, whose services are to be reimbursed with Federal funds, begins work, even if the LPA has not received a bill or made any payments to the consultant.

**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.

# INSTRUCTIONAL MEMORANDUMS

## To Local Public Agencies



To: Counties and Cities

Date: August 24, 2012

From: Office of Local Systems

I.M. No. 1.080

Subject: ADA Requirements

**Contents:** This Instructional Memorandum (I.M.) provides guidance for a Local Public Agency (LPA) to understand and comply with the requirements of [Americans with Disabilities Act of 1990](#) (ADA), [Section 504 of the Rehabilitation Act of 1973](#) (Section 504), and the regulations associated with these laws, as they apply to pedestrian facilities. This I.M. also includes the following attachment:

[Attachment A](#) – Sample Pedestrian Access Route Transition Plan ([Microsoft Word](#))

### Introduction

The accessibility requirements of the ADA and Section 504 apply to many different aspects of an LPA's programs, services, and facilities. However, because the I.M.s are written for transportation-related projects, this I.M. will focus on how these requirements apply to pedestrian facilities in the public right-of-way and pedestrian facilities that are constructed or altered as part of a transportation project. Examples of such pedestrian facilities include streets, sidewalks, walkways, and shared use paths (i.e., facilities designed for both bicycles and pedestrians). For accessibility guidance related to other programs, services, or facilities refer to the Additional Resources section at the end of this I.M.

### Applicable Laws and Regulations

Title II of the ADA and its associated regulations ([28 CFR 35](#)) prohibit discrimination on the basis of disability in State and local government services, programs, and activities, regardless of whether the agency is a recipient of Federal-aid or not. Providing streets, sidewalks, and shared use paths are considered a program; therefore, all LPA projects involving these facilities are subject to the requirements of the ADA.

Section 504 (now codified at [29 U.S.C. 794](#)) and its associated regulations ([49 CFR 27](#)) also prohibit discrimination on the basis of disability. However, Section 504 applies specifically to those programs, projects, and activities that receive Federal Financial assistance. This means LPAs that receive Federal-aid through the Iowa Department of Transportation (Iowa DOT) must comply with the Section 504 requirements.

### Accessibility Standards and Guidelines

Under the ADA regulations ([28 CFR 35.190](#)) the United States Department of Transportation (US DOT) has been designated by the United States Department of Justice (DOJ) as the Federal agency responsible for overseeing and implementing ADA compliance for services, programs, and activities relating to transportation, including highways and public transportation. The FHWA, an agency within the US DOT, is responsible for the implementation of pedestrian access requirements from the ADA and the Rehabilitation Act.

The standards used to determine whether facilities comply with the ADA and the Section 504 regulations are based on guidelines developed by the [United States Access Board](#) (Access Board). After these guidelines are developed, they are usually adopted by means of the Federal rule-making process, either in whole or in part, by the DOJ and the US DOT. After the Access Board guidelines are adopted, they become the legally enforceable accessibility standard. The US DOT adopted the [2004 Americans with Disabilities Act Accessibility Guidelines](#) (ADAAG) as the standard for ADA compliance.

However, ADAAG does not address many of the design considerations associated with construction or alterations to pedestrian facilities in the public right-of-way. In response, the Access Board developed the [2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way](#) (PROWAG). These guidelines have not yet been adopted by the US DOT as the legally enforceable standard. However, they are recommended for use by FHWA as the current best practice of accessible design, and in the future, they will likely become the accessibility standard for pedestrian facilities in the public right-of-way. Therefore, SUDAS and the Iowa DOT jointly developed Chapter 12A of the Iowa DOT [Design Manual](#) based on the [2011 PROWAG](#). Chapter 12A was also developed in accordance with Federal regulations ([23 CFR 652](#) and [28 CFR 35](#)) and is the standard for use

by all governmental entities in the State of Iowa. A local jurisdiction may elect to produce their own standards; however, these will require review and approval by FHWA and/or the DOJ.

## Accessibility Requirements

### New Construction and Alterations

All new construction and alteration projects shall follow the requirements set forth in Chapter 12A for sidewalks and Chapter 12B for Bicycle Facilities of the Iowa DOT [Design Manual](#).

Accessibility improvements that are outside the scope of the alteration project may be deferred to a later date. For more information, refer to the discussion of transition plans below.

### Maintenance Activities

Routine maintenance activities are not considered an alteration, and therefore do not require simultaneous accessibility improvements to pedestrian facilities. Maintenance activities are actions that are intended to preserve the system, retard future deterioration, and maintain the functional condition of the facility. This would include, but not be limited to: thin surface treatments (e.g., microsurfacing, seal coat, slurry seals, or chip seals), joint repair, pavement patching (e.g., filling potholes or limited areas of pavement replacement), shoulder repair, pavement markings, minor signal upgrades, and repairs to drainage systems.

### Maintenance of Pedestrian Facilities

Where pedestrian facilities are provided, they must be maintained so that they are readily accessible and useable by persons with disabilities. Therefore, the LPA should adopt policies that ensure sidewalks and other pedestrian facilities will be properly maintained and free of obstructions. Examples of obstructions include: street furniture, utility poles, tree roots, potted plants, snow or ice, debris, or inoperable elevators and lifts. Temporary obstructions and isolated instances of failures would not necessarily be considered a violation of the ADA or Section 504; however, if these situations are prolonged, they may become a violation.

### Documenting Exceptions

If an LPA receives any type of funding assistance from the Iowa DOT or the project is let through the Iowa DOT; and if an LPA determines that a pedestrian facility cannot be made fully compliant because the accessibility improvements are structurally impracticable, technically infeasible, or there are safety issues, as defined in Section 12A-2 of the Design Manual, it shall provide the Iowa DOT Administering Office with an Accessibility Exceptions Certification ([Form 517118](#)). The certification shall include supporting documentation that identifies the specific locations and lists the specific reasons why full compliance cannot be achieved. The certification shall be prepared and signed by a registered Professional Engineer or Landscape Architect licensed in the State of Iowa. Whenever alterations are made to the pedestrian circulation path, the pedestrian access route shall be made accessible to the maximum extent feasible within the scope of the project. If full compliance with Chapter 12 of the Iowa DOT [Design Manual](#), is technically infeasible, compliance is required to the extent that is not technically infeasible.

For all other projects, the same type of documentation should be prepared and retained by the LPA.

## Transition Plans

LPAs are required to operate their services, programs, or activities so that they are readily accessible to and usable by individuals with disabilities. The ADA regulations ([23 CFR 35.150\(d\)](#)) require LPAs with 50 or more employees to prepare a formal transition plan, if structural changes are required in order to make its programs, services, or activities accessible. Section 504 ([49 CFR 27](#)) requires LPAs, regardless of the number of employees, which receive Federal-aid through the Iowa DOT to prepare a formal transition plan, if structural changes are required in order to make its services, programs, or activities accessible. The ADA regulations ([23 CFR 35.150\(c\)](#)) required all structural changes to have been made by January 26, 1995, or as expeditiously as possible.

When required, the transition plan must address all services, programs, and activities owned or operated by the LPA. Because the scope of this I.M. is limited to transportation facilities, the following guidance has been tailored

to specifically address curb ramps in the public right-of-way. If facilities other than curb ramps are found not to be in compliance, those facilities should also be included in the LPA's transition plan.

The ADA regulations ([28 CFR 35.150\(d\)](#)), require the transition plan to address each of the numbered items below. The bullet points underneath each numbered item provide guidance in complying with the requirements.

1. Identify physical obstacles in the public entity's facilities that limit the accessibility of its services, programs, or activities to individuals with disabilities. Also identify the specific standards used to determine technical compliance with regard to the inventory/survey of curb ramps, sidewalks, and other facilities.
  - This should include an inventory of all locations where structural changes are needed to make facilities accessible. The inventory should also identify the types of improvements required to provide accessibility for curb ramps, intersections, and sidewalks.
  - The inventory of facilities to be modified shall be prioritized in the following order:
    - a) State and local government offices and facilities (e.g., city hall, schools, etc.)
    - b) Places where government services and transit facilities are provided (e.g., bus stops, train stations, etc.)
    - c) Places where the public is accommodated (e.g., employers, shops, etc.)
    - d) All other areas (e.g., residential or other)
2. Describe in detail the methods that will be used to make the facilities accessible.
  - This should include a description of the funding sources and amounts that will be annually budgeted for making the improvements associated with the transition plan.
  - This should also describe how accessibility improvements will be incorporated as a part of other projects involving construction or alterations to pedestrian facilities.
3. Specify the schedule for taking the steps necessary to achieve compliance and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period.
  - The schedule should include milestones that can be used to evaluate progress towards completion. For curb ramps, this should include the number of ramps that will be constructed each year, and the total number of years required to complete the plan.
4. Indicate the official responsible for implementation of the plan.
  - This should include the name, title, office address, phone number, and e-mail address of the LPA official responsible for the coordination, development, and implementation of the transition plan.
5. The ADA regulations also require the LPA to provide an opportunity for interested persons, individuals with disabilities, or organizations representing individuals with disabilities, to actively participate in the development of the transition plan by submitting comments. LPA shall conduct and document outreach to solicit comment concerning its self-evaluation and transition plan. This should include a description of how the public was involved in reviewing and / or developing the transition plan. This should include the names of advisory committees, task forces, or other groups representing persons with disabilities that were provided an opportunity to comment.

In addition, a copy of the transition plan shall be made available for public inspection.

The Iowa DOT has observed that many LPAs have a transition plan, but sometimes their transition plans do not address the accessibility improvements required in the public right-of-way; specifically, curb ramps. In order to provide assistance to LPAs that need to modify or update their transition plan to include curb ramps, the Iowa DOT has developed a Sample Pedestrian Access Route Transition Plan\*, as shown in [Attachment A](#) (also available in [Microsoft Word](#) format). If used, the LPA should complete the information indicated by the yellow, bracketed text and make other modifications as appropriate.

\*Disclaimer: Even though the Sample Curb Ramp Transition Plan has been reviewed by the Iowa DOT and the FHWA Iowa Division, neither the Iowa DOT nor the FHWA can guarantee this sample will be sufficient for every situation. This document is provided as a guide only and additional modifications may be necessary.

## Other requirements recommended to be included in the Transition Plan

### Self-Evaluation

All LPAs must perform a self-evaluation. An LPA self-evaluation should include a comprehensive review of its policies, services, communications, and practices, as well as an analysis of how they affect persons with disabilities. The purpose of the self-evaluation is to identify any policies and practices that do not comply with the ADA and Section 504 requirements and modify those policies and practices to bring them into compliance. The ADA regulations also require the LPA to provide an opportunity for interested persons, individuals with disabilities, or organizations representing individuals with disabilities, to participate in the development of the self-evaluation and comments received during the development. LPAs that are recipients of Federal-aid from the Iowa DOT are required to maintain the self-evaluation on file and make it available for public inspection. Establish a system for periodically reviewing and updating the self-evaluation.

### Complaint Procedures

All LPAs with 50 or more employees and all LPAs with 15 or more employees that receive Federal-aid through the Iowa DOT must develop, adopt, and publish grievance or complaint procedures. These procedures should provide for a prompt and equitable resolution of complaints that allege violation of the ADA and Section 504 regulations. LPAs should make all possible efforts to resolve complaints on the local level. The LPA must maintain a database of its ADA and Section 504 complaints. Complaint records must be retained for 5 years after the complaint is resolved. The database should denote the following: Complainant, Respondent, allegations, issue, date the complaint was received, date the complaint was resolved, and how the complaint was resolved.

### ADA and Section 504 Coordinator

All LPAs with 50 or more employees and all LPAs, regardless of the number of employees, which receive Federal-aid through the Iowa DOT, are required to designate at least one employee as the ADA and Section 504 Coordinator to coordinate compliance with ADA and Section 504 regulations. The LPA shall make available to all interested parties the name, title, office address, phone number, and e-mail address of the ADA and Section 504 Coordinator.

### Public Notice

The ADA and Section 504 regulations also require the LPA to disseminate sufficient information to applicants, participants, beneficiaries, and other interested persons to inform them of their rights and protections under these regulations. The LPA should have a Notice of Non-Discrimination, which informs the public that the LPA will not discriminate on the basis of disability in its services, programs, and activities with ADA and Section 504.

There are a number of other requirements associated with the ADA and Section 504. This I.M. has only addressed a few of them. For more comprehensive guidance, refer to the Additional Resources listed below. To assist LPAs, the Iowa DOT has developed checklists, and sample documents for use by the LPA. To access these documents, refer to the Iowa DOT [Civil Rights Subrecipients](#) webpage or the [ADA Transition Plan](#) webpage.

### Additional Resources

[U.S. Access Board](#) Homepage of the Access Board. Provides a variety of guidelines and resources related to accessible design.

[Public Rights-of-Way Homepage](#) An Access Board web page that provides information focused to their public rights-of-way guidelines, including the rule making history, current public rights-of-way guidelines, and other resources.

[FHWA Office of Civil Rights](#) Home page for the FHWA Office of Civil Rights. Provides a variety of information related nondiscrimination laws and regulations, including Title II of the ADA and Section 504.

[Questions and Answers About ADA/Section 504](#) FHWA Office of Civil Rights' guidance concerning implementation of the ADA and Section 504 requirements.

[U.S. DOJ ADA](#) Homepage of the U.S. DOJ. Provides Information and Technical Assistance on ADA. There are guides for State and local governments.

[US DOT FHWA Accessibility Resource Library](#)



## Sample Pedestrian Access Route Transition Plan

City of [city name], Iowa  
[date approved]

### Overview

The goal of the Americans with Disabilities Act (ADA) Transition Plan is to ensure that the City creates accessible paths of travel in the public right-of-way for people with disabilities.

The City evaluated the pedestrian circulation paths for pedestrian accessible route features within the public right-of-way as required by the Americans with Disabilities Act (ADA) and its implementing regulations (28 CFR 35) and Section 504 (49 CFR 27). The evaluation included, but was not limited to, sidewalks, curbs, curb ramps, the portion of the street surface in the crosswalk area, pedestrian signals, and elevators or lifts provided in the public right-of-way and was based on the requirements in Chapter 12 of the Iowa Department of Transportation (Iowa DOT) Design Manual, effective [date].

On the basis of this information this transition plan outlines the steps the City will take to provide new, or upgrade existing, pedestrian access route features as required by the ADA and its implementing regulations. The pedestrian access route features will be constructed or reconstructed to meet the requirements in Chapter 12 of the Iowa DOT Design Manual, effective at the time of letting or at the time of construction if using City forces.

### Inventory

This inventory is based on our evaluation of all locations where no curb ramps are provided at the intersection of existing sidewalks and public streets; where non-compliant curb ramps, sidewalks, and other features exist; and where existing features are in poor condition. Features may include, but are not limited to, sidewalks, curbs, curb ramps, the portion of the street surface in the crosswalk area, pedestrian signals, and elevators or lifts provided in the public right-of-way. The evaluation was completed [month] of [year] and will be updated every [number] years. See Exhibit 1.

### Priorities

Curb ramps, sidewalks, and other features will be installed or reinstalled in the locations identified on the Pedestrian Access Route Inventory according to the following priorities:

1. State and local government offices and facilities (city hall, public schools, public library, etc.)
2. Public transportation facilities (bus stops, train stations, etc.)
3. Places of public accommodation (central business district, public recreation areas, etc.)
4. Residential areas

### Funding

#### Curb Ramp Program

The City has budgeted \$[amount] annually for its Curb Ramp Program from the [funding program] for ADA specific projects as defined in this transition plan.

#### Other Projects

Features to the pedestrian access route may be installed as a part of projects that involve new construction, reconstruction, alterations, or maintenance to roadway or pedestrian facilities in the public right-of-way. These pedestrian access route features may be constructed at the time of the roadway or pedestrian project, even if they are identified as a lower priority in this transition plan. The cost of this work will be paid for using funds allocated for the roadway or pedestrian project.

## **Implementation Plan and Schedule**

The City will implement this transition plan based on the number of pedestrian access route features identified in the Pedestrian Access Route Inventory, the estimated cost of those features, and the funding levels identified above. The following implementation strategy will be used:

### Priority 1

Number of locations: [number]  
Estimated number of locations constructed per year: [number]  
Construction season targeted for completion: [calendar year]

### Priority 2

Number of locations: [number]  
Estimated number of locations constructed per year: [number]  
Construction season targeted for completion: [calendar year]

### Priority 3

Number of locations: [number]  
Estimated number of locations constructed per year: [number]  
Construction season targeted for completion: [calendar year]

### Priority 4

Number of locations: [number]  
Estimated number of locations constructed per year: [number]  
Construction season targeted for completion: [calendar year]

These estimates are subject to change.

## **Responsible Parties**

[Title and contact information of appropriate city official] is responsible for the implementation of this transition plan.

[Title and contact information of appropriate city official] is responsible for ADA and Section 504 compliance.

## **Complaint Procedures**

The attached complaint procedure will be followed to provide citizens the ability to file a complaint to the city for alleged ADA and Section 504 discrimination. See Exhibit 2.

## **Public Involvement**

Public input was obtained in the development of this transition plan by soliciting comments from [include any advisory committees, task forces, organizations that represent persons with disabilities, or any other groups that were provided an opportunity to comment], the City Council, and the general public for 30 days from [date] to [date]. All comments have been reviewed and incorporated as appropriate.

\_\_\_\_\_  
[name], [title]  
City of [city name]  
[street address]  
[city], IA [zip code]  
[office phone number]  
[e-mail address]

\_\_\_\_\_  
Date



**Discrimination Complaint Procedures**  
**Allegations of discrimination in federally assisted programs or activities**

**Exhibit 2**

The LPA adopts the following ADA discrimination complaint procedures for complaints relating to transportation-related programs or activities.

- 1. Filing a discrimination complaint:** Any person who believes that they, or any class of individuals, or in connection with any disadvantaged business enterprise (DBE), has been or is being subjected to discrimination prohibited by the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973, and Civil Rights Restoration Act of 1987, as amended, has the right to file a complaint.

Any individual wishing to file a discrimination complaint must be given the option to file the complaint with the LPA, or directly with the Iowa DOT, FHWA, USDOT, and U.S. Department of Justice (USDOJ). Complaints may be filed with all agencies simultaneously.

No individual or agency shall refuse service, discharge, or retaliate in any manner against any persons because that individual has filed a discrimination complaint, instituted any proceeding related to a discrimination complaint, testified, or is about to testify, in any proceeding or investigation related to a discrimination complaint, or has provided information or assisted in an investigation.

- 2. Complaint filing time-frame:** A discrimination complaint must be filed within 180 calendar days of either:
  - (a) The alleged act of discrimination,
  - (b) Date when the person(s) became aware of the alleged discrimination, or
  - (c) Date on which the conduct was discontinued, if there has been a continuing course of conduct.

The LPA or their designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

- 3. Contents of a complaint:** A discrimination complaint must be written. The document must contain the following information:
  - a) The complainant's name and address, or other means by which the complainant may be contacted.
  - b) Identification of individual(s) or organization(s) responsible for the alleged discrimination.
  - c) A description of the complainant's allegations, which must include enough detail to determine if the LPA has jurisdiction over the complaint and if the complaint was filed timely.
  - d) Specific prohibited bases of alleged discrimination (i.e., disability, race, color or gender, etc.).
  - e) Apparent merit of the complaint.
  - f) The complainant's signature or signature of their authorized representative.

In the event that a person makes a verbal complaint of discrimination to an officer or employee of the LPA, the complainant shall be interviewed by the LPA's ADA coordinator. If necessary, the LPA's ADA coordinator will assist the complainant in reducing the complaint to writing and then submit the written version of the complaint to the person for signature.

- 4. Complaints against the LPA:** Any complaints received against the LPA should immediately be forwarded to the Iowa DOT for investigation. The LPA shall not investigate any complaint in which it has been named in the complaint. The contact information for the Iowa DOT ADA Program Coordinator is:

Iowa Department of Transportation  
Office of Employee Services - Civil Rights  
800 Lincoln Way  
Ames, Iowa 50010  
(515) 239-1422  
(515) 817-6502 (fax)

- 5. Notice of Receipt:** All complaints shall be referred to the LPA's ADA coordinator for review and action. Within 10 days of receipt of the discrimination complaint, the LPA's ADA coordinator shall issue an initial written Notice of Receipt that:
- Acknowledges receipt of the discrimination complaint.
  - Advises the complainant of their right to seek representation by an attorney or other individual of their choice in the discrimination complaint process
  - Contains a list of each issue raised in the discrimination complaint.
  - Advises the complainant of the time-frames for processing the discrimination complaint and providing a determination.
  - Advises the complainant of other avenues of redress of their complaint, including the Iowa DOT, FHWA, USDOT and USDOJ.
- 6. Notification to the Iowa DOT of a complaint:** The LPA shall advise the Iowa DOT ADA Program Coordinator within 10 business days of receipt of the complaint. Generally, the following information will be included in every notification to the Iowa DOT.
- Name, address and phone number of the complainant
  - Name(s) and address(es) of alleged discriminating official(s)
  - Basis of complaint (i.e., race, color, national origin or gender)
  - Date of alleged discriminatory act(s)
  - Date of complaint received by the LPA
  - A statement of the complaint
  - Other agencies (state, local or federal) where the complaint has been filed
  - An explanation of the actions the LPA has taken or proposed to resolve the issue identified in the complaint.
- 7. Processing a complaint and time-frame:** The total time allowed for processing the discrimination complaint is 90 calendar days from the date the complaint was filed. There is no extension available at this level. This time-frame includes 60 calendar days at the LPA level and 30 days for review at the state level, if needed.

If the complainant elects to file a complaint with both the LPA and Iowa DOT, the complainant shall be informed that the LPA has 90 calendar days to process the discrimination complaint and the Iowa DOT shall not investigate the complaint until the 90 calendar-day period has expired.

Immediately after issuance of the Notice of Receipt to the complainant (step 5), the LPA's ADA coordinator shall either begin the fact-finding or investigation of the discrimination complaint, or arrange to have an investigation conducted.

Based on the information obtained during that investigation, the LPA's ADA coordinator shall render a recommendation for action in a Report of Findings to the head of the LPA.

- 8. Alternative dispute resolution/mediation process:** The complainant must be given an invitation to participate in mediation to resolve the complaint by informal means. The LPA's ADA coordinator shall include an invitation to mediation with the Notice of Receipt, offering the opportunity to use the alternative dispute resolution/mediation process.

If the complaint selects mediation, it allows disputes to be resolved in a less adversarial manner. With mediation, a neutral party assists two opposing parties in a dispute come to an agreement to resolve their issue. The mediator does not function as a judge or arbiter, but simply helps the parties resolve the dispute themselves.

Upon receiving a request to mediate, the LPA's ADA coordinator shall identify or designate a mediator who must be a neutral and impartial third party. The mediator must be a person acceptable to all parties and who will assist the parties in resolving their disputes.

If the complainant chooses to participate in mediation, they or their designee must respond in writing within 10 calendar days of the date of the invitation. This written acceptance must be dated and signed by the complainant and must also include the relief sought.

After mediation is arranged, a written confirmation identifying the date, time, and location of the mediation conference shall be sent to both parties. If possible, the mediation process should be completed within 30 calendar days of receipt of the discrimination complaint. This will assist in keeping within the 90 calendar-day timeframe of the written Notice of Final Action if the mediation is not successful.

If resolution is reached under mediation, the agreement shall be in writing. A copy of the signed agreement shall be sent to the Iowa DOT ADA Program Coordinator. If an agreement is reached, but a party to it believes their agreement has been breached, the non-breaching party may file another complaint. If the parties do not reach resolution under mediation, the LPA's ADA coordinator shall continue with the investigation.

- 9. Notice of Final Action:** A written Notice of Final Action shall be provided to the complainant within 60 days of the date the discrimination complaint was filed. It shall contain:
- a) A statement regarding the disposition of each issue identified in the discrimination complaint and reason for the determination.
  - b) A copy of the mediation agreement, if the discrimination complaint was resolved by mediation.
  - c) A notice that the complainant has the right to file a complaint with the Iowa DOT, FHWA, USDOT or USDOJ within 30 calendar days after the Notice of Final Action, if they are dissatisfied with the final action on the discrimination complaint.

The LPA's ADA coordinator shall provide the Iowa DOT ADA Program Coordinator with a copy of this decision, as well as a summary of findings upon completion of the investigation. Should deficiencies be noted in the implementation of these discrimination complaint procedures by the LPA, the Iowa DOT ADA Program Coordinator will work in conjunction with the LPA's ADA coordinator to review the information and/or provide technical assistance in the discrimination complaint process, mediation process, and/or investigation.

- 10. Corrective action:** If discrimination is found through the process of a complaint investigation, the respondent shall be requested to voluntarily comply with corrective action(s) or a conciliation agreement to correct the discrimination.

- 11. Confidentiality:** LPA and Iowa DOT ADA Program Coordinators are required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the discrimination complaint.
- a) The fact that the discrimination complaint has been filed.
  - b) The identity of the complainant(s).
  - c) The identity of individual respondents to the allegations.
  - d) The identity of any person(s) who furnished information relative to, or assisting in, a complaint investigation

- 12. Record keeping:** The LPA's ADA coordinator shall maintain a log of complaints filed that alleged discrimination. The log must include:
- a) The name and address of the complainant.
  - b) Basis of discrimination complaint.
  - c) Description of complaint.
  - d) Date filed.
  - e) Disposition and date.
  - f) Any other pertinent information.

All records regarding discrimination complaints and actions taken on discrimination complaints must be maintained for a period of not less than 3 years from the final date of resolution of the complaint.

# INSTRUCTIONAL MEMORANDUMS

To Local Public Agencies



To: Counties	Date: August 24, 2012
From: Office of Local Systems	I.M. No. 3.770
Subject: Paving Point Requirements	

**Contents:** This Instructional Memorandum (I.M.) includes guidelines and procedures for a Local Public Agency (LPA) to calculate the paving points and if needed conduct a public hearing as per the County Secondary Road Construction Program Instructions.

This I.M. also includes the following attachments:

- [Attachment A](#) - Paving Point Determination
- [Attachment B](#) - Sample Notice of Public Hearing
- [Attachment C](#) - Sample Resolution

Use Attachment A to determine the number of paving points for a proposed paving project (a road that is currently not paved). If the proposed paving project has 50 points or more, the project does not need a public hearing. If the proposed paving project has less than 50 points, proceed with the steps shown below.

1. Set a time, date, and place for a public hearing for the Secondary Road Paving Projects. The public hearing can be in conjunction with a hearing for the Secondary Road Construction Program.
2. Publish a notice for a public hearing in a newspaper of general circulation in the county not less than 4 or more than 20 days prior to the hearing. State the time, date, and place for the hearing, location of the project, and any other pertinent data in the notice. (See Attachment B to this I.M. for a sample Notice of Public Hearing.)
3. Notify the appropriate District Local Systems Engineer of the Public Hearing by sending a cover letter, a copy of the Notice of the Public Hearing, and a location map. Send a copy of the cover letter to the Iowa Department of Transportation, Office of Local Systems, Secondary Roads Engineer, 800 Lincoln Way, Ames, Iowa 50010.
4. Hold the Public Hearing.
5. Pass a resolution of the board of supervisors to develop the plans and construct the project as programmed. Describe any objections or support that is presented. (See Attachment C to this I.M. for a sample resolution.)
6. Send 1 copy of the resolution to develop the plans and construct the project as programmed, along with a map, to the appropriate District Local Systems Engineer. Indicate in TPMS the date of the public hearing.

A hearing must be held prior to submitting the County Five Year Program (CFYP) for approval for any accomplishment year paving project with less than 50 points. A statement from the county engineer providing the date that a hearing was held shall be sent to the Iowa Department of Transportation, Office of Local Systems, Secondary Roads Engineer and is sufficient documentation.



## Paving Point Determination

New paving projects require 50 paving points (roads that are currently not paved). Paving points are not required for bridge, culvert, 3R, and grade only projects. Although grade-for-pave projects are not required to meet the 50 point criteria for approval, they will be evaluated by the paving point determination system. Projects with RISE or Safety funds are not reviewed using the Paving Point Determination method.

The paving points assigned for the various categories are for current federal functional classification, State AADT, closest paved parallel route, percent trucks, and bonus points. Do not use future data unless the project will have a future development. Any bonus points must be accompanied by an explanation listing percent of cost sharing and entity being assessed (i.e., private, government, business, etc.). An explanation should also be included for truck percentages in excess of 9%, AADT different from the current IDOT traffic maps, and any recent functional classification changes.

<b>1. FEDERAL FUNCTIONAL CLASSIFICATION OF ROUTE</b>	<b>POINTS</b>
A. Major Collector	25
B. FM with both termini at a city, a major collector, or higher system	20
C. Other FM	15
D. Local with major business or a development	10
E. Local continuous with no development	5
F. Local not continuous	0

Note: Termini are project termini unless it connects to a paved route and the type of major business/development is specified.

<b>2. CURRENT YEAR AADT</b>	<b>POINTS</b>
A. One point per 10 AADT of current traffic (per IDOT traffic flow map), up to a maximum of 40 points, i.e. 210 AADT would be 21 points. Use an average AADT over length of the project.	40
B. Seasonal Routes - average peak volume may be used.	
C. Development Areas - 5-year forecast AADT may be used.	

Note: If current AADT is not being used and/or development is being considered.

<b>3. CLOSEST PAVED PARALLEL ROUTE</b>	<b>POINTS</b>
A. 1 mile	0
B. 2 miles	5
C. 3 miles	10
D. 4 miles	15
E. 5 or more miles	20

Note: Average the distance on diagonal routes.

<b>4. PERCENT TRUCKS</b>	<b>POINTS</b>
Use 1 point for each percent of trucks up to a maximum of 15% = 15 points. Specify reason and method used to determine any percentages in excess of 9%.	15

<b>5. BONUS POINTS (for assessments or third party contributions)</b>	<b>POINTS</b>
Use 1 point for each 2% percent of total project costs paid by assessment; i.e., 20% paid by assessment would equal 10 points. Specify percent assessed or from third party contributions.	No maximum



## Sample Notice of Public Hearing

The (County name) County Board of Supervisors will hold a public hearing in the board room in the (County name) County Courthouse at (time) a.m., (month), 20 (year) to obtain public comments on the following proposed secondary road paving project.

(Project Number): (brief description and locations of the project)

(Brief description and location of the project)

It is your privilege to attend this hearing to express your views concerning the proposed secondary road paving project or you may submit your written comments to the (County name) County Auditor no later than 4:00 p.m., (month), 20 (year).

Dated this (day)<sup>th</sup> day of (month), 20 (year)

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Name  
(County name) County Auditor



### Sample Resolution

WHEREAS: (County name) County has proposed a secondary road paving project scheduled as follows:

(Project Number): (Description and location (same as contained in the Notice of Public Hearing))

WHEREAS; the project is included in (County name) County's Five Year Program and,

WHEREAS; (County name) County is required to conduct a public hearing since the project does not meet the required point system for paving and,

WHEREAS; proper legal notice and publication of the public hearing has been served and,

WHEREAS; the (County name) County Board of Supervisors has held a public hearing regarding the proposed paving project, and

WHEREAS, no objections were received either in writing or by people present, and

WHEREAS, support was received in writing or from people present:

NOW THEREFORE BE IT RESOLVED by the (County name) County Board of Supervisors that the project be developed by the (County name) County Engineer for construction of the paving as programmed.

Dated this (day)<sup>th</sup> day of (month), 20 (year)

\_\_\_\_\_  
Signature of Chairperson

(Name of Chairperson)  
Name of Chairperson

(County name) County Board of Supervisors

\_\_\_\_\_  
Signature of County Auditor

(Name of County Auditor)  
Name of County Auditor

(County name) County Auditor

