

Guide and / or I.M. Revision Notice

To: Cities, Counties, and Consultants

Date: September 19, 2011

From: Office of Local Systems

Revision Notice Number: 2011-05

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existing Project Development Information Packet (Packet) or County Engineers I.M. documents that have been replaced or superseded.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 or 515-239-1051.

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

Document Title or I.M Number	Summary of Significant Revision(s)
Federal-aid Project Development Guide September 19, 2011	<p>The Federal-aid Project Development Guide has been updated. Substantive changes from the previous version include the following:</p> <ul style="list-style-type: none"> • Section 1.2.2, Who do I Contact? – The types of projects for which the Office of Systems Planning is the Administering Office were clarified. • Section 2.4, Reimbursement – A requirement to submit reimbursement requests in a timely manner (no less than yearly after reimbursable costs have been incurred) was added to comply with Federal inactive obligation regulations. <u>If a project becomes inactive, unexpended Federal funds will be withdrawn, unless adequate documentation is provided within 30 days to support continued obligation of those funds.</u> The referenced I.M. 2.080, Inactive Obligations, is not yet available but is currently under development. • Section 2.5, Match Requirements – This section was renamed and expanded to include additional general information about match requirements. In-kind contributions were redefined and the associated requirements revised. Only third-party donations are now allowed as an in-kind contribution. • Section 3.5, Project Tracking – This section was revised to clarify that use of the Transportation Project Management System (TPMS) is required for projects that involve construction but is optional for those that do not involve construction. • Section 4.8.2, Interchange Justification Reports – A reference and link was added to the “Iowa DOT’s User Guide – Process for new or Revised Interchange Access” guidance document. • Section 5.2, Federal Participation in Design Activities – The definitions for Preliminary Engineering (PE) and Construction Engineering (CE) were revised. The PE definition was changed to exclude activities that do not directly result in a construction project, such as planning or feasibility studies. • Section 5.3.2, Bicycle and Pedestrian Facilities – This section was modified to reference I.M. 1.080, ADA Requirements for the current design guidelines for ADA compliance. • Section 7.1.3, Iowa DOT Concurrence in Award – This section was added to summarize the procedures for awarding a contract let through the Iowa DOT. LPAs must make a decision to award a contract or reject all bids within 30 days of the letting. This section also clarifies that neither construction nor pre-construction

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	<p>meetings shall be held until after the Iowa DOT Office of Contracts concurs in the award of the contract.</p> <ul style="list-style-type: none"> • Section 10.3, Bridges – This section was added to remind LPAs of their responsibilities for bridge inspection and to describe the bridge funding programs. References to the applicable I.M.s were added for each.
<p>I.M. Table of Contents September 19, 2011</p>	<p>The I.M. Table of Contents has been revised to reflect new or revised I.M.s, as indicated below.</p>
<p>I.M. 3.005 Project Development Submittal Dates and Information September 19, 2011</p>	<p>This I.M. has been updated. Substantive changes from the previous version include the following:</p> <ul style="list-style-type: none"> • The table of submittal dates on page 1 was updated.
<p>I.M. 3.760 Public Interest Findings September 19, 2011</p>	<p>This I.M. has been updated. Substantive changes from the previous version include the following:</p> <ul style="list-style-type: none"> • Page 1 – Added a note to clarify that conditions 2-6 are applicable both before and after letting, therefore a PIF should be approved before approving a change order for one of these conditions. • Condition 1, project clearances <ul style="list-style-type: none"> ▪ Clarified that FHWA Environmental Concurrence should have already been obtained before plans are submitted for letting; therefore, a PIF will not be allowed if this clearance item has not been obtained. ▪ A note was added to describe the very limited circumstances when a project may be allowed to proceed in the letting past the 1st Tuesday, 1 month prior to letting without all the necessary clearances. • Condition 2, proprietary products – Clarified that that this condition applies whether there is Federal participation in the applicable bid item or not. • Condition 5, materials provided by LPA <ul style="list-style-type: none"> ▪ Clarified that that this condition applies whether there is Federal participation in the applicable bid item or not. ▪ Added a statement relative to manufactured materials to clarify that all costs in obtaining the materials must be considered in the cost-effectiveness determination, not just the contract costs. ▪ The exceptions for projects not on the National Highway System (NHS) were removed. The Federal guidance on which this exception was based has since been revised. • Condition 6, mandatory disposal areas <ul style="list-style-type: none"> ▪ Clarified that that this condition applies whether there is Federal participation in the applicable bid item or not. ▪ The definition of excavated materials was clarified. ▪ The exceptions for projects not on the National Highway System (NHS) were removed. The Federal guidance on which this exception was based has since been revised. ▪ A noted was added that the costs of transporting and stockpiling salvaged materials shall not have Federal or State-aid participation.



Federal-aid Project Development Guide

For Local Public Agencies

September 19, 2011

Iowa Department of Transportation
Office of Local Systems
800 Lincoln Way Ames, IA 50010
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 depend 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 given by the AASHTO Guide for Design of Bicycle Facilities, most recent edition. Designs for bicycle facilities that meet the guidelines provided in Chapter 8 of the [Iowa Statewide Urban Design Standards](#) are also acceptable. These standards are part of the Statewide Urban Design Standards and Specifications (SUDAS).

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. When complete, the LPA's project engineer (or designated representative) shall notify the [Administering Office](#) the project is ready for a field inspection. 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 constructed in accordance with Federal accessibility standards. Pedestrian facilities include sidewalks, shared use paths, or other public walkways. Where such facilities intersect a street, the portion of the street used by pedestrians, whether marked as a crosswalk or not, is also considered part of the pedestrian facility.

Project activities are considered an “alteration” if they involve changes to the structure, grade, function, or use of the street or sidewalk. Examples include full depth pavement replacement, widening, resurfacing, signal installation, pedestrian signal installation, and other work of similar scale and effect.

When the scope of a transportation project includes alterations to existing pedestrian facilities, those facilities must be brought up to current accessibility standards. For example, if a street resurfacing project alters the sidewalks, curbs, or street surface in the crosswalk area, curb ramps must be installed as part of the project. If curb ramps already exist but do not meet the

current accessibility standards, those ramps must be either reconstructed or retrofitted to meet the current accessibility standards.

Besides the requirements that apply to construction, reconstruction, or alteration projects, the ADA also requires that all existing programs and facilities (including transportation facilities such as streets, sidewalks, and curb ramps) be made accessible to persons with disabilities. If such facilities are not accessible, a transition plan must be prepared.

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

LPA's 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

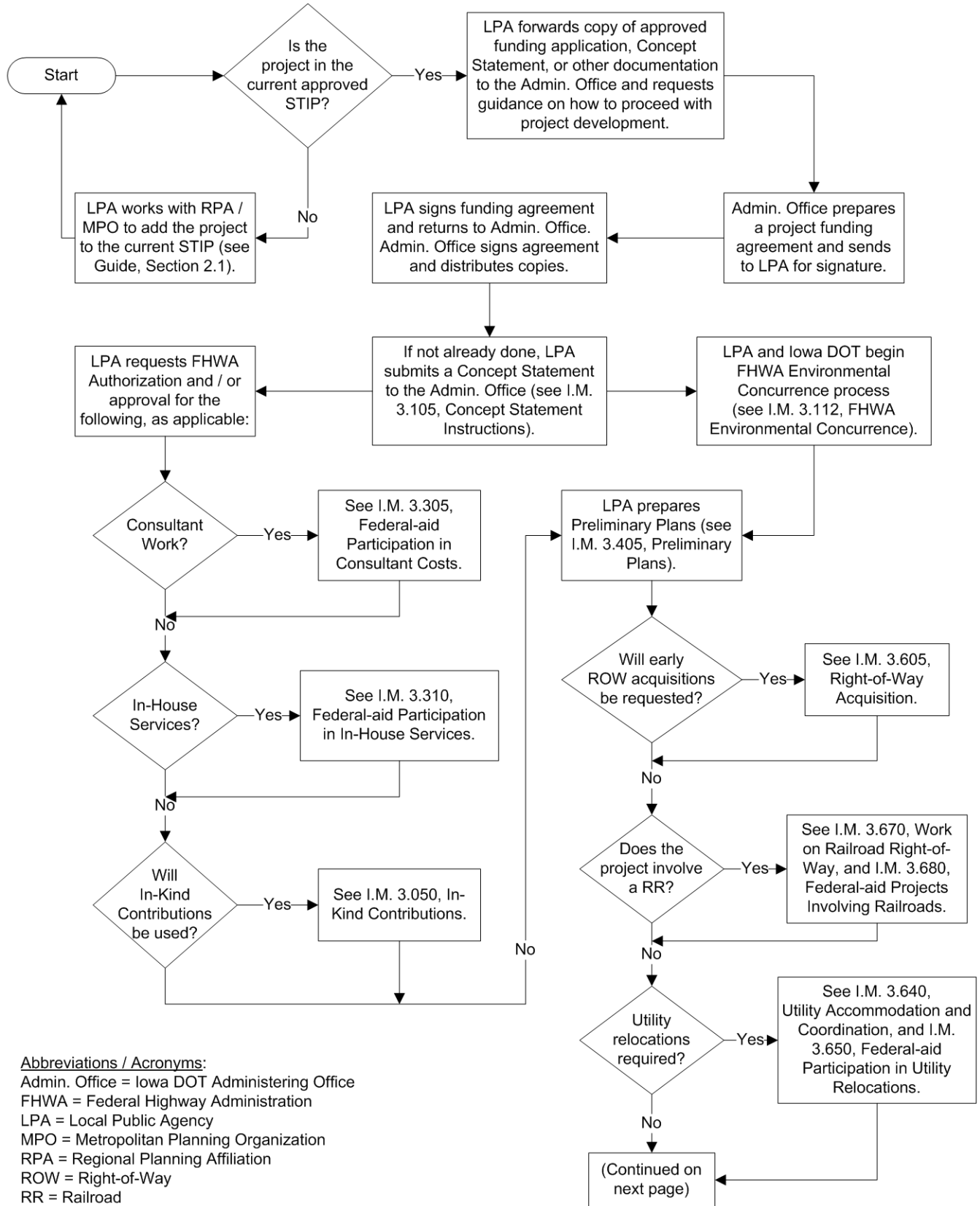
10.3.1. Bridge Inspections

As a condition of receiving any Federal funds, LPA's 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.

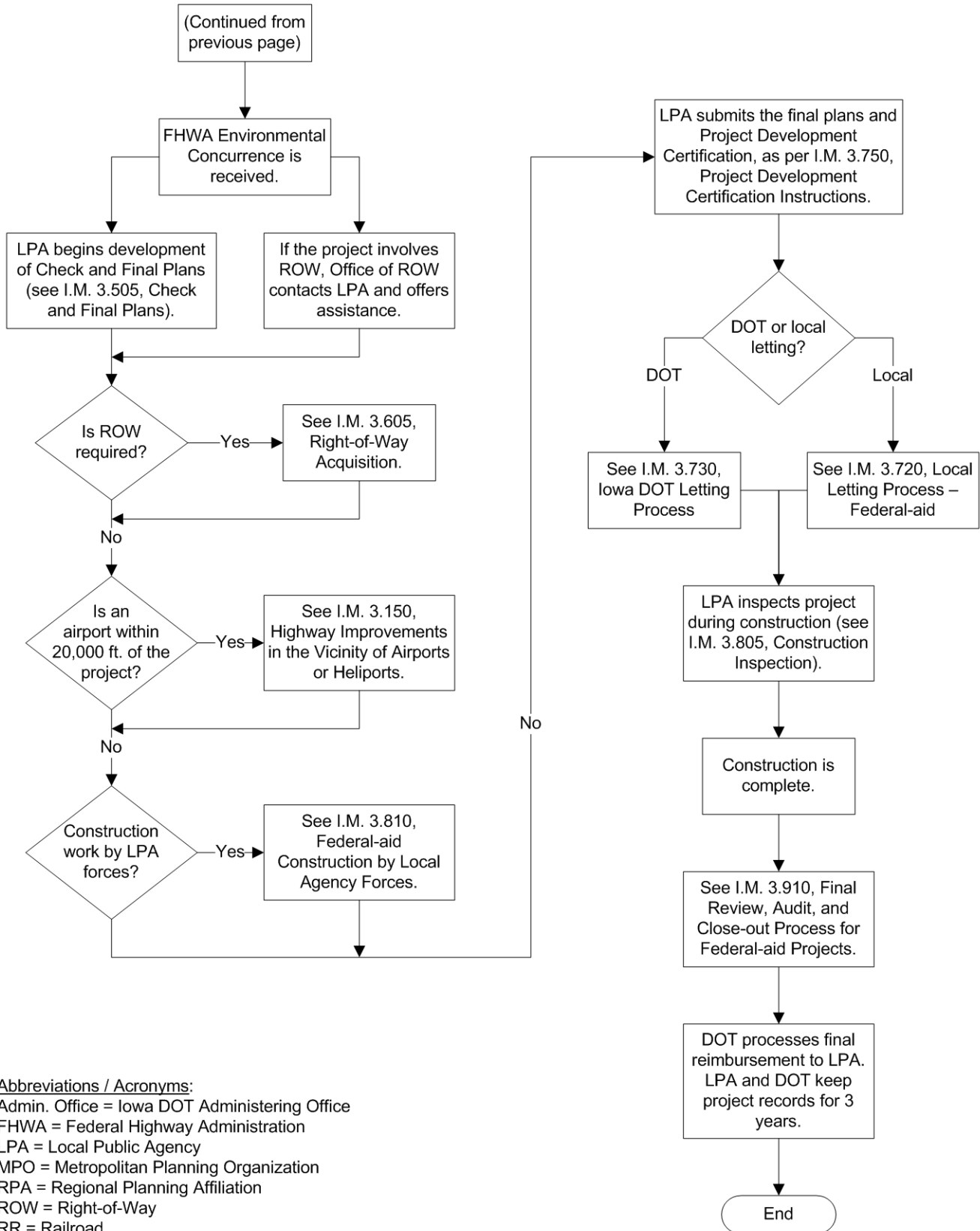
Appendix A – Project Development Flow Chart



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
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- 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

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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.

No.	Subject	Revision Date	Written To
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1.050	Manuals, Guides and Instructional Information Available to Counties	December 2002	Both
1.070*	Title VI and Nondiscrimination Requirements	February 21, 2008	Both
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	Attachment E - Highly Erodible Soils	May 11, 2011	Both
	Attachment F - Berm Stability Criteria	May 11, 2011	Both
	Attachment G - Guidance for Developing and Implementing Plans of Action (POA) for Bridges with Unknown Foundations, Flowcharts, and Worksheets	May 11, 2011	Both
	Attachment H - USGS Hydrologic Region Map with Region Descriptions	May 11, 2011	Both
	Attachment I - Special Training, Equipment, and Access Requirements Checklist	May 11, 2011	Both
	Attachment J - Load Rating Evaluation Form	May 11, 2011	Both
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3.110*	Environmental Data Sheet Instructions (see Packet, Index No. 6, Environmental Datasheet Instructions)	(future)	Both
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3.112*	FHWA Environmental Concurrence Process (see Packet, Index No. 6, NEPA Project Classification Process)	(future)	Both
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	Attachment C - Environmental Impact Statement / ROD Process (see Packet, Flowcharts, Chart No. 6B – Environmental Impact Statement / ROD Process)	(future)	Both
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	Attachment E - Section 4(f) Process (see Packet, Flowcharts, Chart No. 6D – Section 4(f) Process)	(future)	Both
3.114*	Cultural Resource Regulations (see Packet, Index No. 6, Cultural Resource Regulations)	(future)	Both
3.120*	Farmland Protection Policy Act Guidelines (see Packet, Index No. 6, Farmland Protection Policy Act Guidelines)	(future)	Both
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3.130*	404 Permit Process	March 26, 2008	Both
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3.205*	Urban Design Guidelines (see Packet, Index No. 5, Application of Design Criteria , Urban Design Aids , Alternative Urban Design Guides , and Design Exception Process for City Federal-aid Projects)	(future)	Cities
3.210*	Rural Design Guidelines	March 26, 2008	Counties
3.211	Rehabilitation of Existing Surfaces	November 2001	Counties
3.213*	Traffic Barriers (Guardrail and Bridge Rail)	November 2001	Both
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3.216*	Economic Analysis (Benefit-to-Cost Ratio)	October 2001	Counties
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	Attachment B – Guidelines for Federal-Aid Consultant Contracts	August 29, 2006	Both
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3.510*	Check and Final Bridge or Culvert Plans	June 18, 2010	Both
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	Attachment C – Early Right-of-Way Acquisition Process Flowchart	June 18, 2007	Both
3.640*	Utility Accommodation and Coordination	December 11, 2008	Both
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3.650*	Federal-aid Participation in Utility Relocations	June 18, 2007	Both
	Attachment A – Utility Relocation Federal-Aid Eligibility Flowchart	June 18, 2007	Both
	Attachment B – FHWA Authorization of Utility Relocation Costs Flowchart	June 18, 2007	Both
3.670*	Work on Railroad Right-of-Way	May 1, 2007	Both
	Attachment A – Notification and Agreement of Maintenance Work in Railroad Right-of-Way (Word)	May 1, 2007	Both
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	Attachment C – Work on Railroad Right-of-Way Flowchart	May 1, 2007	Both

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3.710*	DBE Guidelines	June 18, 2007	Both
3.720*	Local Letting Process – Federal-aid	April 12, 2007	Both
	Attachment A – Pre-Award Checklist and Certification	April 12, 2007	Both
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	Forms Packet Note: The documents included in the Forms Packet are not actually a part of I.M. 3.720 or its attachments. However, for convenient download, these documents are bundled together in a self-extracting executable file (forms.exe).	N/A	Both
3.730*	Iowa DOT Letting Process (see I.M. 3.44 , dated September 2005)	(future)	Both
	Attachment A – Iowa DOT Letting Process Flowchart (see Packet, Flowcharts, Chart No. 12 – DOT Pre-letting Process and Chart No. 13 – DOT Post-letting Process)	(future)	Both
3.750*	Project Development Certification Instructions	December 3, 2007	Both
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	Attachment B - Sample Project Development Certification Form	December 3, 2007	Both
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3.770	Paving Point Requirements	(future)	Counties
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3.805*	Construction Inspection (see I.M. 3.51 , dated September 2002)	(future)	Both
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3.920	Final Review, Audit, and Close-out Procedures for State-aid Projects	(future)	Both
3.930*	Interest Payment Procedures	December 3, 2007	Both
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4.210	Modification of the Farm-to Market (FM) System	August 10, 2011	Counties
4.220	Farm-to-Market Review Board Advisory Opinions on Proposed Jurisdictional Transfers	April 2002	Counties

INSTRUCTIONAL MEMORANDUMS

To Local Public Agencies



To: Counties and Cities	Date: September 19, 2011
From: Office of Local Systems	I.M. No. 3.005
Subject: Project Development Submittal Dates and Information	

Contents: This Instructional Memorandum (I.M.) lists the submittal dates for some of the major milestone events for development for Local Public Agency (LPA) projects that will be let by the Iowa Department of Transportation (Iowa DOT). It also summarizes the information that should be included with each submittal.

Submittal Dates for Local Public Agency Projects Let by the Iowa DOT

Following are submittal dates for the November 15, 2011, through April 15, 2014, Iowa DOT lettings. All submittals should be *received* by the Iowa DOT Administering Office on the dates shown below. However, early submittals are always encouraged.

Concept Statement		Preliminary Plans		Check Plans		Final Plans and PDC (2 weeks)	Contracts Turn-in	Letting Date	Fiscal Year
Major (42 weeks)	Minor (16 weeks)	Major (16 weeks)	Minor (11 weeks)	Major (6 weeks)	Minor (5 weeks)				
11/16/10	05/17/11	05/17/11	06/21/11	07/26/11	08/02/11	08/23/11	09/06/11	11/15/11	2012
12/14/10	06/14/11	06/14/11	07/19/11	08/23/11	08/30/11	09/20/11	10/04/11	12/20/11	
01/11/11	07/12/11	07/12/11	08/16/11	09/20/11	09/27/11	10/18/11	11/01/11	01/18/12	
02/15/11	08/16/11	08/16/11	09/20/11	10/25/11	11/01/11	11/22/11	12/06/11	02/21/12	
03/15/11	09/13/11	09/13/11	10/18/11	11/22/11	11/29/11	12/20/11	01/03/12	03/20/12	
04/19/11	10/18/11	10/18/11	11/22/11	12/27/11	01/03/12	01/24/12	02/07/12	04/17/12	
05/17/11	11/15/11	11/15/11	12/20/11	01/24/12	01/31/12	02/21/12	03/06/12	05/15/12	
06/14/11	12/13/11	12/13/11	01/17/12	02/21/12	02/28/12	03/20/12	04/03/12	06/19/12	
07/12/11	01/10/12	01/10/12	02/14/12	03/20/12	03/27/12	04/17/12	05/01/12	07/17/12	
08/16/11	02/14/12	02/14/12	03/20/12	04/24/12	05/01/12	05/22/12	06/05/12	08/21/12	
09/13/11	03/13/12	03/13/12	04/17/12	05/22/12	05/29/12	06/19/12	07/03/12	09/18/12	
10/18/11	04/17/12	04/17/12	05/22/12	06/26/12	07/03/12	07/24/12	08/07/12	10/16/12	
11/15/11	05/15/12	05/15/12	06/19/12	07/24/12	07/31/12	08/21/12	09/04/12	11/20/12	2013
12/13/11	06/12/12	06/12/12	07/17/12	08/21/12	08/28/12	09/18/12	10/02/12	12/18/12	
01/17/12	07/17/12	07/17/12	08/21/12	09/25/12	10/02/12	10/23/12	11/06/12	01/16/13	
02/14/12	08/14/12	08/14/12	09/18/12	10/23/12	10/30/12	11/20/12	12/04/12	02/19/13	
03/13/12	09/11/12	09/11/12	10/16/12	11/20/12	11/27/12	12/18/12	01/02/13	03/19/13	
04/17/12	10/16/12	10/16/12	11/20/12	12/24/12	12/31/12	01/22/13	02/05/13	04/16/13	
05/15/12	11/13/12	11/13/12	12/18/12	01/22/13	01/29/13	02/19/13	03/05/13	05/21/13	
06/12/12	12/11/12	12/11/12	01/15/13	02/19/13	02/26/13	03/19/13	04/02/13	06/18/13	
07/17/12	01/15/13	01/15/13	02/19/13	03/26/13	04/02/13	04/23/13	05/07/13	07/16/13	
08/14/12	02/12/13	02/12/13	03/19/13	04/23/13	04/30/13	05/21/13	06/04/13	08/20/13	
09/11/12	03/12/13	03/12/13	04/16/13	05/21/13	05/28/13	06/18/13	07/02/13	09/17/13	
10/16/12	04/16/13	04/16/13	05/21/13	06/25/13	07/02/13	07/23/13	08/06/13	10/15/13	
11/13/12	05/14/13	05/14/13	06/18/13	07/23/13	07/30/13	08/20/13	09/03/13	11/19/13	2014
12/11/12	06/11/13	06/11/13	07/16/13	08/20/13	08/27/13	09/17/13	10/01/13	12/17/13	
01/15/13	07/16/13	07/16/13	08/20/13	09/24/13	10/01/13	10/22/13	11/05/13	01/22/14	
02/12/13	08/13/13	08/13/13	09/17/13	10/22/13	10/29/13	11/19/13	12/03/13	02/18/14	
03/19/13	09/17/13	09/17/13	10/22/13	11/26/13	12/03/13	12/24/13	01/07/14	03/18/14	
04/16/13	10/15/13	10/15/13	11/19/13	12/24/13	12/31/13	01/21/14	02/04/14	04/15/14	

Important notes regarding submittal dates:

- 1) Projects using the “Major” submittal dates typically involve any of the following: wetlands, recreational areas, or wildlife refuges; railroad crossings; historical structures or historical districts; right-of-way or easement acquisitions; or Federal-aid for consultant work. Examples include relocating a road on new alignment, major reconstruction, a major bridge, or a historical structure. Note: All projects requiring a hydraulic or structural review should follow the schedule for “Major” type projects.
- 2) Projects using the “Minor” submittal dates typically do not involve any of the items listed above for the “Major” type projects. Examples include an asphalt resurfacing project or a bike trail surfacing project on an existing railroad bed.
- 3) Neither the Major nor the Minor project submittal dates are applicable to Federal-aid projects that require an Environmental Assessment (EA) or Environmental Impact Statement (EIS) document. The submittal dates shown above reflect the *minimum* amount of time required by the *Iowa DOT* to review the submittal. *These dates do not reflect the time that may be required by other agencies for the appropriate reviews and approvals.* The project schedule should be based on the specific circumstances of the project. Federal-aid projects that have significant impacts to environmental or historical resources, require large amounts of right-of-way, or involve adjustments to railroad or utility facilities, will likely require additional time to develop for letting. Therefore, in such cases, it will probably be necessary to submit the Concept Statement and Preliminary Plans earlier than the dates shown. For additional guidance and information, refer to [I.M. 3.002](#), Federal-aid Project Scheduling.
- 4) The “Final Plans and PDC” date is when the LPA shall submit final plans and the Project Development Certification (PDC) to the Administering Office.
- 5) The “Letting Date” is the third Tuesday of every month, except January, which is the Wednesday after the third Tuesday of the month.
- 6) The “Contracts Turn-in” date is the first Tuesday, 2 months prior to letting. This date is when the Administering Office will deliver final plans to the Office of Contracts.
- 7) All other submittal dates are calculated from the “Contracts Turn-in” date by subtracting the number of weeks shown, except when such dates conflict with a State holiday. Dates adjusted for a holiday are shown in **bold**.
- 8) The “Fiscal Year” is the Federal fiscal year in which a project should be programmed in the Statewide Transportation Improvement Program (STIP) for the letting dates shown. Even though October 1 is the beginning of the Federal fiscal year, projects targeting an October letting should be programmed in the previous fiscal year. This is because projects in the October letting are authorized for letting in September.

Administering Office: When it occurs in this document, and elsewhere throughout the I.M.s, the term, “Administering Office,” shall refer to the Iowa DOT [Office of Systems Planning](#) for projects funded by the Transportation Enhancement, Federal Recreational Trails, Scenic Byways, Safe Routes to School, or Revitalize Iowa’s Sound Economy (RISE) programs; unless such projects are already being administered by one of the Iowa DOT District Offices. For all other projects, the term, “Administering Office,” shall refer to the appropriate Iowa DOT [District Office](#).

Electronic Submittals: Plans may be submitted in electronic format, if they conform to the requirements of the [File Specifications for Electronic Plan Submittals to the Iowa DOT](#). Any of the other documents listed below may also be submitted in electronic format, provided the means of transmission and file format is acceptable to the Administering Office. Files may be transmitted via e-mail or the Transportation Project Management System ([TPMS](#)). If sent by e-mail, contact the Administering Office for the appropriate e-mail address. Acceptable file formats for electronic documents include: Microsoft Word (*.doc), Adobe Acrobat (*.pdf), Joint Photographs Expert Group (*.jpg), Graphic Interchange Format (*.gif), and Tag Image File Format (*.tif). If submitted electronically, paper copies are not required. Otherwise, submit hard copies as noted below.

Concept Statement: Include the following items in a Federal-aid project “Concept Statement for Local Systems Federal-aid Projects” (Form 517001) submittal (non-Federal-aid projects do not require a Concept Statement):

- 1 transmittal letter (or e-mail, if submitted electronically). Include a description of any unique aspects of the project or other information that cannot be adequately explained on the Concept Statement form.
- 4 copies of the Concept Statement. This form is available on-line in either [Microsoft Word](#) or [eForms XML](#) format. Include a location map and any applicable environmental documents with each copy. For more information, refer to [I.M. 3.105](#), Concept Statement Instructions.
- If a design exception is required, include 1 copy of the design exception documentation. For more information, refer to [I.M. 3.218](#), Design Exception Process. If the need for a design exception cannot be determined when the Concept Statement is submitted, submit the design exception request as soon as possible, but no later than the Check Plan submittal date.

- ❑ If required by the Concept Statement, include 2 copies of the Environmental Data Sheet (Form 517006). This form is available on-line in either [Microsoft Word](#) or [eForms XML](#) format. If the information required by this form is not known at the time of the Concept Statement submittal, submit the Environmental Data Sheet as soon as possible, but no later than the Preliminary Plan submittal date. For more information, refer to [I.M. 3.110](#), Environmental Data Sheet Instructions.

Incomplete Concept Statement submittals will delay project reviews. All submittals shall include the Iowa DOT project number. Users of the Transportation Program Management System ([TPMS](#)) may request project numbers using this system; otherwise, contact the Administering Office to obtain a project number.

Preliminary Plans: Include the following items in a Federal-aid project Preliminary Plan submittal (non-Federal-aid projects do not require preliminary plans):

- ❑ 1 transmittal letter (or e-mail, if submitted electronically), including the following:
 - the proposed letting date;
 - identification of all changes from the previously approved project Concept Statement, if any; and
 - whether or not a hydraulic review is being requested.
- ❑ 2 copies of the plans for all Preliminary Plan submittals.
- ❑ If the project involves a bridge or culvert that requires a hydraulic review, include 1 extra copy of the plans and 2 copies of the hydraulic review materials.
- ❑ If the project involves any work on an Interstate or Primary highway, include 3 extra copies of the plans.
- ❑ If the project involves right-of-way acquisitions or easements, include 1 extra copy of the title sheet and plan sheets that show the proposed right-of-way or easements.
- ❑ If a design exception is required but has not been previously requested, include the design exception documentation as noted in the Concept Statement section above.
- ❑ If submittal of the Environmental Data Sheet (Form 517006) is required but has not been previously submitted, include copies of this form as noted in the Concept Statement section above.
- ❑ 1 completed copy of the Preliminary Plan Checklist, included as [Attachment B](#) to I.M. 3.405, Preliminary Plans (use of the checklist is encouraged, but not required).

For more information on the preliminary plan requirements, refer to [I.M. 3.405](#), Preliminary Plans. For more information about the hydraulic review criteria for bridge and culvert projects, refer to [I.M. 3.410](#), Preliminary Bridge and Culvert Plans.

Please note: Design activities for Federal-aid projects may not progress past the preliminary plan stage until after FHWA Environmental Concurrence has been received.

Check Plans: Include the following items in the check plan submittal:

- ❑ 1 transmittal letter (or e-mail, if submitted electronically), including the following information:
 - the proposed letting date;
 - identification of all changes from the previously approved project Concept Statement, if any;
 - whether or not a structural review is requested;
 - if a bridge, culvert, or grading project does not require a U.S. Army Corps of Engineers 404 permit, a statement that explains why the permit is not required;
 - if a bridge, culvert, or grading project does not require an Iowa Department of Natural Resources Floodplain Construction permit, a statement that explains why the permit is not required;
 - if the project does not disturb one or more acres of land, a statement that the National Pollutant Discharge Elimination System (NPDES) permits is not required; and
 - if a federal-aid bridge or culvert project will not use epoxy-coated reinforcing steel, a waiver request as per the Bridge or Culvert Plan Supplementary Checklist, included as [Attachment A](#) to I.M. 3.510, Check and Final Bridge or Culvert Plans.
- ❑ 2 copies of the plans for all check plan submittals.
- ❑ If the project includes any Special Provisions, include 1 electronic copy of each Special Provision. If the Check Plans are submitted in hardcopy format, also include 1 hardcopy of the Special Provisions
- ❑ If the project involves a bridge or culvert that requires a structural review, include 1 extra copy of the plans and 2 copies of the structural calculations.
- ❑ If the project involves any work on an Interstate or Primary highway, include 3 extra copies of the plans and 3 extra hard copies of each Special Provision.
- ❑ If the project involves right-of-way acquisitions or easements, include 1 extra copy of the title sheet and plan

sheets that show the proposed right-of-way or easements.

- ❑ If a design exception is required but has not been previously requested, include the design exception documentation as noted in the Concept Statement section above.
- ❑ 1 completed copy of the Check and Final Plan Checklist, included as [Attachment B](#) to I.M. 3.505, Check and Final Plans (use of the checklist is encouraged, but not required).
- ❑ If a Public Interest Finding is being requested, include justification. For more information, refer to [I.M. 3.760](#), Public Interest Findings.

Check plans should be 100% complete and incorporate all preliminary plan review comments provided by the Administering Office and any other offices that were involved in the preliminary plan review. The engineer's signature is not needed on the Check Plan submittal. For more information on the check plan requirements, refer to [I.M. 3.505](#), Check and Final Plans. For more information on the structural review criteria for bridge and culvert projects, refer to [I.M. 3.510](#), Check and Final Bridge or Culvert Plans.

Final Plans: Include the following items in the final plan submittal:

- ❑ 1 transmittal letter (or e-mail, if submitted electronically), including the following information:
 - the proposed letting date;
 - if requested, any specific contract requirements (e.g., start date, number of working days, combined projects, etc.), including the reasons for the request;
 - identification of any changes, in addition to those requested by the check plan review, that have been made to the plans since the Check Plan submittal. Please be specific. It is especially important to note any changes that affect bid items or the estimate reference information. Use of highlighter to indicate the changes on the copy of the final plans is also acceptable; and
 - if multiple funding sources will be used for the contract (not counting the local match), specify the type and order in which the funds should be used.
- ❑ 1 unbound set of reproducible final plans with original signatures. Note: The signature of the certifying Engineer and / or Architect shall be in contrasting ink (blue works best). Signatures on electronic plans do not require a color contrast. For more information, refer to the [File Specifications for Electronic Plan Submittals to the Iowa DOT](#).
- ❑ 1 copy of the final plans.
- ❑ 2 copies of the project cost estimate.
- ❑ 1 electronic Trns*Port bid item file. The Trns*Port file is required for city projects and strongly encouraged for county projects with more than 6 bid items. For more information, refer to [I.M. 3.520](#), Electronic Bid Item Information.
- ❑ If the project includes any Special Provisions, include 1 electronic copy of each Special Provision. If the Final Plans are submitted in hardcopy format, also include 2 hardcopies of the Special Provisions
- ❑ If the project involves any work on a Interstate or Primary highway, include 3 extra copies of the plans and 3 extra hard copies of each Special Provision.
- ❑ 1 Project Development Certification (PDC) (Form 730002). The PDC is available on-line in either [Microsoft Word](#) or Adobe Acrobat ([PDF](#)) format. For more information, refer to [I.M. 3.750](#), Project Development Certification Instructions.
- ❑ If a railroad agreement is required, include 2 copies of the executed agreement. For more information, refer to [I.M. 3.670](#), Work on Railroad Right-of-Way.
- ❑ If a Public Interest Finding is being requested, include justification. For more information, refer to [I.M. 3.760](#), Public Interest Findings.

Final plans should incorporate all check plan comments made by the Administering Office and any other offices involved in the check plan review. For more information on the final plan requirements, refer to [I.M. 3.505](#), Check and Final Plans, and [I.M. 3.510](#), Check and Final Bridge or Culvert Plans.

INSTRUCTIONAL MEMORANDUMS

To Local Public Agencies



To: Counties and Cities	Date: September 19, 2011
From: Office of Local Systems	I.M. No. 3.760
Subject: Public Interest Findings	

Contents: This Instructional Memorandum (I.M.) provides guidance and information about Public Interest Findings. It includes a description of what they are, conditions that require them, and procedures for their submittal, review, and approval. Except where noted otherwise, the guidance contained in this I.M. applies to any Local Public Agency (LPA) project let by the Iowa Department of Transportation (Iowa DOT), regardless of its funding source(s) or road system classification.

Introduction

There are many State and Federal rules, policies, and procedures that apply to construction contract lettings conducted by the Iowa DOT. For LPA Federal-aid projects, the Iowa DOT is responsible for monitoring the LPA's compliance with these rules, policies, and procedures. However, a limited number of these rules, policies, and procedures contain provisions that permit them to be waived under certain circumstances. A Public Interest Finding (PIF) is an approval by the Iowa DOT to allow such an exception.

As its name suggests, these exceptions are approved if it is in the public's best interest to do so. Usually, an exception is deemed to be in the public's best interest if it is more cost effective than following the established rule, policy, or procedure. Cost effectiveness means that the proposed action results in the lowest overall cost. However, in some situations, other factors may also be considered. A PIF, by its very nature, is an unusual situation. Therefore, the Iowa DOT will approve a PIF only after careful consideration of the specific situation and the precedent that may be set.

Conditions that Require a Public Interest Finding

For each condition listed below, the explanation describes why a PIF is required. In addition, guidance for justification of each type of PIF request is provided. The type and amount of justification required will vary, depending on the nature of the request. Whenever possible, the justification should be objective or quantifiable, such as a cost comparison or product research. The typical conditions that require a PIF include, but may not be limited to, the following:

Note: Conditions 2-6 are applicable both before and after the letting. Therefore, a PIF should be approved before issuing a change order for any of these conditions.

1. *All of the applicable project clearances will not be obtained by the 1st Tuesday, 2 months prior to letting.*

Explanation: Projects let without the necessary clearances have an increased risk of delays and increased construction costs. To help minimize the potential for delays and increased costs, the Iowa DOT's policy is to ensure that all projects have the necessary clearances prior to this date. This date is when the Administering Office submits the project plans and specifications to the Office of Contracts. It marks the beginning of the letting process.

Project clearances, for the purposes of this document, shall include:

- a) Project Agreement (applicable to Federal-aid and State-aid projects only): This item is considered clear when the appropriate officials of both the Iowa DOT and the LPA have signed the project agreement.
- b) An approved Project Development Certification (PDC): This certification addresses several project clearances, including: railroads, utilities, permits for work on Primary Highways, and right-of-way acquisitions and relocations. These items are considered clear when the PDC has been approved (signed) by the appropriate Iowa DOT office(s). For more detailed guidance on each of the clearances addressed by the PDC, refer to [I.M. 3.750](#), Project Development Certification Instructions.
- c) U.S. Army Corps of Engineers 404 Permit (if applicable): This item is considered clear when the Corps has approved the applicable 404 permit application.

- d) Iowa DNR Floodplain Permit (if applicable): This item is considered clear when the Iowa DNR has approved the permit application.

Note: For Federal-aid projects, FHWA Environmental Concurrence is also an essential project clearance. However, since final design may not proceed until after Environmental Concurrence is received, this clearance must already have been obtained prior to submittal of final plans for letting. Therefore, a PIF will not be accepted for lack of this clearance.

The LPA should contact the Iowa DOT Administering Office for assistance in determining which clearances apply to a specific project.

Guidance: If a PIF is requested for this condition, the LPA's request shall address several things:

- a) Identify the project clearance that is not yet obtained.
- b) Explain the special circumstances that have prevented the LPA from obtaining the needed clearance in accordance with the established processes and typical timeframes. The LPA must be able to demonstrate that the circumstances were not reasonably foreseeable or are beyond their control. Lack of planning is not acceptable justification for approving a PIF for this condition.
- c) List the steps being taken to obtain the needed clearance. The LPA must be able to show that aggressive efforts are being made to obtain the needed clearance and their chances of success are high.
- d) Provide an estimate of when the needed clearance will be obtained. This estimate must be reasonable, given the typical timeframes for the clearance in question. A request that requires an accelerated process may not be approved.
- e) Explain the nature of and quantify, if possible, any anticipated negative impacts that are likely to result from delaying the project. The LPA should also explain why those potential impacts outweigh the additional risk of allowing the project to proceed in the letting without the clearance.

Except as noted below, all of the applicable clearances must be obtained by the 1st Tuesday, 1 month prior to letting. Otherwise, the project will be rescheduled for a later letting.

The 1st Tuesday, 1 month prior to letting is when the Iowa DOT begins requesting Federal Highway Administration (FHWA) authorization of projects for letting. As required by the Federal regulations ([23 CFR 635.309](#)), the Iowa DOT's request contains assurances that either all the necessary project clearances have been obtained or necessary arrangements have been made so that the project may progress without unnecessary delay or expense. The Iowa DOT is responsible to the FHWA for ensuring that all Federal-aid projects comply with these regulations. While non-Federal-aid projects don't require FHWA authorization, the same procedure will be used for all projects let by the Iowa DOT.

Under very limited circumstances, a project may proceed in the letting process without all the clearances up until the 1st Tuesday of the letting month, but only if the pending clearance is virtually assured. One example is if a right-of-way parcel has not been acquired but is scheduled for condemnation (i.e., a court date has been set) before the 1st Tuesday of the letting month. Another example is if formal permit approval is pending but the permitting agency has given written assurance that approval will be granted before the 1st Tuesday of the letting month.

2. *The contract documents direct the contractor to provide a single proprietary product.*

Explanation: Federal regulations ([23 CFR 635.411](#)) and the Iowa DOT's policy requires procurement of construction contracts through a competitive bidding process. This condition is applicable whether the item in question will have Federal participation or not. Specifications that direct the contractor to provide a single proprietary product (i.e., only one brand-name product is allowed) do not allow competition by other acceptable products. Use of such specifications may unnecessarily add to the project cost.

Guidance: Generic, end-result specifications are always the preferred method because they promote competition. A less desirable but acceptable specification may include proprietary products if at least three

acceptable products are listed along with the phrase, “or approved equal.” However, if only one product is listed, there are several situations that may justify a PIF. These are listed below:

- a) The product is necessary to ensure compatibility with existing facilities or systems. For example, improvements to a traffic signal system may require a certain model of controller because other controllers would not be compatible with the existing traffic signal system.
- b) No alternative products exist that adequately meet the project requirements.
- c) The product is part of a research project approved by the Iowa DOT which is designed to test or evaluate new or experimental products.

3. The LPA will directly perform some or all of the construction work using its own labor, materials, or equipment; and the LPA will request Federal-aid participation in this work.

Explanation: Federal regulations ([23 CFR 635.114\(a\)](#) and [23 CFR 635 B](#)) prohibit competition by LPAs with private contractors for award of Federally funded construction work. By completing the construction work with its own labor, materials, or equipment, the LPA is in essence competing with private contractors for this work.

Guidance: There may be situations where it is in the public’s best interest for the LPA to complete the work using its own labor, materials, or equipment. This determination is made either on the basis of cost effectiveness or that an emergency situation exists. To justify this condition on the basis of cost effectiveness, refer to the instructions and procedures contained in [I.M. 3.810](#), Federal-aid Construction by Local Agency Forces.

To justify this condition on the basis of an emergency, the LPA must be able to show that a major element or segment of the highway system has failed and immediate action is needed to:

- a) minimize the extent of damage,
- b) protect the remaining facilities, or
- c) restore essential travel.

Work that meets this criteria may proceed prior to FHWA authorization. However, before such work may be reimbursed with Federal funds, the Iowa DOT and FHWA must concur in the emergency determination and FHWA authorization must be received.

4. The contract documents make publicly owned equipment available for use by the contractor and the LPA will request Federal-aid reimbursement for the use of this equipment.

Explanation: Federal regulations ([23 CFR 635.106](#)) do not allow competition of publicly owned equipment with privately owned equipment in the completion of a highway construction contract.

Guidance: In some cases, it may be in the public’s best interest to approve such a use of publicly owned equipment. This determination is made exclusively on the basis of cost effectiveness.

Therefore, the LPA must be able to substantiate the costs associated with use of its equipment and compare those to the costs that would be incurred by a contractor for similar use. In calculating its own equipment costs, the LPA must take into consideration the initial purchase price, as well as maintenance and operational costs. As an alternative to calculating its own equipment costs, the LPA may use the current [Iowa DOT Schedule of Equipment Rates](#) provided by the Iowa DOT Office of Local Systems.

If a PIF is approved for this condition, the contract documents must also contain the following information:

- a) a statement clearly indicating that publicly owned equipment will be made available for use by the contractor;
- b) a clear identification of the specific pieces of equipment that will be made available, the rates to be charged by the LPA (if any), and the locations where the equipment will be made available or delivered; and

- c) a statement giving the contractor the option of either using the publicly owned equipment or providing the necessary equipment to complete the work.

If the LPA charges a rental rate for such equipment, it shall not make a profit. If, due to unforeseeable circumstances, the use of publicly owned equipment is not approved until after the work has started, such use shall not be a basis for an increase in project costs, or Federal or State reimbursement.

5. *The contract documents for a Federal-aid contract specify that the contractor shall incorporate materials or products provided by the LPA into the project.*

Explanation: Federal regulations ([23 CFR 635.407](#)) require that all materials to be incorporated into the project be acquired through a competitive bidding process. This condition is applicable whether the item in question will have Federal participation or not. Competitive bidding usually delivers the project at the lowest possible cost to the public. Requiring the contractor to use materials provided by the LPA does not allow contractors to select their own sources for materials or products, and may result in higher overall project costs.

Guidance: When considering the justification for this condition, materials or products furnished by the LPA will be evaluated on the basis of two general categories, as described below:

- a) **Manufactured materials (products):** Examples include items such as street lights, utility accesses or covers, water mains, fire hydrants, etc.

Justification of a PIF for this condition should be based on cost effectiveness or existing facilities / systems compatibility. The cost effectiveness determination shall consider all the costs of obtaining and providing the manufactured materials, even if they are provided to the contractor free of charge.

If a PIF is approved for the LPA to furnish manufactured materials or products to the contractor, their use must be made mandatory. Optional use is not permitted because this in effect allows the LPA to compete with private suppliers. Also, to be eligible for Federal participation, the LPA must be able to demonstrate that the product was previously acquired through a competitive bidding process, unless another method has been approved by a separate PIF for a non-competitive contract award (see no. 2 above).

- b) **Local natural materials:** Examples include earth material (borrow), recycled pavement materials, sand, or gravel.

Justification of a PIF for this condition should be based on cost effectiveness. When calculating its cost for local natural materials, the LPA must account for all costs incurred in obtaining and providing the materials, such as their cost to acquire a borrow or quarry source, and their labor and equipment costs in transporting or stockpiling the material.

If a PIF is approved for the LPA to furnish local natural materials, the contract documents must clearly specify how and where they will be provided. If the LPA elects to deliver the materials to the project site, the method, frequency, and location of the delivery must be specified. Or, if the LPA chooses to make its stockpile, borrow, or quarry areas available for the contractor's use, their locations must be identified. Also, the unit price (if any) that will be charged for the materials must be stated in the contract documents. If Federal participation is requested in the cost of local natural materials, the Federal share will be limited to the LPA's actual costs, or the fair market value, whichever is less.

6. *The contract documents for a Federal-aid contract specify a mandatory disposal area for excavated materials.*

Explanation: Federal regulations ([23 CFR 635.407](#)) prohibit the contract documents from specifying a mandatory disposal site for excess excavated materials. This condition is applicable whether the item in question will have Federal participation or not. The excess excavated materials may have some value. Therefore, if the contractor was allowed to dispose of the excavated materials elsewhere, perhaps by selling the excavated materials to another interested party, the contractor may be able to submit a lower bid as a result.

Excavated materials include earth, rock, sand, or gravel and crushed, broken, or milled pavement materials. Excavated materials do not include other items that may be salvaged, such as traffic signals, controller cabinets, light poles, guard rail, fire hydrants, manhole castings, street furniture, or retaining wall blocks.

Guidance: This requirement may be waived if the LPA can demonstrate that use of a mandatory disposal area is cost effective. Use of a mandatory disposal area may also be justified on the basis of environmental considerations, provided that it would not result in excessive extra costs. The findings of the environmental document may be used to substantiate a PIF based on environmental considerations.

If a PIF is approved for this condition, the location of the mandatory disposal area shall be clearly identified in the contract documents.

Note: Regardless of which type of materials are salvaged or whether a PIF is required, the cost of transporting and stockpiling any salvaged materials shall not have any Federal-aid or State-aid participation. For additional guidance, refer to Attachment A to [I.M. 3.505](#), Check and Final Plans.

Procedures for Requesting and Approving a Public Interest Finding

1. If the LPA proposes to do something that requires a PIF, the Iowa DOT Administering Office contacts the LPA and explains the reasons why the rule, policy, or procedure is in place. The Administering Office should encourage compliance with the rule, policy, or procedure by suggesting alternatives that do not require a PIF.
2. If, after consultation with the Administering Office, the LPA still feels that a PIF can be justified, the LPA shall submit a written request for approval (may be a letter, memo, or e-mail) to the Administering Office. This request shall include sufficient information (e.g., cost comparisons, a description of specific project requirements, etc.) to support the PIF.
3. The Administering Office reviews the LPA's request and either approves or disapproves the request in writing to the LPA. The Administering Office keeps a copy of the request and approval or disapproval in its project file. If the PIF was for a project clearance (see condition no. 1), the Administering Office's approval will also indicate how far the project may progress in the letting without the needed clearance.
4. When the project plans and specifications are turned-in to the Iowa DOT Office of Contracts, the Administering Office includes a copy of the LPA's PIF request and the Administering Office's written approval. If the need for a PIF is discovered after the plans are turned-in, the approved PIF documentation shall be submitted to the Office of Contracts as soon as possible, but no later than the 1st Tuesday, 1 month prior to letting. Otherwise, the project will be rescheduled for a later letting.