

# PROJECT APPLICATION AND ROLES & RESPONSIBILITIES

## CHAPTER 1

### Project Application - Federal and State-funded Programs

Various Federal and state-funded programs are available to help Local Agencies implement transportation improvement projects. Each funding program has a unique purpose, specific qualification and project requirements, eligibility criteria and application deadlines. Some funding programs issue calls for projects every year, while others issue calls every two years or less frequently. Local Agencies submit applications in response to calls for projects. Applications are then evaluated and ranked based on the funding program requirements.

After a project is selected for an award of funds, the Local Agency is responsible for administering the project based on the terms outlined in the CDOT/Local Agency Intergovernmental Agreement (IGA). CDOT's role is to provide oversight during project delivery and to ensure the Local Agency complies with federal/state requirements tied to funding and the terms in the IGA. The Local Agency's role is to administer the proposed project (planning, design, construction) and maintain the project upon completion.

Most funding programs require a non-federal match which is calculated as a percent of the total project cost. The required percent of match can vary by individual program. Match is typically provided in the form of cash. Although uncommon due to complexity, the match may be met through third party in-kind contributions of property or services. For more information on allowable match, the Local Agency should contact the CDOT Local Agency Coordinator or CDOT Project Manager. Additional information on allowable match for Federal-aid Highway programs can be found at: [https://www.fhwa.dot.gov/legsregs/directives/policy/fedaid\\_guidance\\_nfmr.pdf](https://www.fhwa.dot.gov/legsregs/directives/policy/fedaid_guidance_nfmr.pdf).

Below are a few of the funding programs available to Local Agencies.

- **Transportation Alternatives Program (TAP)**  
For program information contact the CDOT Local Agency Coordinator (See Appendix D – CDOT Contact List) or the Metropolitan Planning Organization (MPO) for the specific area of the state. A copy of the State Transportation Alternative

Program Guidelines may be found under Programs>Planning>Grants on CDOT's website at <https://www.codot.gov/programs/planning/planning-programs/programs/planning/grants/grants>.

- **Off-System Bridge Program (BRO)**

For program information refer to the *CDOT Structure Management Manual*, Section 5, Off System Bridge Program, or contact CDOT's Staff Bridge, Bridge Asset Management at (303) 512-4073. Under the current transportation act, [Infrastructure Investment and Jobs Act](#) (IIJA), also known as the "Bipartisan Infrastructure Law (BIL)", the BRO continues to be funded from the Surface Transportation Block Grant Program.

- **Highway Safety Improvement Program (HSIP)**

This program replaced the Federal Hazard Elimination Program (HES). Funds may be used for safety projects. For program information contact CDOT's Traffic & Safety Engineering Branch at (303) 512-5103.

- **Congestion Mitigation and Air Quality Improvement Program (CMAQ)**

For program information contact the Metropolitan Planning Organization (MPO) or Transportation Planning Region (TPR) for your area of the state or your CDOT Local Agency Coordinator (See Appendix D – CDOT Contact List).

- **Surface Transportation Block Grant Program (STBG)**

The program is only available in the Colorado Springs, Denver and Fort Collins metropolitan areas. For program information, contact your Metropolitan Planning Organization (MPO) for your area of the state or contact your CDOT Local Agency Coordinator (See Appendix D – CDOT Contact List).

- **National Highway Performance Program (NHPP)**

The NHPP provides support for the condition and performance of the National Highway System. For program information contact your CDOT Local Agency Coordinator. (See Appendix D – CDOT Contact List).

- **Safe Routes to Schools Program (SRTS)**

SRTS provides funding for planning, development and implementation of projects to improve safety, and reduce traffic, fuel consumption and air pollution in the vicinity of

schools. For program information contact your CDOT Local Agency Coordinator or the Division of Transportation Development (See Appendix D – CDOT Contact List).

- **FASTER Safety and FASTER Transit (FASTER)**

The FASTER program provides funds for improving safety, repairing deteriorating bridges and expanding transit. For program information contact your CDOT Local Agency Coordinator. (See Appendix D – Contact List).

- **Multimodal Transportation & Mitigation Options Fund (MMOF)**

The MMOF program provides both federal and state funds for a complete and integrated multimodal system, including projects that mitigate transportation related emissions of greenhouse Gases (GHG). The MMOF program also expands the choices and accessibility to alternative modes of transportation for Disproportionately Impacted Communities. For technical requirements of this program, see the program fact sheets in Appendix G or contact your CDOT Local Agency Coordinator or your Division of Transportation Development contact. A CDOT Contact List is contained in Appendix D.

- **Revitalizing Main Streets (RMS)**

The RMS program is intended to help communities across the state implement transportation-related projects that improve safety and yield long-term benefits to community main streets. For technical requirements of this program, contact your CDOT Local Agency Coordinator or your Division of Transportation Development contact. A CDOT Contact List is contained in Appendix D.

For a complete list of funding categories, see the Funding Category List in Appendix B. Additionally, fact sheets for the Federal-aid Highway programs (TAP, CMAQ, HSIP, STBGP, BRO, NHPP and the new IIJA/BIL programs) are available at the following links:

- IIJA/BIL - [https://www.fhwa.dot.gov/bipartisan-infrastructure-law/fact\\_sheets.cfm](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/fact_sheets.cfm)
- FAST ACT - <http://www.fhwa.dot.gov/fastact/factsheets/>

The fact sheets list eligible activities as well as other program features.

A Federal-aid Highway funded (or other federal or state funded) Local Agency construction project must include an end-result product as identified in the scope of work; e.g., a particular portion of a highway. However, this does not preclude the authorization of a project with federal or state funds participating in only a portion of the work; e.g., the cost of materials.

### **Preliminary Scoping for the Project Application**

Prior to applying for state or federal funds, a Local Agency should, at a minimum, consider the following key aspects of the proposed project:

- the role and responsibilities of the Local Agency in successfully planning, designing and overseeing construction – by agreeing to accept federal funds, the Local Agency assumes the responsibility for initiating and completing each project phase in accordance with appropriate state and federal laws and regulations with minimal CDOT oversight.
- administration of project development and construction, whether by Local Agency staff, consultant, CDOT, or a combination – while a consultant may assist the Local Agency in fulfilling its responsibilities, the Local Agency cannot delegate these responsibilities to a consultant. The Local Agency is in responsible charge of the project and is responsible and accountable to CDOT and the federal funding agency for the expenditure of state and federal funds respectively.
- preliminary estimate of total project costs
- anticipated project duration and schedule
- the process to evaluate environmental impacts and associated mitigations (including social and economic effects)
- right-of-way requirements
- utility identification and possible conflicts (including required subsurface utility engineering requirements)
- traffic concepts (including systems engineering analysis)
- structure requirements
- typical section and cross-sections
- material requirements
- work zone traffic control during construction

- project staffing on the project to effectively administer the work performed by the contractor
- maintenance and operations responsibilities
- the ability of the Local Agency to assess, evaluate and mitigate project risk

Project scoping is usually a continuing process that will be refined up to and during the Field Inspection Review. For further scoping information see Chapter 5, Conduct Design Scoping Review Meeting, of this *Desk Reference*.

Other key areas to consider when preparing the scope of work for the project application include the following:

### **Environmental Impacts**

In the project application stage, the Local Agency shall consider and coordinate with CDOT regarding impacts to the environment from the aspect of National Environmental Policy Act (NEPA), current US Department of Transportation Act, Land and Water Conservation Fund Act (36 CFR), the Civil Rights Act Title VI, the Presidential Executive Order for Environmental Justice, and from the implications of the project design. Consider the following:

1. What is the probable environmental clearance category (Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement)?
2. What impact will the applicable category have on time and costs?
3. What are the logical termini, or beginning and ending points, for the project? The environmental impacts could extend beyond the project construction zone.
4. What environmental studies may be needed?
5. What impact will environmental studies have on time and costs?
6. What are the impacts of avoidance?
7. What mitigation might be required?
8. What impact will the mitigation have on time and costs?
9. Will permanent water quality treatment be needed on the project? A separate IGA may be needed to address the Local Agency's responsibility

for maintenance of the permanent water quality feature to be constructed on the project.

Environmental resources and impacts that should be considered may include:

- Cultural Resources:
  - historic clearances (and US DOT Act, Section 4f clearances for historical)
  - historic bridges
  - archaeology
  - Native American Resources
- Paleontological Resources
- Floodplains
- Geology and Soils: farmland protection, engineering geology, and special features
- Biological Resources:
  - vegetation and wildlife including migratory birds
  - noxious weeds,
  - wetlands, and Clean Water Act, Section 404 (impacts to waters of the US including wetlands) Permit
  - Division of Wildlife (Senate Bill 40) effects on riparian habitat
  - threatened and endangered species
  - prairie habitat initiative impacts (see Biological Opinion on CDOT website)
- Hazardous waste and materials:
  - Permanent and temporary dewatering permits from CDHPE
- Noise analysis
- Air quality (for non-attainment and maintenance areas)
- Water Quality:
  - Clean Water Act, Section 401 Water Quality Certification for work in streams
  - Clean Water Act, Section 402 (National Pollutant Discharge Elimination system (NPDES)) Permit
  - Colorado Discharge Permitting System (CDPS) Permit(s)
    - Stormwater Construction (for construction sites over an acre of disturbance)
    - MS4 permit conformity letter

- Stormwater Management Plans (SWMPs) for erosion and sediment control
- Dewatering/remediation
- Public lands
  - Local land use plan and zoning conformity
  - US DOT Act, Section 4(f)
  - Land and Water Conservation Fund Act, Section 6(f)
- Parks and recreational areas
  - US DOT Act, Section 4(f)
- Socioeconomic effects
- Environmental justice (Executive Order 12898 overseeing that no disproportionate indiscriminant effect occurs to minority and low-income populations), and Civil Rights Act Title VI (overseeing that no discrimination occurs with a project)
- Visual Resources
  - Visual Impact Assessment (VIA) using CDOT VIA Guidelines
- Other permits, as applicable

See Appendix A for a copy of CDOT Form 128 - Categorical Exclusion Determination.

### **Right-of-Way Requirements**

Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, commonly called the Uniform Act, must be followed. For additional information, refer to the Real Estate Acquisition Guide for Local Public Agencies available from U. S. Department of Transportation/Federal Highway Administration and the CDOT Right of Way Manual (Chapter 8). The Right of Way manual may be accessed at <https://www.codot.gov/business/manuals/right-of-way/>.

Types of right-of-way requirements may include:

- temporary easements
- permanent easements
- acquisition and relocation

Consideration should also be given to changes in access requirements and the associated costs.

### **Utility and Railroad Requirements**

Identify possible conflicts, crossings, subsurface utility engineering, and relocation requirements.

### **Conceptual Cost Estimate**

The preliminary cost estimate should include all project costs, including but not limited to, environmental studies and mitigation, right-of-way acquisition and services, utility relocation (Subsurface Utility Engineering), design, construction, inspection, and construction oversight.

### **Project Schedule**

The project schedule should include the planned start and end date for each phase of the project. It is important that dates are realistic and allow adequate time to complete the work and close out the project.

## **1.1 Roles and Responsibilities**

Overall roles and responsibilities for entities participating in the delivery of federal and state-funded projects are presented below. More specific roles for each entity are included within each Chapter of this *Desk Reference*.

- **Local Agency**

Before submitting a Project Application, a Local Agency should understand its roles and responsibilities in the project delivery process. If selected for an award, the Local Agency will be required to enter into an Intergovernmental Agreement (IGA) with CDOT which will define project supervisory responsibilities and delegate to the Local Agency the responsibility to initiate and properly complete each project phase in accordance with appropriate federal and state laws and regulations with minimal federal or CDOT oversight. By entering into this agreement, the Local Agency acknowledges and accepts its roles and responsibilities on the project.



A Local Agency must agree to and meet the following conditions to assist CDOT as a supervising agency:

1. The Local Agency must include all federal and/or state requirements in contracts and must ensure compliance with these requirements.
2. The Local Agency must be adequately staffed and equipped to complete the work to the satisfaction of the contract. This means the Local Agency must perform project administration (including inspecting construction and materials testing). Consultant engineers and inspectors may be hired to assist with this but cannot make critical project decisions that are best made by the Local Agency who is in responsible charge of the project on the public's behalf.
3. The Local Agency must provide an administrative "employee in responsible charge" for each project, including projects that employ consultants. This must be a full-time employee of the local agency, although he or she does not have to be an engineer nor dedicated full time to a project. The person in responsible charge must do the following:
  - Supervise all project administration activities and coordinate with CDOT based on the assignment of responsibilities
  - Maintain familiarity with day-to-day project operations, including safety issues
  - Approve contract changes based on the IGA with CDOT
  - Perform field reviews with a frequency appropriate to the project size and complexity, including a final inspection to compare against the plans and specifications
  - Review project financials to ensure that safeguards are in place to minimize fraud, waste, and abuse, and
  - Direct staff to carry out project administration and ensure it is done satisfactorily
4. In Colorado, the Local Agency must also provide a Professional Engineer in responsible charge of construction supervision per the Colorado AES Board Rules and Colorado Revised Statute (CRS) 12-120-202(8). The administrative "employee in responsible charge" and the Professional Engineer in responsible charge of construction supervision may be the same person but only if the Professional Engineer is an employee of the Local Agency.

- **Metropolitan Planning Organizations (MPOs) and Transportation Planning Regions (TPRs)**

Planning organizations such as MPOs and TPRs in Colorado periodically issue Calls for Project Applications for federal and state-funded programs. These organizations review and evaluate Project Applications, select projects to advance, and monitor the delivery of those projects through close out. Projects encountering delays are subject to additional scrutiny and potential loss of funds.
- **CDOT**

On Federal-aid Highway projects, in accordance with the CDOT/FHWA Stewardship & Oversight (S&O) Agreement, CDOT is responsible and accountable to the FHWA for administering the successful implementation of Federal-aid Highway programs and projects in accordance with federal laws and requirements. On all other federal programs, CDOT is responsible and accountable to the specific Federal Awarding Agency providing the federal award.

CDOT is also accountable to the Transportation Commission and the State Legislature for the successful implementation of state programs and projects in accordance with state laws and requirements.

The link to the CDOT/FHWA S&O Agreement can be found at:  
<https://www.codot.gov/business/designsupport/cdot-fhwa-stewardship-agreement>
- **FHWA (on Federal-aid Highway projects)**

FHWA has overall responsibility for the Federal-aid Highway Program (FAHP) which is a federally assisted program of State-selected projects. FHWA and CDOT have long worked cooperatively as partners to deliver the FAHP in accordance with federal law. Pursuant to 23 USC 106 (c), Congress gave States more authority to carry out project responsibilities. The CDOT/FHWA S&O Agreement permits local (public) agencies to carry out some of CDOT's assumed responsibilities on locally administered projects. FHWA retains responsibility for certain project actions, like Buy America waivers and obligation of federal funds, among others.

FHWA works directly with recipients of awards from discretionary grant programs (such as RAISE, BUILD and TIGER).

- **Other Federal Awarding Agencies**

CDOT also works cooperatively with other Federal Awarding Agencies to deliver projects in accordance with federal law.

One of the best ways for a project to succeed is to ensure that the supervising Local Agency, its staff, consultants and contractors, the MPO/TPR, CDOT and the Federal Awarding Agency work together as a team.