

The LPA Process

FOR
DUMMIES
Project Managers

**A Reference
for the
Rest of Us!**



Who am I?



Transportation Engineer

- OTO Liaison for Project Implementation
- Monitor Project Progress
- Identify Delays
- Look for solutions to project hurdles



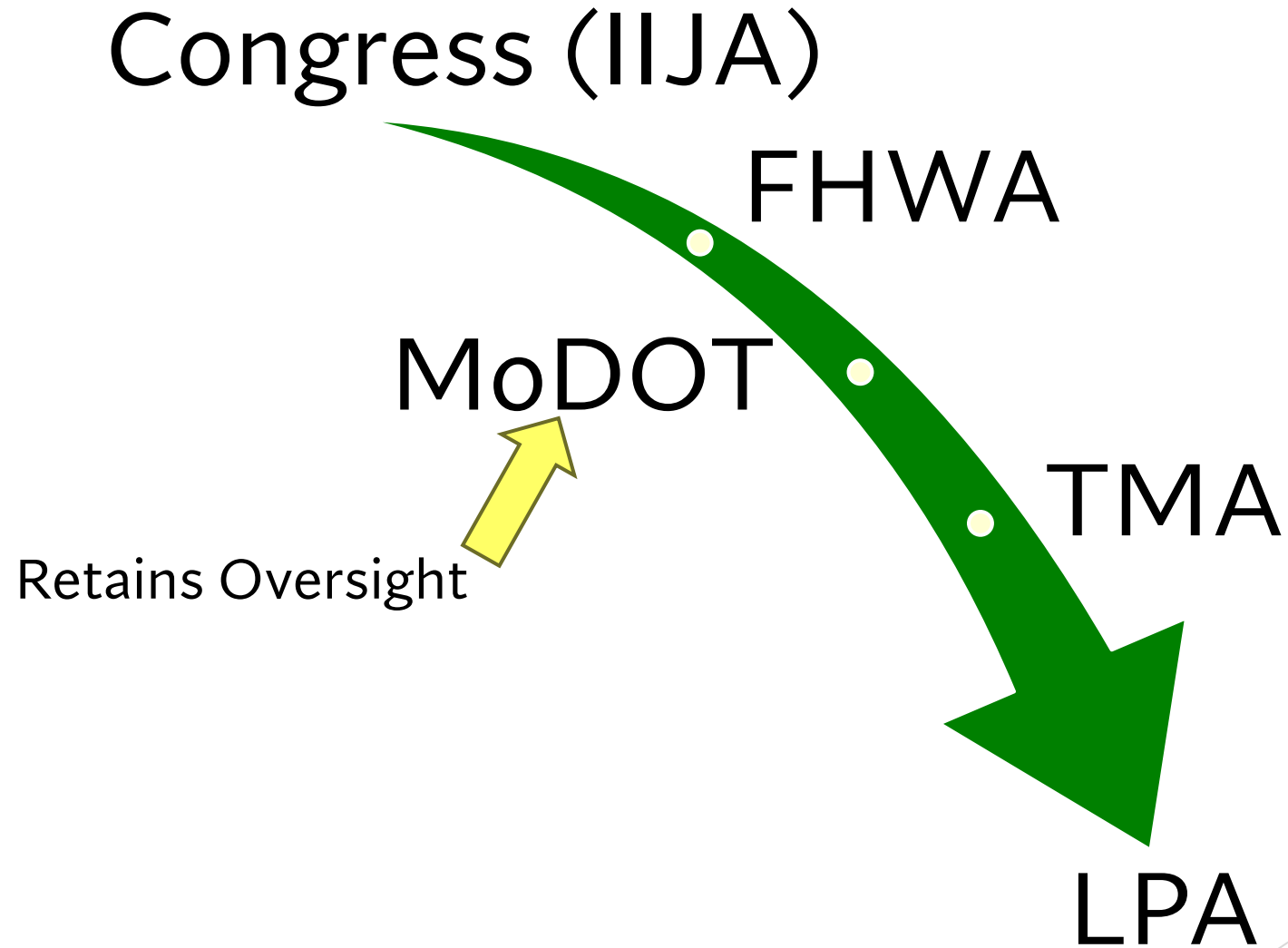
LPA Program Coordinator

- Coordinate with MPOs & LPAs on projects
- Draft Agreements
- Review & Approve Plans/Documents
- Submit funding obligations at key milestones

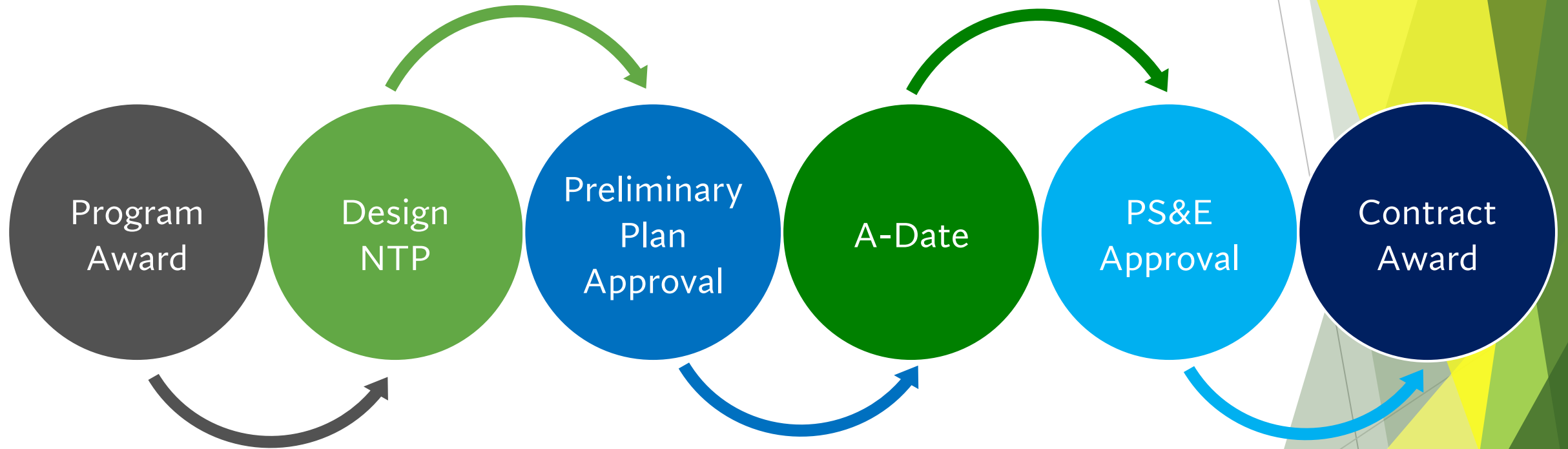
Federal Funding in a Nutshell



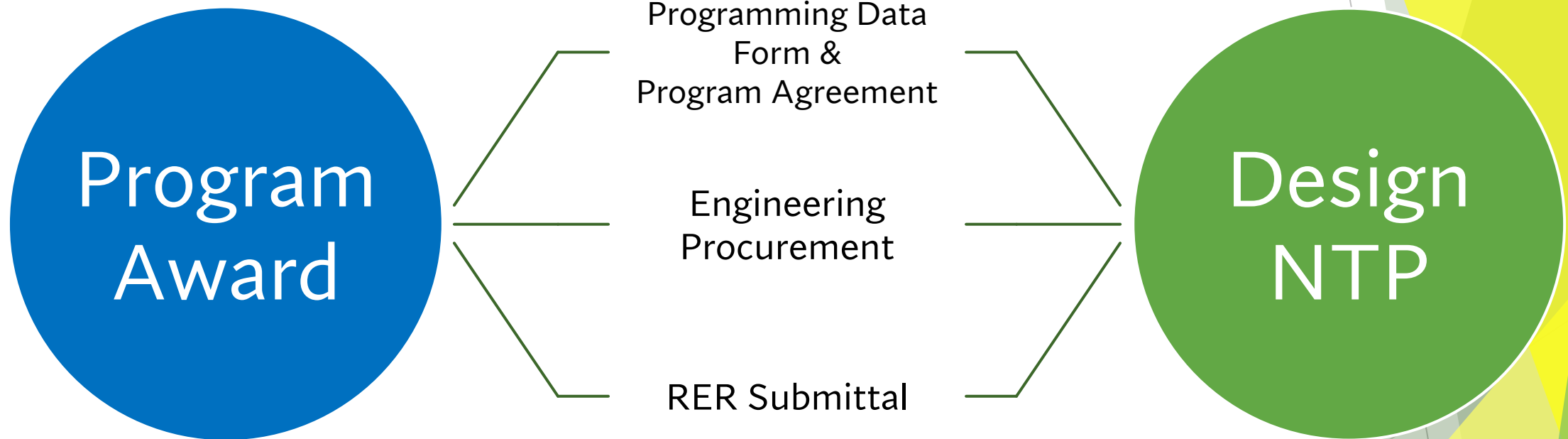
Federal Funding in a Nutshell



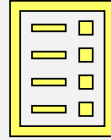
Milestones



Program Award to Design NTP



Programming Data Form



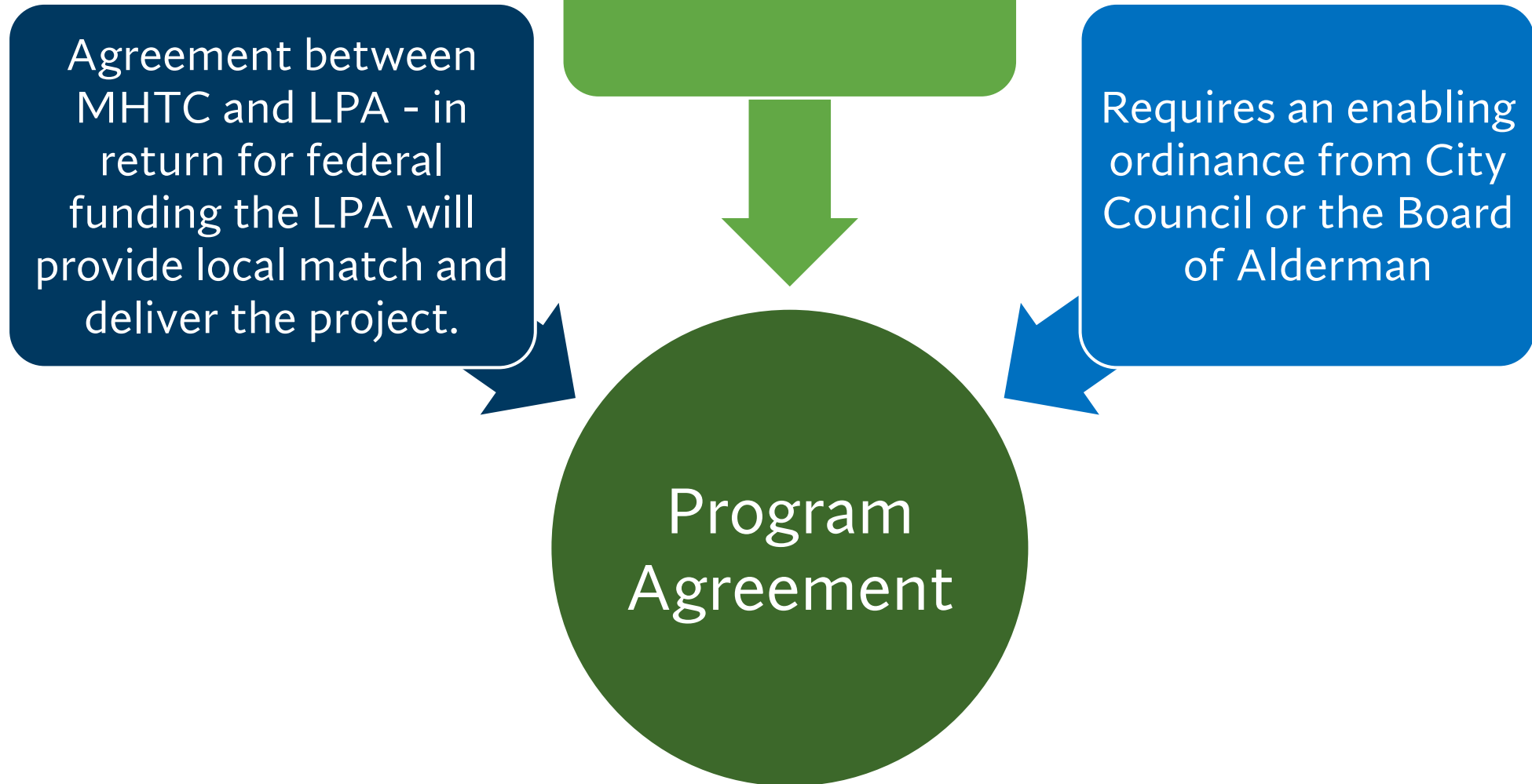
EPG 136.3.1

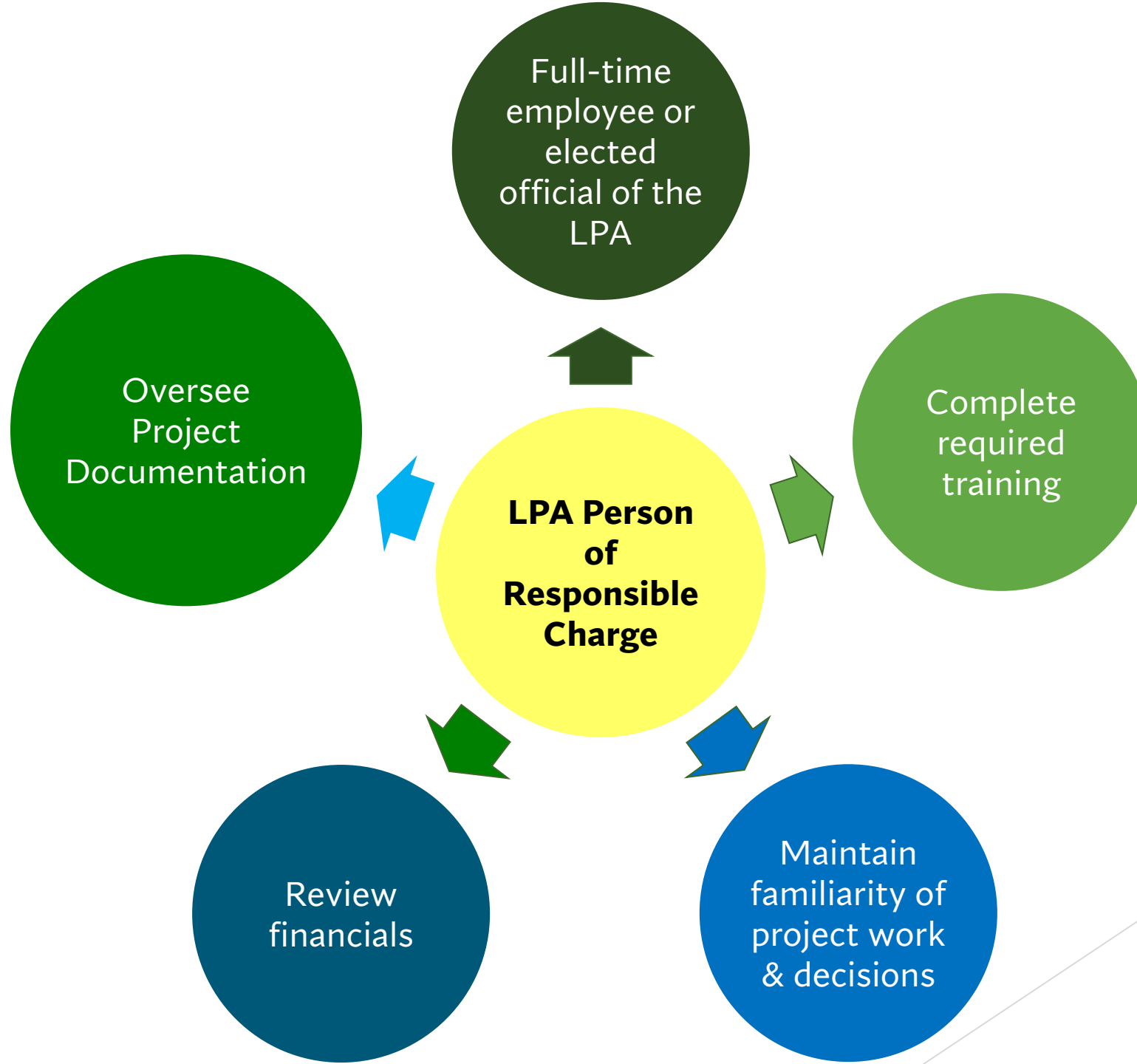


Attach Map showing location & project limits



Attach pictures of the existing bridge (if applicable)





RER-Submittal



Submit EARLY!



Include TIP overview sheet, any conceptual drawings, KMZ files, etc



Generate FWS & MDC Species lists

If MDC report says “Contact MDC for further coordination”, **email them immediately** to start the process.



Include info about Public Involvement

Engineering Procurement - RFQ

Develop RFQ

**Submit RFQ,
ICE & WBE
to MoDOT**

- MoDOT determines DBE Goal

WBE - EPG 136.4.20

**Submit
Finalized RFQ**

- MoDOT will post on website

**Score
Submittals**

**Send
Selection &
scores to
MoDOT**

Engineering Procurement – On Call

Send request to utilize On-Call, WBE and ICE

- MoDOT determines DBE Goal

Choose 3 firms from On-Call List

Have verbal discussion with each firm

- Document conversations

Send Selection & Documentation to MoDOT

Engineering Procurement

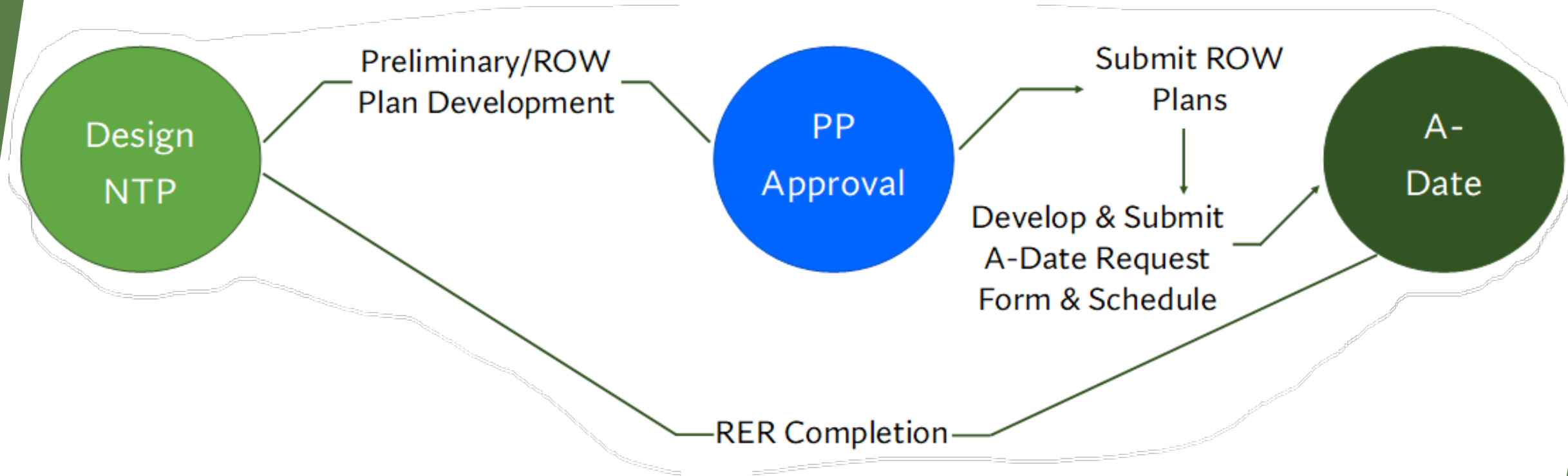
**Submit draft
Contract to
MoDOT for
review**

**Execute
Consultant
Contract**

**Submit executed
contract for
obligation**

**MoDOT issues
NTP**

Design NTP to A-Date



Top Reasons why Plans aren't approved



Missing Federal Project Number on
ALL sheets

Missing Grading/Slope Line or outside
exist/proposed easement/ROW

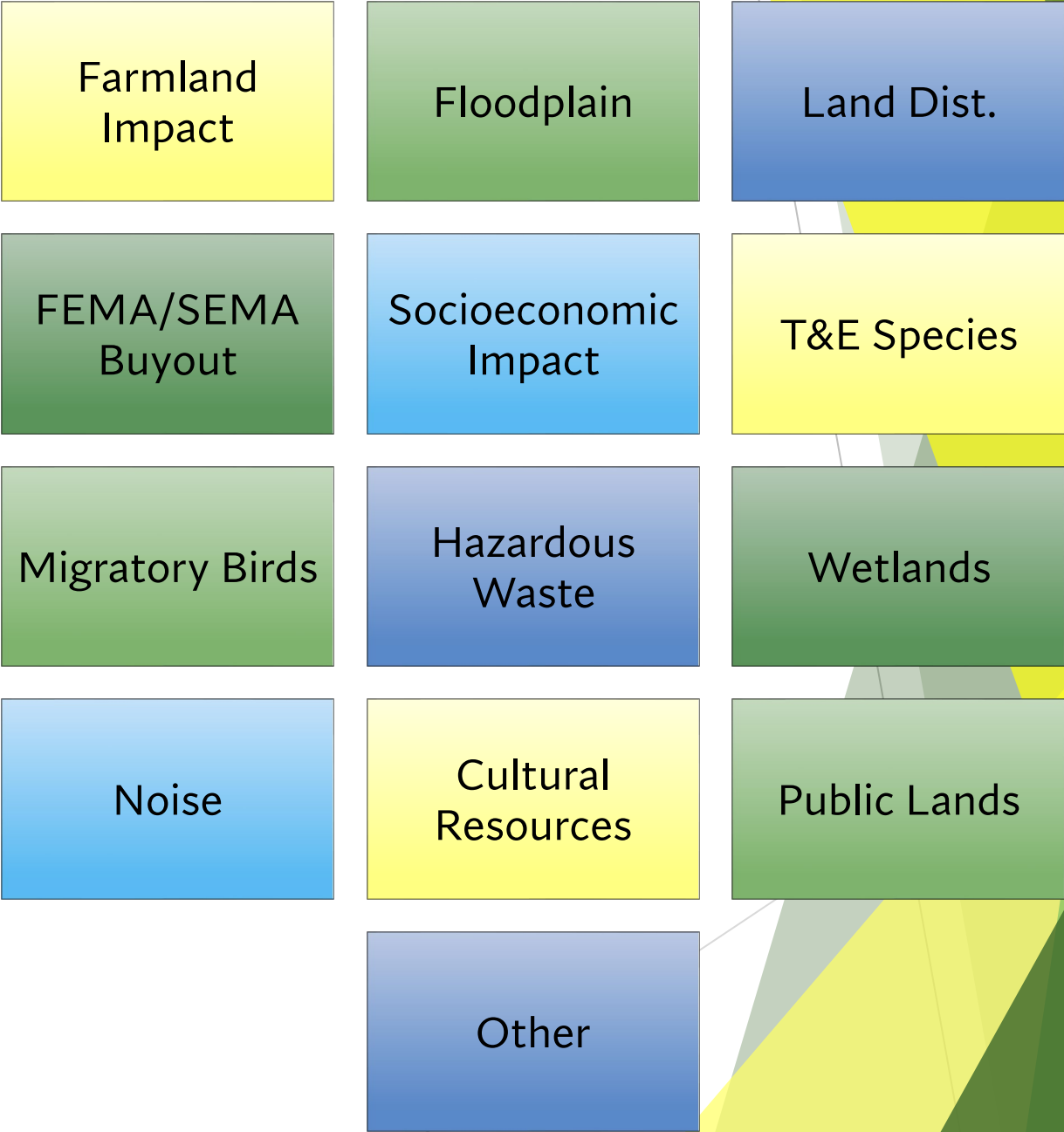
Missing ROW lines

Missing Beginning and/or Ending
Station Limits

Extent or Type of ROW Takings Not
Indicated

ADA Issues

RER Completion



Farmland Impact

Project Description

Purpose of & acreage amounts for new ROW & perm. easements

NRCS Form (MoDOT will tell you which one)

Location Map

Plan sheets w/ ROW & easements



NRCS has 30 days to respond in writing/email. If site is protected by FPPA, more paperwork is needed.

Floodplain

Will need to upload:

Approved Floodplain
Development Permit from local
jurisdiction

No Rise Certificate



If LPA project is on MoDOT ROW and within
Floodplain/Floodway, MoDOT must obtain FDP from SEMA

Land Disturbance

Must adhere to MS4
requirements



FEMA/SEMA Buyout

Buyout sites must be maintained as open space in perpetuity for conservation of natural floodplain functions

Generally allowed uses:

- Parks
- Wetlands
- Nature Reserves
- Grazing
- Camping
- Unpaved Parking lots

MoDOT **strongly** recommends avoiding these parcels.



FEMA permission required, but may not be granted

Socioeconomic Impact

Public Involvement

Title VI

Acquisitions

Temp. Traffic Control & Road Closures



T&E/Migratory Birds

USFWS IPaC Species List

MDC Natural Heritage Review Report

Habitat Assessment & Determinations
EPG 136.6.19

Tree & Bridge/Culvert Photos

Tree Clearing Info (amount, limits,
dates)

May require Tree Clearing JSP

T&E Species Checklist
EPG 136.6.18



“May Affect” determination requires FWS consultation,
which will take 14-30 days

~~T&E/Migratory Birds~~

Bats!

Hypothetical Situation:

1 acre of winter tree clearing in Christian County

0.5 acre is within 100 to 300ft from roadway

0.5 acre is more than 300ft from roadway

Previous Agreement:

| | |
|-------------------------|------------|
| Fee within 100 to 300ft | \$6,369 |
| Fee beyond 300 ft | <u>\$0</u> |
| Total Fee | \$6,369 |

New Agreement:

| | |
|-------------------------|----------------|
| Fee within 100 to 300ft | \$6,369 |
| Fee beyond 300 ft | <u>\$9,554</u> |
| Total Fee | \$15,922 |

New Agreement Summer Clearing:

| | |
|-------------------------|-----------------|
| Fee within 100 to 300ft | \$8,492 |
| Fee beyond 300 ft | <u>\$11,677</u> |
| Total Fee | \$20,169 |

Hazardous Waste

Utilize MO DNR's E-Start Mapping
Tool to identify known sites

For bridges, will need asbestos & lead
paint inspection



May need to consult with MO DNR, if new ROW or
easements are located on known HazMat sites

Wetlands

Section 401/404

MoDOT will do a desktop review and may require a field check to assess presence of streams/wetlands.

Consultant/LPA to determine the amount of fill & coordinate directly with USACE to obtain Section 404 permit



T&E and Cultural Resources must be cleared prior to obtaining Section 404 permit. Provide these with permit application.

Noise

LPAs are required to use MoDOT's FHWA noise policy.

Required for Type 1 projects, usually adding capacity.

Specialized consultant/training is required



Cultural Resources

If project has ground disturbance, plan for a cultural resources survey. These must be performed by staff or consultant with specific qualifications.

MoDOT must review & approve all documentation prior to submitting to SHPO.



SHPO has 30 days to review submittals, but due to staffing issues, it has been taking up to 45 days.

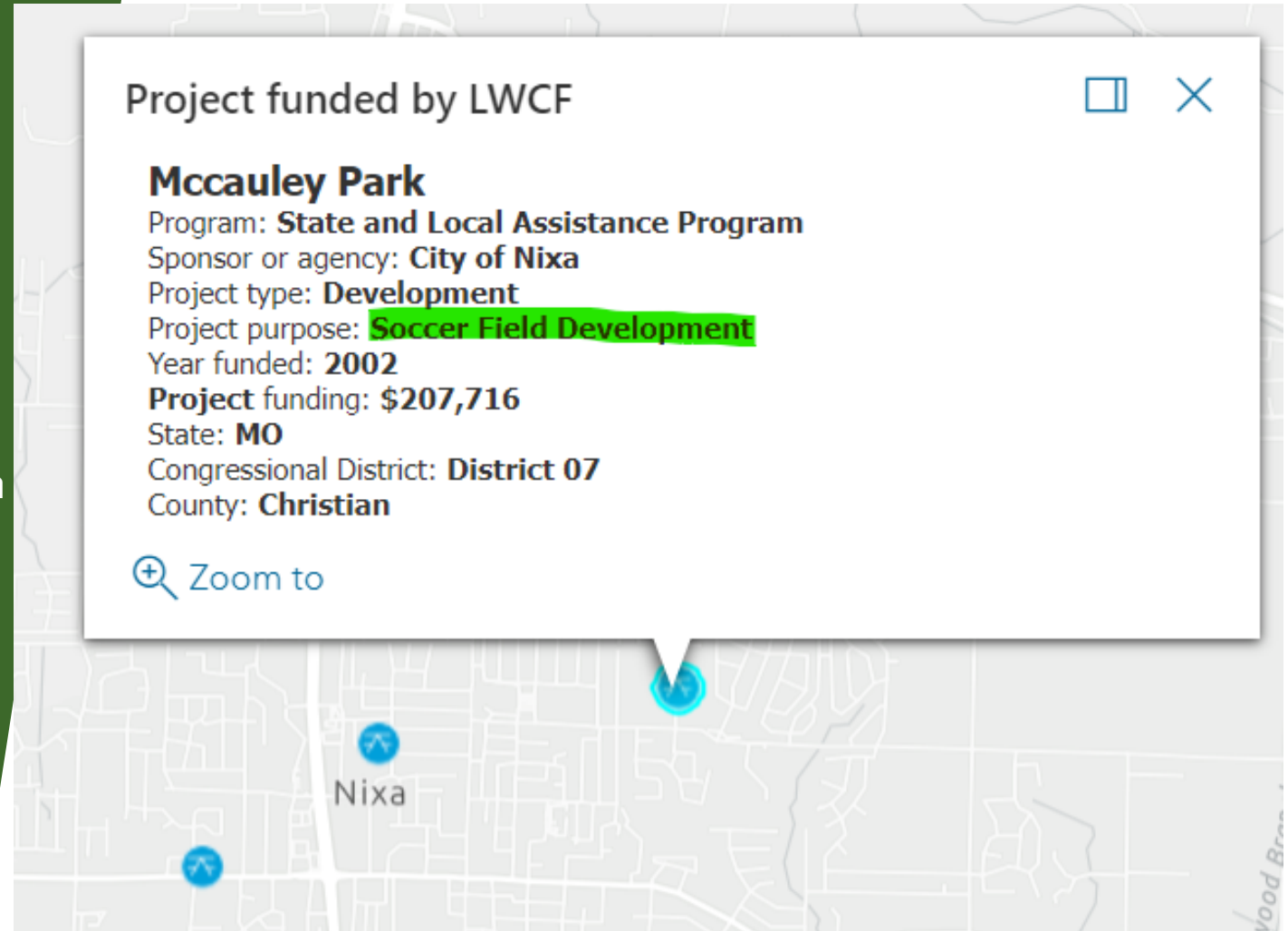
Public Lands

4(f) – Parks, trails, wildlife refuge, conservation area, etc.

MoDOT will determine & provide the necessary forms, some must be signed by an Official with Jurisdiction

6(f) – applies to areas funded with LWCF grants, area specific

These areas must be maintained as outdoor rec spaces in perpetuity.



Section 6(f) conversions can take 2 years to complete

Other

Airports – if the project is within 4 miles

Exemption Memo

FAA Notice Criteria Tool

File with FAA

Wetland Reserve Easement Program
(WREP)

Voluntary program where landowners give NRCS an easement consisting of eligible property permanently or for a specific period of time.

TO: MoDOT

CC:

FROM:

DATE:

SUBJECT: FAA Notification Criteria
Route XX, XX County, XX City
Name of Project
Project Location
LPA Job Number

This memo is to advise that the above noted project is located within 4 miles of **Name of airport**.

For the reason(s) selected below, notice for construction or alteration will **NOT** be filed with the Federal Aviation Administration as per EPG 235.8:

- ☐ **Height Exemption:** The improvement and the equipment operating while performing the improvement falls below the added height for a particular traverseway as determined by the FAA Notice Criteria Tool.
- ☐ **Shielding Exemption:** This project will be shielded by existing structures, natural terrain or topographic features of a height equal to or greater than the improvement and the equipment operating while performing the improvement.
- ☐ The FAA Notice Criteria Tool was utilized to determine the project does not exceed the notice criteria (see attachment).

As a result, no further action will be taken by the LPA Sponsor regarding CFR Title 14 Part 77.9. The sponsor will upload this memo to the RER and maintain a copy in the project file.

NEPA Determination

Most projects will qualify for a PCE, some may need a CE2 and in rare cases, a full EIS is necessary.

PCE requires concurrence from the MoDOT Environmental Manager

CE2 will require FHWA concurrence



NEPA determinations expire after 3 years. If construction isn't completed, a reevaluation is needed.

ROW Acquisition – Uniform Act

To ensure property owners and tenants are treated fairly, equitably, consistently, and receive relocation assistance, if applicable.

Avoid:

- Coercive action
- Inverse Condemnation

Requirements:

- Treat people fairly
- Offer to purchase uneconomic remnants
- Accept donations only from informed parties

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
aka Uniform Act

49 CFR Part 24 and 23 CFR Part 710

Right of Way Plan Submittal



- a. ☐ Existing right of way line;
- b. ☐ Beginning and ending right of way project limits by station; *Easements must fall within termini
- c. ☐ Proposed right of way and easements; *Permanent easements should specify use
- d. ☐ Dimensions of proposed acquisition;
- e. ☐ Names of property owners from title report or assessor's records;
- f. ☐ Land survey lines (including quarter and quarter-quarter section lines with notated reference to quarter-quarter Section, Township, and Range), all property lines, and at least one witnessed land corner tied to the project centerline. For platted areas, plans can alternatively show Lot, Block (if applicable) and Subdivision for each parcel, and one tie to any corner of record. Land ties/corners of record are not required for projects requiring temporary easements only.
- g. ☐ Parcel identification numbers; *1,2,3- NOT Assessor's Parcel ID
- h. ☐ Areas of new land, permanent and temporary easements;
- i. ☐ Remainder of land holdings on each side of road;
- j. ☐ All improvements/structures acquired or in proximity to the project; *#1 cause of revisions- MUST show impacts to property
- k. ☐ Grading and slope lines;
- l. ☐ Entrances (station location, type and surface material); *Also commonly missed
- m. ☐ Federal-aid project number on each sheet.

Approved on (date) _____ Approved by _____

A-Date Request
Form on Agency
letterhead

Completed RER

Right of Way
Acquisition
Schedule (EPG
136.8.2.2)

A-Date Request

ROW Scheduling Form



A-Date/Notice to Proceed

*Securing appraisal contracts
Appraisers developing reports
Securing review appraisal contracts*

**Allow MoDOT Review time.
NOT submittal Date**

Appraisals/Payment Estimates Complete

Appraisals being reviewed

Appraisal Reviews Complete

*Preparing negotiation packets
(deeds, offer letters, brochures,
prorata tax claim forms, etc.)*

**This can be as soon as
values are ready**

Written Offers Made

Negotiation period

Can be sent prior to offer

60-Day Notices Sent.....

Negotiations continue

**Must be at least 30 days
since offer letter**

File Condemnation Petition or Cancel Project.....

*Condemnation Hearing
Condemnation Commissioners' Viewing
Condemnation Commissioners' Award*

**Plan for 6 months from
filing petition**

Submit Clearance Certification.....



Locally Funded ROW Acquisitions

ROW – Misc.

Early Acquisition

- Hardship acquisition
- Protective acquisition
- Corridor Preservation

Dedication/Platting

- Complies with local P&Z process
- Does not require just compensation
- Still requires conveyance document and donation letter

A-Date to Contract Award



ROW Acquisition – Waiver Valuation

Use of the Waiver Valuation is allowed when:

- the acquisition is simple and \$25,000 or less, plus fence re-establishment costs
- land value is easily determined,
- only nominal structural improvements are acquired,
- only nominal access rights are acquired
- there are no apparent damages to the remainder – other than simple easements and creation of nominal uneconomic remnants.

ROW Acquisition

Property
Owner
Packet

- ✓ ROW Plans
- ✓ Appraisal (if needed)
- ✓ Offer Letter
- ✓ Brochure
- ✓ Title Commitment
- ✓ Negotiator Contact Info
- ✓ Conveyance Documents
- ✓ Plats, Legal Description and/or Exhibits
- ✓ Tax Form

ROW Clearance

Parcel File

- ✓ Recorded conveyance documents
- ✓ Detailed negotiators report/log
- ✓ Title Report/proof of ownership
- ✓ Offer letters, 60-day notice, donation letter, etc
- ✓ Appraisal or payment estimate
- ✓ Agreements
- ✓ Justification for Administrative Settlement
- ✓ Proof of Payment
- ✓ Additional documents verifying signing authority
- ✓ W-9

If ROW was acquired less than 5 years prior to execution of Program Agreement, LPA will be required to submit parcel files relating to acquisition to MoDOT for ROW clearance.

If ROW as acquired more than 5 years prior to execution of Program Agreement, LPA will provide a signed letter certifying that no new acquisitions are required and provide dates & copies of latest deeds/easements for each parcel.

ROW Clearance – 5 Year Rule

PS&E Package (EPG 136.9)



Final Plans



Estimate



Bid Documents

Bid Book
JSPs



PS&E Checklist



RER

Applicable Permits



Right of Way Clearance



Utility Status Letter



Railroad Approval

PS&E Package

Top Reasons why PS&E isn't approved



Missing Clearance Letters

LPA Certification not submitted

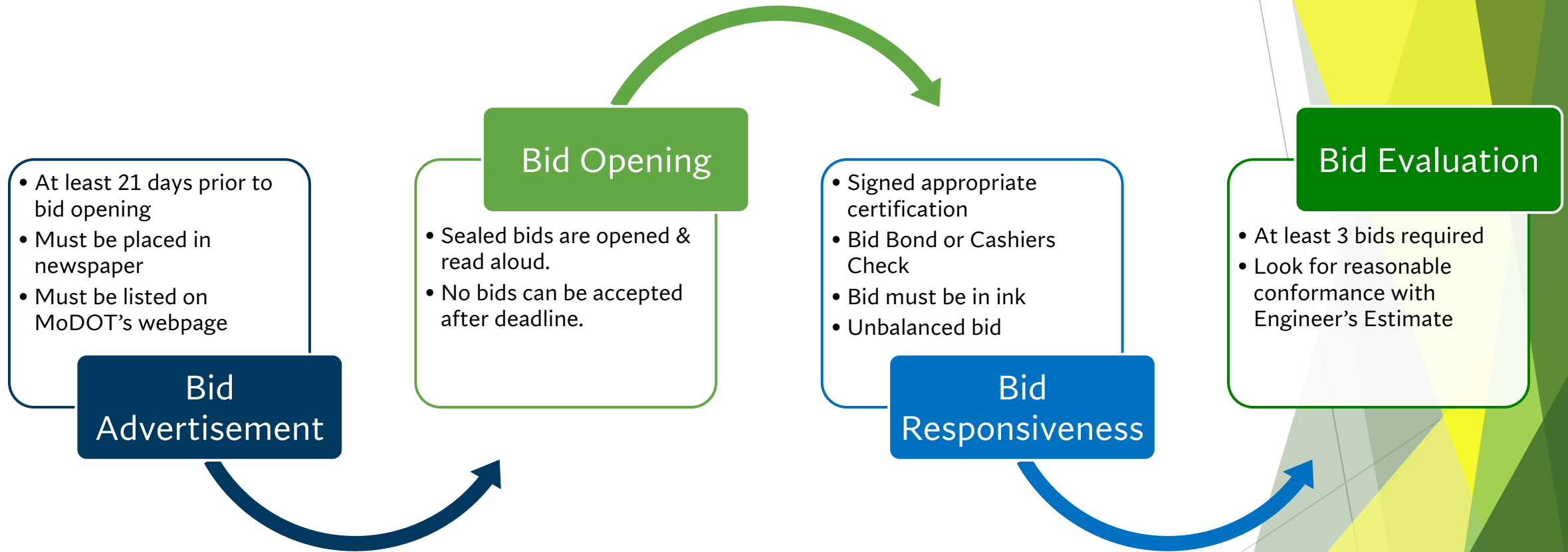
Old forms from EPG

Unsigned plans (Engineer signs all, LPA signs title sheet)

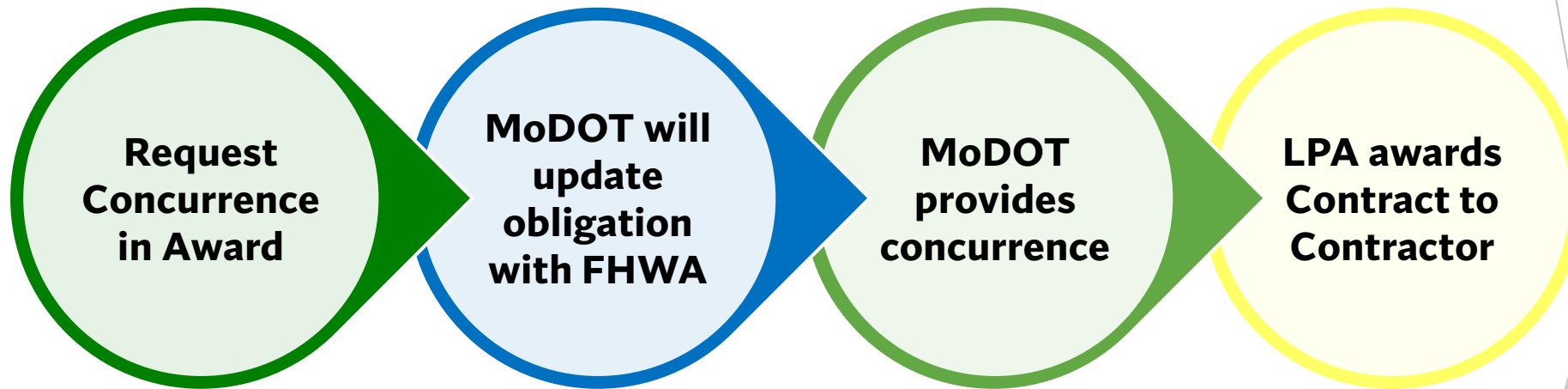
Wrong Wage Order

Specific Standard Spec. Year

Project Bidding

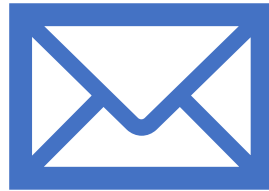


Concurrence in Award



- Use checklist at EPG 136.10.2

Thank you!



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