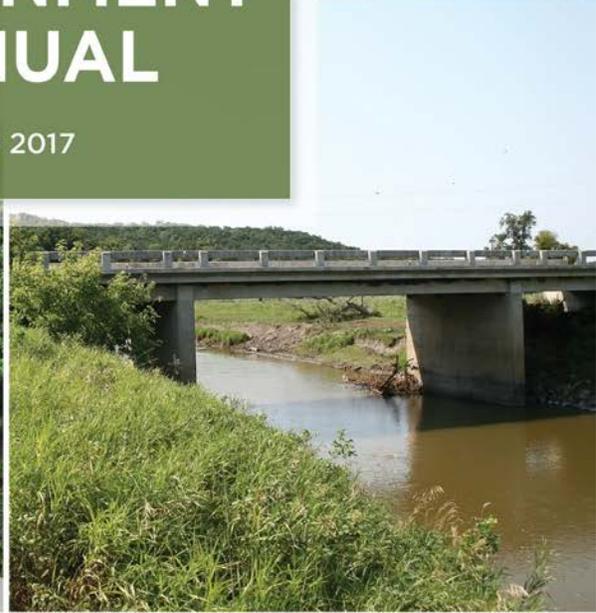




LOCAL GOVERNMENT MANUAL

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The Federal Highway Administration, North Dakota Division (FHWA), and the North Dakota Department of Transportation (NDDOT), agree to administer the Local Public Agency (LPA) program, Metropolitan Planning Organization (MPO) Program, and Transit Providers pursuant to the guidance herein. This manual is a living document that, when needed, can be modified with the agreement of both parties.

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Wendall Meyer
North Dakota Division Administrator
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1-18-2017

Date

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1-18-2017

Date

MISSION STATEMENT

Providing a transportation system that “Safely moves people and goods.”

MANUAL OBJECTIVE

The objective of this manual is to provide a reference source explaining the process of developing federal aid projects for local public agencies (LPAs), metropolitan planning organizations (MPOs), and public transit providers.

This manual is intended for use by the state, MPOs, cities, counties, tribes, transit providers, and consultants to help develop highway and related transportation projects. The manual presents guidelines, policies, and procedures for planning, programming, funding, developing, designing, constructing, and maintaining urban and county roads.

This manual will be updated on an as needed basis when data becomes obsolete, outdated, or the information in this manual needs clarification.

Any reference to laws, regulations, rules and/or guidelines are current as of the date this Manual was approved by NDDOT and FHWA.

For questions pertaining to this manual, call the NDDOT Local Government Division at (701) 328-2540.

PREFACE

Local public agencies are responsible for planning, designing, building, and maintaining improvements to LPA roads. The only exceptions are projects on the Regional and Interstate systems, where NDDOT is responsible. NDDOT will work with LPAs and the FHWA to develop these projects. This manual defines state-LPA relationships and other details and procedures for implementing the LPA program.

The Local Government Division (LGD) manages the following six key functions: MPO Planning activities, Urban Regional Road projects, Urban Roads projects, County Road projects, Transportation Alternative projects, and Transit Grant Administration. This manual was developed to address the issues involved in these Local Government functions.

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ABBREVIATIONS

AADT	Average annual daily traffic
AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
ASTM	American Society of Testing and Materials
CARS	Construction Automated Records System
CE	Construction Engineering
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality Program
CMC	County Major Collector
CPG	Consolidated Planning Grant
DBE	Disadvantaged Business Enterprise
DTF	Directors Task Force
EA	Environmental Assessment
EEO	Equal Employment Opportunity
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
ER	Emergency Relief
ESAL	Equivalent Single Axle Load
FEIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FMIS	Financial Management Information System
FONSI	Finding of No Significant Impact
FTA	Federal Transit Administration
FHWA	Federal Highway Administration
IJR	Interchange Justification Report
ITE	Institute of Transportation Engineers
LGD	Local Government Division
LPA	Local Public Agency
LRTP	Long Range Transportation Plan
LTAP	Local Technical Assistance Program
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSA	Metropolitan Statistical Area
MUTCD	Manual on Uniform Traffic Control Devices
NBI	National Bridge Inventory
NDCC	North Dakota Century Code

NDDOT	North Dakota Department of Transportation
NDSTREET	North Dakota Small Town Revitalization Endeavor for Enhancing Transportation
NEPA	National Environment Policy Act
NHI	National Highway Institute
NHS	National Highway System. A system of routes designated by Congress
PB	Policy Board
PCN	Project Control Number
PE	Preliminary Engineering; also Professional Engineer
PL	Public Law; also FHWA Planning Funds
PMR	Project Management Review
PODI	Project of Division Interest
PPP	Public Participation Plan
PS&E	Plans, Specifications, & Estimates
ROD	Record of Decision
R/R	Railroad
R/W; also ROW	Right of Way
SHPO	State Historical Preservation Office
SOV	Single Occupancy Vehicle; also Solicitation of View
SRED	Small Rural Economic Development
SRF	Special Road Fund
STIP	Statewide Transportation Improvement Program
STP	State Transportation Plan
TAC/TTC	Technical Advisory Committee/Transportation Technical Committee
TA	Transportation Alternatives
TIP	Transportation Improvement Program
TMA	Transportation Management Area
TRB	Transportation Research Board
TS&L	Type, Size, & Location
UPWP	Unified Planning Work Program
URBAN AREA	City with a population of 5,000 or more
USACE	U.S. Army Corps of Engineers
USC	United States Code
USDA	U.S. Department of Agriculture
USGS	U.S. Geologic Survey
UZA	Urbanized Area with a population of over 50,000 and includes at least one urban area and the surrounding cities and rural area

GLOSSARY

APPORTIONMENT	The percentage of the federal aid appropriation assigned to each state by the federal government. (See also appropriation and obligational limits .)
APPROPRIATION	The amount of money that Congress votes to give the states for transportation. Regardless of a state's apportionment , its obligational limits are determined by the federal appropriation .
DESIGN SPEED	The selected speed used to determine the various geometric features of the roadway. The assumed design speed should be a logical one with respect to the topography, anticipated operating speed, the adjacent land use, and the functional classification of the highway.
DESIGNING AGENCY	For the purposes of this manual, this term means "LPA or NDDOT." It does not include consultants.
DISTRIBUTION FORMULA	The ratio NDDOT uses to divide federal transportation funds between various programs.
FINAL VOUCHER	Term used to identify when FHWA closes a project in FMIS.
"GREEN BOOK"	A Policy of Geometric Design of Highways and Streets, AASHTO.
MPO	A policy board of an organization created and designated to carry out the metropolitan transportation planning process. MPOs are required to represent localities in all urbanized areas (UZAs) with populations over 50,000, as determined by the U.S. Census
NATIONAL HIGHWAY SYSTEM (NHS)	A system of routes designated by Congress.
NON-URBAN AREA	City with a population of less than 5,000.
OBLIGATIONAL LIMITS	The part of their apportionment of federal funds which the federal government allows NDDOT and other states to actually spend. Limits are established each year by Congress, and are always less than the apportionment .
TMA	An urbanized area having a population over 200,000
URBAN AREA	An Urban area is a city with a population over 5,000
URBANIZED AREA (UZA)	Urbanized Area has a population of over 50,000 and includes at least one urban area and the surrounding cities and rural area.
UTILITY	A public privately owned facility, such as gas, electric, etc., that may exist within the transportation corridor.
WARRANTS	The criteria used to determine the need for a safety treatment or improvement. A treatment or improvement which meets the criteria is said to be "warranted."

LOCAL GOVERNMENT DIVISION

1.1 GENERAL

The North Dakota Department of Transportation (NDDOT) administers federal and state aid for transportation related projects according to current legislation to local governments throughout the state. The NDDOT Local Government Division (LGD) is responsible for administration of these funds.

The Federal Highway Administration, North Dakota Division (FHWA), and the NDDOT enter into a [stewardship agreement](#) to conduct project oversight activities outlining responsibilities and accountability for FHWA and NDDOT. The purpose of the Stewardship agreement is to clarify actions, prevent misinterpretations, avoid time delays, and discusses NDDOT oversight of locally administered projects.

To be a recipient of federal aid, a Local Public Agency (LPA) must be a Metropolitan Planning Organization (MPO), an urban area, or a County. Other units of government such as park boards or non-urban areas may seek federal aid by working through the associated City or County level of government.

1.2 AUDIT REQUIREMENTS

All entities, such as cities, counties, MPOs, colleges, universities, tribes, political subdivisions, and non-profit agencies, expending \$750,000 or more in federal aid during the entity's fiscal year must comply with the audit requirements of Subpart F of 2 CFR 200. Audit reports must be submitted to NDDOT for review within 9 months of the close of the entity's fiscal year. All audit findings must be corrected prior to future agreements being signed. Entities expending less than \$750,000 in federal aid during their fiscal year will be subject to review by NDDOT.

1.3 TITLE VI

The Civil Rights Act of 1964 was passed to ensure that “No person may be discriminated against in any way on the grounds of race, color, sex, national origin, age, or disability” if the program receives federal aid from the U.S. Department of Transportation (USDOT).

LPA’s/MPO’s that will receive direct payment of federal funds are required to have a Title VI program in place prior to authorization of federal funds. Any LPA/MPO that receives payment of federal aid will be considered a “sub-recipient” of NDDOT and may be subject to a “Title VI” audit in accordance with the [NDDOT Title VI Plan](#). The sub-recipient will be subject to a potential audit during the federal fiscal year in which those funds were authorized.

Title VI applies to all departments of an LPA or MPO, not just the department that is receiving the federal funds. Most agencies receive federal funds from other federal agencies besides FHWA or FTA.

Equal Employment Opportunity (EEO). Each LPA/MPO must establish, adopt, and adhere to an acceptable EEO policy as required by the Equal Employment Opportunity Commission. These requirements are spelled out under Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each state under 23 U.S.C. 324 and 29 U.S.C. 794.

Americans with Disabilities Act (ADA). Each LPA/MPO must comply with the ADA rules and regulations as stated in the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327 as amended) and USDOT regulations “Transportation for Individuals with Disabilities,” 49 CFR Parts 27, 37, and 38.

Disadvantaged Business Enterprises (DBEs). The LPAs/MPOs need not establish specific DBE goals for planning activities. LPAs/MPOs are encouraged to maximize opportunities for DBEs as much as possible. The LPAs/MPOs will keep track of their DBE efforts on an annual basis.

All DBE firms must follow the certification procedures listed in the DBE certification section of the NDDOT DBE program manual.

NDDOT has established a website to assist LPAs and MPOs with developing their [Title VI program](#). The website offers the necessary forms, documents, and resources to develop a Title VI program. Implementation of the program is the responsibility of the LPA/MPO, not NDDOT.

Prior to NDDOT requesting authorization of federal funds, a “sub-recipient” will be required to submit the following documents:

- [Signed Title VI Assurances](#)
- [Signed Title VI and Nondiscrimination Policy Statement](#)
- [NDDOT Sub-recipient Checklist](#)
- [SFN 60982 - FFATA Sub-recipient Information](#)

1.4 RESPONSIBLE CHARGE

The LPA shall designate a full-time employee as the individual who represents the LPA on each federal aid projects and shall be known as the Responsible Charge. The responsible charge shall be aware of day to day activities on the project, project schedule, approve progressive estimates and change orders, attend all key project meetings, etc. The responsible charge cannot be a consultant that may have been hired to provide engineering services on behalf of the LPA.

See Appendix 1 for additional information and also 23 CFR 635.105 (c) (4).

1.5 PROGRAMS

Programs administered by the NDDOT are outlined in detail in Chapters 2 and 3. These programs include:

- Metropolitan Planning Organization Program
- Interstate Program
- Urban Program
- County Roads Program
- Bridge Program
- Safety Program
- Transportation Alternatives (TA) Program
- ND Small Town Revitalization Endeavor for Enhancing Transportation (NDSTREET) program
- Special Road Fund (SRF) Program
- Small Rural Economic Development (SRED) Program

1.6 FUNCTIONAL CLASSIFICATION CHANGES

As changes occur due to economic development, the release of a decennial census or other activities over time, changes to the "Functional Classification System" may be required. Functional classification changes refer to adding or deleting a road to or from the federal aid system such as a County Major Collector (CMC) or an arterial or collector with an urban area. Other changes may include classification changes from a collector to an arterial roadway or vice versa. As these changes occur within the LPA boundary, the road network should be looked at to see if changes are required to ensure connectivity and continuity are maintained. Functional classification changes inside the urbanized area must be done in cooperation with the MPO, LPAs, NDDOT, FHWA and FTA.

If the functional classification of a roadway needs to change, added to or removed from the federal aid system, then a request needs to be made to Local Government Division (LGD). The request will need to include at a minimum; a cover letter from the LPA requesting the change stating the reason for the change, a map of the proposed change(s), and any other information deemed important to the request. Additional information may be required to be submitted depending on the request. LGD will review the request and if in agreement, will request the changes be approved by FHWA. The LPA will be notified after FHWA has approved or denied the request by LGD.

The number of miles on the federal aid system are not limited, however FHWA provides guidance on the classification of roadways (from local roads to principal arterials), [Highway Functional Classification Concepts, Criteria and Procedures](#). Please contact your LGD technical representative for additional information on submitting your request.

Please refer to the [NDDOT Maps](#) website which contains maps showing these systems by city or county.

1.7 NDDOT RESPONSIBILITIES

- Provide federal funds for project development if asked to do so by the LPA, according to the guidelines established in Section 3.4 of this manual. The federal funds used for project development will come from the LPA's federal aid allotment. Federal funds will be provided for project development only if the project results in a construction contract. Federal or state funds that were used for project development will be required to be paid back to NDDOT if that project doesn't proceed to a construction contract.
 - Approve the project at various stages for the purpose of utilizing federal funds and request authorization of these funds as necessary.
 - Approve the LPA's Consultant selection process when using federal aid for projects according to the CAS Manual and provide the engineering agreement for signature
- Approve the bid document package
- Hold the bid openings for all federal aid projects.
- Concur in the LPA's award of the contract.
- Audit the LPA's records to ensure that federal requirements have been met through Project Management Reviews (PMRs).
- NDDOT will act as an agent for the purpose of making payment to the contractor unless there is more than 50% local funds involved. As such, Title VI will apply if this is the case and the LPA will be required to make contractor payments. The NDDOT will require repayment for the local share within 30 days of the NDDOT request for reimbursement.
- Acquire the Tribal Employment Rights Office (TERO) agreement with the respective tribe if a project is located within tribal land boundaries. There may be some exceptions to this responsibility, please contact your LGD Technical Representative.

1.8 MPO AND/OR LPA AND/OR TRIBAL RESPONSIBILITIES

- Shall provide NDDOT with the name of Responsible Charge. The Responsible Charge shall be identified by the LPA at the on-set of project development.
- Complete all PE and CE for projects on the LPA road system, by using qualified LPA staff or hiring a consultant. This includes all phases of project development on the federal aid roads system, including traffic studies, environmental documents, public hearings, design, right of

way acquisition, etc. NDDOT will be the lead agency on Interstate and Urban Regional Projects.

- Pay for all project development activities when federal aid is not used for the activity. By agreement, federal funds may be available for some of the development activities. But federal funds are not normally used for PE on LPA projects.
- Follow guidelines in the [Consultant Administration Services Procedure Manual](#) when selecting a consultant, if federal aid is used for those services. If federal aid is not used for engineering services, the LPA should follow the procedures established by North Dakota state law.
- Certify that all applicable state and federal standards have been adhered to.
- Award the contract to lowest responsive bidder.
- Enter into any agreements with the contractor.
- Make payments to the contractor when the NDDOT is not acting as the agent. LPA must complete Title VI preauthorization checklist and receive approval from NDDOT prior to bidding.
- Comply with all Disadvantaged Business Enterprise (DBE) and Title VI requirements.
- Accept responsibility for any claims made against the contract. If the LPA has federal funds available for that particular project, those funds may be used to pay the claim, if it is an item eligible for federal aid and the federal aid is not limited or reached its capped amount.
- Accept responsibility for any cost overruns. If the LPA has federal funds available for that particular project, those funds may be used to pay the cost overrun, if it is an item eligible for federal aid.
- Audits must be conducted for each budgeted planning year in accordance with the Subpart F of 2 CFR 200. Please see Section 1.2 for additional information.
- Certify to NDDOT that local match to the federal funds is from an allowable source.

MPO PROGRAM

2.1 GENERAL

There are three Metropolitan Planning Organizations (MPOs) in North Dakota.

- The Bismarck-Mandan MPO, consisting of the cities of Bismarck, Mandan, and Lincoln, and portions of Burleigh and Morton counties.
- The Fargo-Moorhead Metropolitan Council of Governments, consisting of the cities of Fargo and West Fargo, and portions of Cass County, in North Dakota, and the cities of Moorhead and Dilworth, and portions of Clay County, in Minnesota.
- The Grand Forks-East Grand Forks MPO, consisting of the city of Grand Forks and portions of Grand Forks County in North Dakota, and the city of East Grand Forks and portions of Polk County in Minnesota.

The purpose of the MPOs is to provide a forum for public officials, citizens, and other interested groups to establish policies and plans for effectively addressing various metropolitan transportation issues. A Policy Board representing the member cities and counties, and a Technical Advisory Committee (TAC), are the MPOs' policy and technical authorities.

2.2 AUTHORITY

The MPOs are mandated by 23 U.S.C. 134 and 49 U.S.C. 5303 for metropolitan areas with populations over 50,000. These sections state that for member jurisdictions to receive federal funds, there must be an MPO and an approved planning process in place. Federal regulations require that an MPO be designated for each urbanized area (population 50,000+) and that the metropolitan area have a continuing, cooperative, and comprehensive "3C" transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals. These plans and programs shall lead to the development of an integrated, intermodal metropolitan transportation system that facilitates the efficient, economic movement of people and goods.

Through this process, each state governor must, with the elected officials of the local governments, designate an MPO. In accordance with NDCC 24-01-04.1, an MPO is considered a political subdivision for the purpose of planning

all transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area.

2.3 FUNDING

Through NDDOT administration, the MPOs receive FHWA metropolitan planning (PL) funds and Federal Transit Administration (FTA) 5303 and 5304 funds through a percentage of transportation funds apportioned by Congress. Usually, the NDDOT will notify the MPOs of anticipated funding availability for the coming year once Congress has completed the transportation appropriation process.

The funding distribution of the three North Dakota MPOs is determined from a formula proposed by the MPO Directors and approved by state and federal agencies. These federal funds have a matching ratio of 80 percent federal, 20 percent local, and are subject to obligational limits established by Congress.

The PL and FTA funds provided to the MPOs are combined into a Consolidated Planning Grant (CPG) in order to manage the funds, by fiscal year, under one project. FHWA (ND and MN) and FTA have a joint understanding that FHWA-ND provides the administration of the CPG on behalf of both entities.

PL and FTA funds are subject to federal aid apportionment lapsing and obligated projects inactive status. The NDDOT will obligate and expend the oldest remaining funds first. Any funds in immediate danger of lapsing and/or becoming inactive as a result of an MPO's inability to expend them will result in the transfer of funds between MPOs or the inability to authorize any new funds for planning activities as directed by NDDOT, FTA, and FHWA. NDDOT will monitor and work with the MPOs to ensure funds are spent.

2.4 BYLAWS

The bylaws must establish:

- The structure of the MPO
- The rules and regulations with respect to funding, accountability, and authorization to execute documents
- The rules of order and meeting schedules
- A Policy Board of elected officials and other appropriate officials
- A TAC of technical staff

2.5 MPO BOUNDARIES

These criteria are used in setting MPO urbanized and planning boundaries:

- The US Census identifies an urbanized boundary as part of every decennial census and the MPO has the ability to adjust this boundary.
- The adjusted urbanized area (UZA) boundary must include at least the urbanized area(s) and the contiguous area(s) likely to become urbanized within 5-10 years and may include the entire metropolitan statistical area (MSA), as defined by the U.S. Census Bureau.
- The planning boundary must include the urbanized area along with the area likely to become urbanized within 20 years.
- All modes of transportation must be considered in establishing the metropolitan urbanized and planning boundaries to ensure continuity between modes.
- The metropolitan UZA boundaries must be submitted to the NDDOT and FHWA for their approval.
- MPO planning boundaries may be amended by the MPO at any time. The MPO must notify the NDDOT, FHWA, and FTA of any planning boundary changes.

2.6 MEMORANDUM OF UNDERSTANDING (MOU)

The MPO program policies in this manual, along with the Unified Planning Work Program (UPWP) contract, constitute an MOU between the NDDOT and the MPO.

There must also be an agreement between the MPO and the operators of publicly owned transit services which specifies cooperative transportation planning procedures (including corridor and subarea studies) and programming as required by the federal regulations.

Two of the MPOs in North Dakota are bi-state MPOs with Minnesota. NDDOT and MnDOT have an MOU in place that designates NDDOT as the lead agency for the Grand Forks-East Grand Forks and Fargo-Moorhead MPOs.

2.7 ADMINISTRATION

Requests for Reimbursement. The MPOs must submit reimbursement requests to the NDDOT monthly. These requests should be in the form of a cover letter specifying the amount requested and the local match. They must include an itemized billing in the form of a spreadsheet to identify billings by work tasks as shown in the work program. The spreadsheet should show expenditures by date and remaining budget by task. The NDDOT processes reimbursement requests within 15 business days, as required by federal regulation. The MPOs must provide certification that all vendors have been paid and all local match has been acquired prior to requesting reimbursement of federal aid from NDDOT.

Reimbursement Monitoring. Each MPO will be required to provide complete billing and invoicing information on at least one reimbursement request (everything in a monthly invoice) in a calendar year to satisfy NDDOT monitoring responsibilities. The NDDOT will notify each MPO of their randomly selected reimbursement request that will require this full submittal. If no issues are found with the submittal, the MPO will have satisfied their requirement for the calendar year. If issues are found, then the MPO will be required to keep submitting complete reimbursement requests until the issue is resolved or no other issues are discovered.

Reporting. The MPO must submit progress reports to the NDDOT twice a year.

Accounting. The MPOs must follow standing acceptable accounting practices as indicated in 2 CFR 200. Records substantiating the expenditure of federal funds must be held for three years after the closure of a consolidated planning grant. NDDOT will notify the MPO when a grant has closed.

Audits. Each MPO must conduct an audit for each budgeted planning year in accordance with subpart F of 2 CFR 200. These audits are submitted to the NDDOT to be reviewed. If the NDDOT reviews and finds problems with the audit, the MPO must take sufficient corrective action within six months. Audits must be kept on file for three years after they have been reviewed.

Indirect Cost Allocation. MPOs receiving planning funds from more than one source must have a state- and federal-approved cost allocation plan for indirect operation and planning costs. Indirect costs (as opposed to direct costs such as salaries and payroll additives) include office rent, utilities,

insurance and telephone costs, and must be fairly distributed among the various tasks and funding sources of the MPO. Guidance in developing a cost allocation plan is set forth in Subpart E of 2 CFR 200.

MPOs receiving planning funds from more than one source must also complete an annual reconciliation process of indirect expenses. This process will determine the indirect cost rate for the next calendar year. This rate must be reviewed and approved by NDDOT, FTA, and FHWA prior to submitting any reimbursement requests.

MPO Budget Authority. The MPOs establish their own budgets, with the emphasis on meeting the mandated requirements of the latest federal transportation bill. Additional funds can be allocated to other work and tasks, such as travel and training, equipment, subcontracts to conduct studies, etc. Each MPO may amend its budget within its dollar allocation. Within a calendar year, the UPWP budget may be amended by up to 10 percent of the total budget without NDDOT, FHWA and FTA approval. Any amendments exceeding 10 percent of the budget total, either individually or as part of an accumulation of amendments, require NDDOT, FHWA, and FTA approval prior to the work commencing. Amendment approval may also be required from MnDOT for the two bi-state MPOs.

Other amendments that may require state and federal approval include the following:

- significant changes in the scope of work of any planning task,
- task substitution or addition on any funded task, and
- requests for additional planning funds.

Amendments requiring only state approval include time extensions and deletion of tasks, although FHWA and/or FTA must be notified of any action taken.

Procurements. Procurement of consultant services using federal funds must be in accordance with the NDDOT [Consultant Administration Services Procedure Manual](#). The NDDOT must approve all federally funded contracts for services as “eligible” for receiving federal funds.

Commodity purchases must follow federal and state procurement standards. The requirements and process for commodity purchases are detailed on the [North Dakota State Procurement Office](#) website. Purchases are divided into three levels of competition; Level 1, Level 2 and Level 3. The MPO has budget authority for Level 1 purchases. Level 2 and 3

purchases require NDDOT approval. All purchases exceeding \$10,000 require FHWA approval. All procurements made with federal funding become property of the MPO, and are to be made available to CPG-eligible activities by MPO member jurisdictions when practical. Federally funded procurements are subject to federal regulations regarding sale and disposal.

Travel and Training Expenses. The MPO has approval authority for travel and training, although it must be for applicable UPWP activities to be eligible for federal funding. Specific travel or training identified in an approved UPWP is considered eligible for federal funding. For travel and training not identified in an approved UPWP, Policy Board approval records should be maintained for 3 years after the last day of the contract for audit purposes.

MPO travel expenses, either in-state or out-of-state, are federally reimbursable at the [Federal GSA \(IRS\) rates](#) for a particular city. The quarters and status requirements for out-of-state travel are the same as for in-state travel.

Meals. The GSA current rate for meals is a per day rate. The meal rate by quarter is:

Breakfast = 20% x GSA daily current rate = **\$XX.XX**
Lunch = 30% x GSA daily current rate = **\$XX.XX**
Dinner = 50% x GSA daily current rate = **\$XX.XX**

Lodging rates. Hotel rates should conform to [GSA \(IRS\) rates](#) for a particular city.

Mileage. Mileage is reimbursed up to the IRS maximum.

Mid-year Reviews. The NDDOT will conduct an annual mid-year review of each MPO to ensure that the "3C" (continuing, comprehensive, cooperative) planning process, the MOU, and all applicable federal rules and regulations are being adhered to. Technical assistance and any necessary corrective actions will be discussed at these reviews.

MPO Director's Meeting. The NDDOT will coordinate with the three MPO Directors a biannual meeting to discuss ongoing statewide and metropolitan planning activities with MPO staff, NDDOT staff, FHWA and FTA. The MPOs will chair, develop the agenda for and lead the discussion of these meetings.

Coordination. The NDDOT will communicate and collaborate with all MPOs regarding available state and federal funding changes, regulations, policies, and technical assistance opportunities for transportation activities.

2.8 UNIFIED PLANNING WORK PROGRAM (UPWP)

An MPO must develop a two-year UPWP that may be updated annually. The MPO must provide NDDOT, FHWA and FTA a minimum 30-day review period for their draft UPWP document.

The MPO will submit to the NDDOT a final UPWP for the CPG-funded activities no later than **November 1** of the final year of the current UPWP. The NDDOT will then prepare appropriate contracts which must be executed by the MPO and the NDDOT Director before any federally reimbursable UPWP activity can begin.

The UPWP must include the items required to meet the "3C" process. North Dakota MPOs with the state and private transit operators, cooperatively describe what will be done using federal funds and who will do it. This process is described in the FHWA/FTA joint federal regulations under 23 CFR 450.308. To support the "3C" planning effort, the urbanized areas are eligible to receive planning funds through the NDDOT at a matching ratio of 80% federal and 20% local. The required items to be considered in the UPWP are listed in 23 CFR 450.308.

The UPWP, at a minimum, must include the following sections.

General Administration. This section should include various tasks relating to the local MPO's management of staff and resources to carry out the annual work program and conduct the overall "3C" planning process. This should also include such costs as record keeping, billings for CPG funds, development of an annual work program for the following year, and auditing costs. Training of personnel and purchases of office support equipment should also be included.

Transportation Plan Development. The various tasks contained in this section should relate to developing and keeping up-to-date an overall transportation plan. This section should also contain any corridor studies, spot location studies, and development of the annual Transportation Improvement Program (TIP).

Transportation plan implementation. This section should contain tasks relating to the implementation of major and minor improvements to enhance the traffic capacity and operation of the transportation system. Planning Transportation System Management (TSM) improvements and safety improvements are also included in this section.

Transportation monitoring and evaluation. This section should contain activities for monitoring and evaluating the operation of the existing transportation system. Specific work tasks could include: traffic counting; inventories of the existing network; traffic signs and signals; traffic data review and analysis; post construction reviews; and other related tasks.

Planning Task Format. A sample format of a typical work task is:

- Task number
- Title
- Task objective
- Present status
- Proposed work status
- Resulting task product(s)
- Completion date
- Estimated person-hours
- Estimated expenditures
- Proposed source of funds
- Summary sheet of tasks and funding
- Timeline

2.9 PUBLIC INVOLVEMENT PROCESS

The MPO must develop a Public Participation Plan (PPP) to ensure early and continuing public involvement in developing MPO work products, so that interested parties and affected users of the transportation system have reasonable opportunities to be involved in the metropolitan transportation planning process.

Detailed information on the requirements of a PPP can be found in 23 CFR 450.316.

2.10 TRANSPORTATION PLAN

The MPO planning process must include developing a transportation plan at least 25 years into the future at the time of adoption. The plan must include both short- and long-range strategies and actions leading to the development

of an integrated intermodal metropolitan transportation system. The plan must be reviewed and updated at least every five years to confirm its validity and its consistency with current and forecasted transportation and land use conditions and trends, and to extend the forecast period. The plan must be approved by the MPO and submitted to the NDDOT for informational purposes, and must follow the requirements of 23 CFR 450.324.

2.11 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The metropolitan transportation planning process must include development of a TIP for the metropolitan area in cooperation with the state, local jurisdictions and public transit operators. The development and content of a TIP is outlined in 23 CFR 450.326. Additional guidance is provided below:

- The TIP must be updated and approved annually by the MPO and the Governor or designee. The MPO must provide NDDOT, FHWA and FTA a minimum 30 day review period for their draft TIP document. Copies of the final TIP must be provided to the FHWA and FTA, but they do not need to approve the TIP.
- The TIP must include all federal aid and any other significant transportation projects, or identified phases of projects for all modes of transportation, that affect transportation in the 20-year planning boundary. Projects listed in the TIP must be consistent with the transportation plan.
- All projects for which FHWA or FTA approval is required must be included in the TIP.
- The TIP may be amended at any time consistent with the procedures established under the 23 CFR 450. A TIP may be revised for small scale projects grouped by location, function, type, etc., as defined in 23 CFR 450.326(h). TIP modifications do not require the opportunity for public comment, but do require approval of all affected agencies.
- The TIP must be submitted to the NDDOT for checklist review and then approval, to ensure incorporation into the Statewide Transportation Improvement Plan (STIP). (See Appendix 2 for an example checklist). After the TIP is approved by the MPO and the Governor or designee, it must be incorporated into the STIP. The state will provide the MPO with notification when the draft and final STIP is available. The approved MPO TIP becomes active at the time the final STIP is approved by FHWA and FTA.
- The FHWA and FTA must jointly find that each MPO TIP is based on the "3C" process, based on the self-certification submitted by the state and the MPO under 23 CFR 450.336 and upon other reviews as deemed necessary by the FHWA or FTA.

- Project implementation by the NDDOT or public transportation operators, in cooperation with the MPO, shall be selected from an approved TIP. More information on project selection is outlined in 23 CFR 450.332.

2.12 TRANSPORTATION ASSET MANAGEMENT

MPOs should ensure that the transportation network is managed to meet both current and future demands and that expenditures are optimal. Transportation Asset Management (TAM) principles and techniques are valuable tools that can be applied by an MPO and result in more effective decision making. The MPO role in a successful TAM program includes defining performance measures for assets through public involvement, serving as a repository for asset data, and promoting standard data collection and technology applications. MPOs can also educate the public and decision makers and work cooperatively with stakeholders across transportation modes.

2.13 METROPOLITAN TRANSPORTATION PLANNING PROCESS CERTIFICATION

Requirements and Regulations. At the time the TIP is submitted to NDDOT as part of the STIP approval process, the state and the MPO must certify that the planning process addressing the major issues facing the area is being conducted according to all applicable requirements of 23 CFR 450.336 and 49 U.S.C. 5303.

Planning Process Meets Requirements. The MPO planning process will be reviewed by the FHWA and FTA annually. The Federal agencies will conduct either a review of the entire MPO planning program, or a single subject review, whichever is most appropriate. The results of these reviews, as well as the Federal agencies regular participation in the metropolitan planning process, will be included in the annual planning finding that is required as part of the STIP approval process.

TMA Certification. If an MPO in North Dakota is identified as a Transportation Management Area (TMA), the FHWA and FTA will jointly conduct a certification review at least every four years, in accordance with 23 CFR 450.336(b).

At the present time, no MPO has received designation as a TMA, and therefore, this section does not apply.

NDDOT and MPO Notification. The NDDOT and the MPO will be notified of all review actions. Where appropriate, the NDDOT may be part of the review team.

2.14 TRANSPORTATION STUDIES

MPO's Role. The MPOs may undertake transportation studies proposed by the transportation plan, and within their proposed work programs. The MPO may either perform the study in-house or contract it out to a consultant. In either case, a scope of work will be outlined by the MPO for use by NDDOT, FTA and FHWA to determine eligibility. Draft studies must be submitted to NDDOT, FHWA and FTA for review and comment. The MPO shall address all comments to oversight agency satisfaction prior to approving a final document.

NDDOT Role. The NDDOT, FHWA, and FTA will determine if the study is eligible under federal guidelines. For the purpose of securing federal aid, the NDDOT must approve any subcontract the MPO enters into. If an audit determines the federal guidelines have not been followed, the MPO will be required to reimburse the NDDOT. NDDOT, along with FHWA and FTA, will review draft documents and provide comments to the MPO.

2.15 FUNCTIONAL CLASSIFICATION OF ROADWAYS WITHIN THE URBANIZED AREA

The MPO, in cooperation with LPAs, NDDOT, FHWA and FTA, must establish the functional classification of the roadways within their respective urbanized areas. The guidelines are provided in a booklet provided by FHWA, entitled "Highway Functional Classification Concepts, Criteria, and Procedures." These [classifications](#) are generally updated with the decennial census or as the need arises.

2.16 COORDINATION

The MPOs, public transportation operators, NDDOT, and MnDOT (as applicable) will work together to coordinate planning activities and program changes as outlined in the 3C Planning Agreement.

PROGRAM INFORMATION

3.1 GENERAL

This chapter describes the federal and state programs administered by the NDDOT and presents the basic procedures for Local Public Agency (LPA) participation. In addition to the federal programs, special legislation may grant state aid funds to LPAs for infrastructure improvements. LPAs also receive a percentage of the highway tax distribution fund. The highway tax distribution funds, however, are not part of the federal aid program and LPAs receive these funds directly.

The federal government allows the use of federal funds to pay project costs for Preliminary Engineering (PE) and Construction Engineering (CE), right of way acquisition, construction, utility adjustments/relocation, and audits. Expenditures for facilities, general administration, supervision, and other overhead of the LPAs are not eligible for federal funds. The NDDOT policies limit participation depending on the program area, as discussed later in this chapter.

No federal aid-eligible activities may begin until authorized by FHWA.

All federal highway funds are subject to changes in apportionments, matching ratios, appropriations, and obligation authority as established periodically by Congress.

The authorization of project funds is subject to local, state, and federal regulations. Authorizations are required at several points during project development to be eligible for reimbursement of federal funds. In many cases, particularly on more complex projects, authorizations are required for each distinct phase of work; e.g., preliminary engineering, right of way acquisition, construction, etc.

If an LPA wants federal aid for a project phase of work, they must submit a written request for federal aid to the NDDOT, detailing the estimated cost of the phase. The estimated cost must include the anticipated total cost and

the amount of federal aid to be used for that phase. Federal funds requested cannot exceed the federal matching ratio, and cannot be expended by the LPA before it receives written authorization from the NDDOT.

The NDDOT needs two to four weeks after receiving the request for federal aid to obtain authorization for the use of federal funds. Upon receiving federal authorization, the NDDOT will notify the LPA in writing that the federal funds are available and they can proceed with that phase of work.

3.2 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

All projects receiving federal funding through Title 23 U.S.C. must be included in a Statewide Transportation Improvement Program (STIP). All projects requiring an action by FHWA or FTA must be included in the STIP. Regardless of funding source, all regionally significant projects must be included in the STIP. As allowed under 23 CFR 450.218 (j), projects that are not considered to be of appropriate scale for individual identification will be grouped in the STIP. All projects included in the STIP must be consistent with the state transportation plan and any other applicable plans. All federally funded projects (state and LPA) located within the planning boundary of an MPO must also be included in the TIP.

All projects will be programmed following the procedures outlined in this manual.

The NDDOT will compile the local program projects into a draft STIP, solicit public input on the draft STIP, develop a final STIP, and submit the final STIP to FHWA and FTA for their approval. Any projects not included in the approved STIP may be ineligible for federal funding. The STIP may be amended; however, federal funding may not be available due to current obligations.

Projects in the STIP must also be consistent with the State Implementation Plan (SIP) for air quality. The North Dakota Department of Health (NDDoH) prepares the SIP, which is approved by the Environmental Protection Agency (EPA). NDDoH will review the STIP for compliance with the SIP, and forward a letter of their findings to the NDDOT.

Copies of the STIP are available from the NDDOT or can be downloaded from the [NDDOT website](#).

3.3 CONSULTANT SELECTION

INTERSTATE AND REGIONAL SYSTEMS

The NDDOT may complete the PE and CE for projects on the Interstate and Regional (Primary and Secondary) systems. There may be situations where the NDDOT will use consultants or request LPA staff to complete the engineering on the Regional system.

The NDDOT, when securing engineering services, will adhere to the [Consultant Administration Services \(CAS\) Procedure Manual](#). The NDDOT adheres to NDCC Chapter 54-44.7 as amended.

LPA ROAD SYSTEMS

The LPAs are responsible for completing all phases of PE and CE for projects on the LPA Road systems. The LPAs may complete this work by using their staff or by using a consultant for services. If outside services are used, the following requirements must be adhered to:

Whether an LPA determines that LPA staff will be used or a consultant is to be selected, the experience of these personnel needs to be assessed relative to the complexity of the project by both the LPA and NDDOT.

If no federal aid is being used for consultant engineering services, the LPA will need to follow all applicable state or local requirements for procurement.

If federal aid is being used for engineering on the project, the LPA will be required to secure engineering services using the procedures in the NDDOT CAS Manual. A full-time LPA employee must be assigned to be responsible for the project when federal aid is being used.

The selection of the engineering consultant will be left up to the LPA when the project is located on their system, however the process must follow the procedures outlined in the NDDOT CAS Manual. The LPA's selection is subject to outside audits, to ensure that the appropriate federal and state requirements were adhered to. If less than three (3) consultants are interviewed when utilizing federal aid, the LPA will be required to request concurrence from LGD prior to entering into a contract with the selected consultant. LGD will consult with FHWA on the ability to proceed or re-advertise.

The scope and fee (hours) for PE services will be sent to the appropriate Local Government technical support person for review and approval. The scope and fee (hours) for CE services will be sent to the appropriate Assistant District Engineer for review and approval.

The NDDOT and LPA must enter into a PE or CE engineering services agreement with the selected consultant. This agreement, provided by NDDOT, is required for approval for federal aid participation.

3.4 REIMBURSEMENT

This section applies only to LPA developed projects. On NDDOT-developed projects, the reimbursement will be negotiated on a project-by-project basis.

Before an LPA can obtain federal reimbursement for a project activity, NDDOT must approve that the activity is eligible for federal aid. Federal funds must then be authorized with FHWA prior to advertisement and expenditure of funds.

The LPA must maintain the records of all expenditures for which it is requesting reimbursement. It must also make them available to the NDDOT and the federal government for inspection and audit during the agreement term and for three years after the date of the final voucher.

Federal funds used for project activities are subtracted from the LPAs allocation set aside for the project and may be reimbursed as outlined in the signed agreement.

ENGINEERING

Engineering costs are eligible for federal aid reimbursement when specifically approved for a project. Payment will be based on actual salaries paid for engineering work on that project, plus an audited overhead rate, payroll additives, and a lump sum amount for profit. Mileage rates are allowed for vehicles used. Supplies, meals, lodging, etc. are eligible at actual cost.

If an LPA uses federal aid for PE, and the project doesn't advance to a construction contract, those funds will be required to be paid back.

To obtain reimbursement for engineering services, the request will be processed using the NDDOT Contract Management System ([Progress Estimate Form](#)) and the [Progress Estimate User Guide](#) will provide instructions on submitting for reimbursement.

RIGHT OF WAY

Right of way costs eligible for federal aid are specified in 23 CFR Part 710. If no construction contract is executed, there will be no federal reimbursement. Prior to any LPA being able to receive federal funds for right of way costs; that LPA needs to have a Title VI program in place, submit the appropriate Title VI documents to NDDOT to request FHWA authorization, and may be subject to a potential Title VI audit in the future.

To obtain reimbursement, the LPA must submit a request in writing to the NDDOT LGD. The request must include:

- The property acquired by parcel number or owner
- The time period for which charges are being made
- The estimated total cost for right of way
- The estimated amount of federal aid reimbursement being requested

Upon receiving the local agencies request, Local Government will verify that the costs being charged are within the time frames of the agreement, ensure that federal funds are still available for the project, any costs incurred were after the FHWA authorization date for right of way, and process the request for reimbursement. These funds are taken from the LPA's annual allotment of federal aid.

UTILITIES

If the LPA chooses to use federal funds to accommodate or relocate utilities, reimbursement for eligible costs will occur after the execution of a utility relocation agreement consistent with terms identified in 23 CFR 645. However, prior to the agreement, NDDOT will need to request authorization of federal funds for utility accommodation or relocation. Work done prior to FHWA authorization of funds or the signed agreement will not be eligible for reimbursement. If no construction contract is executed, there will be no federal reimbursement.

To obtain reimbursement, the Utility must submit a request in writing to the NDDOT LGD. The request must include:

- A description of the utility which was accommodated or relocated
- The time period for which charges are being made
- The total itemized cost for utility adjustment or relocation
- A copy of the agreement between the utility company, NDDOT, and LPA to relocate or adjust the affected utilities.

When the request for payment is submitted for the utility accommodation and relocation activities, a letter must accompany the request which certifies that the costs are all eligible for federal aid per 23 CFR 645.

If the LPA pays for the utility relocation and wants reimbursement with federal funds, that LPA needs to have a Title VI program in place, submit the appropriate Title VI documents prior to NDDOT requesting FHWA authorization of federal funds, and may be subject to a potential Title VI audit in the future.

Upon receiving the LPA's request, the LGD will verify that the costs occurred after FHWA authorization date and the agreement. These funds are taken from the LPA's annual allotment of federal aid.

CONTRACTOR PAYMENTS

In most cases, NDDOT will make payments to the contractor. The progressive estimate will be generated using CARS, prepared and signed by the LPA or its authorized representative. If the LPA has hired a consultant as their representative to oversee the construction activities, the responsible charge will need to review and approve all progress estimates prior to submitting to NDDOT for payment.

The LPA will submit the progressive estimate to the appropriate NDDOT District office for processing. The LPA will reimburse NDDOT for costs exceeding the federal funds available on the project including the local match and/or any items not eligible for federal aid.

The LPA will be required to make contractor payments when there is less than 50% federal funds available for construction or the project has to be advanced constructed. Advanced construction occurs when federal funds aren't available at the time authorization of federal funds is requested from FHWA. For the LPA to make contractor payments they will be required to have a Title VI program in place and submit the necessary documents prior to NDDOT requesting authorization of the federal funds for the project.

If the LPA makes the contractor payments, they will submit a request to the appropriate LGD technical support requesting payment of only the federal funds that are reimbursable. The following information is required to be submitted from the LPA:

- Cover letter requesting the federal funds
- Approved progress estimate from CARS

FUNDING-LIMITED (CAPPED) PROJECTS

An LPA will not receive reimbursement greater than the limited dollar amount set aside for a project as specified in the agreement between NDDOT and the LPA. The limited dollar amount will include eligible PE, CE, construction costs, right of way, and utilities for the project.

3.5 INTERSTATE PROGRAM

The NDDOT will fund mainline Interstate improvements and modifications to existing or new interchanges needed to alleviate congestion at existing interchanges as a result of mainline traffic. Approval from FHWA will be required and the proposed project will need to meet FHWA's access requirements.

The LPAs will be required to fund grade-separated non-interchange roads and interchange projects which are a result of cross-road traffic. There may be some exceptions if the project is built in conjunction with an Interstate mainline project. To obtain funding, an LPA may request regional highway funds if the project is part of that system, or may use part of their Urban Roads program allocation.

The NDDOT will maintain the Interstate system, with the exception of grade-separated non-interchange facilities.

FUNDING

Interstate improvements will be funded from the current federal transportation bill. Available funds will vary with each transportation bill.

PROJECT PARTICIPATION

The NDDOT will provide the match for federal funds on the Interstate projects. The current match rate is 10% for improvements which do not add capacity and 19.07% for improvements which add capacity.

There are two exceptions to this match. Grade-separated non-interchange facilities and interchange projects, which are a result of crossroad traffic and are not built as part of an Interstate mainline project, are the LPA's responsibility. There may be some exceptions if the project is built in conjunction with an Interstate mainline project. To obtain funding, the LPA may request regional highway funds if the project is part of that system, or may use part of their Urban Roads program allocation.

The NDDOT will provide the match for federal funds on new interchange projects which are needed to alleviate congestion at existing interchanges and meet the FHWA access requirements.

PROJECT SELECTION

The NDDOT will select and program all projects on the Interstate system, including LPA-initiated interchange and non-interchange grade-separated projects. When a project on the Interstate is initiated by the LPA, the LPA is responsible for funding the non-federal share of that project. The NDDOT must approve all LPA-initiated Interstate projects.

ELIGIBILITY

To be eligible for Interstate funds, a project must be located on the Interstate system. Using federal aid, NDDOT will participate in all federal aid-eligible activities.

Modifications to existing interchanges or construction of new interchanges must meet FHWA Interstate access requirements. These requirements are accomplished through the development of an [Interstate Justification Report](#) (IJR). This endeavor may be very time consuming and costly.

3.6 URBAN PROGRAM

FUNDING

As new transportation bills are passed, the amount of available funds may vary. The resulting dollar amount is subject to obligational authority spending limits and availability annually.

Urban funds will be balanced 50-50 between the Regional and Urban Road systems. Because of prior commitments to various roadway construction projects, the amount of funding available each year may fluctuate slightly.

Regional system funds are not distributed by formula but will go to specific projects based on needs.

Urban Roads funds will be distributed using a base amount per LPA, with the balance distributed according to population. The population of the LPA will be based on the most recent decennial census. The balance distributed is according to the LPA's percentage of population compared with the entire state's urban population.

The above funding is for eligible activities associated with approved projects.

PROJECT PARTICIPATION

On the Regional system, federal funds may be used for PE, CE, right of way, utilities relocation, and actual construction.

Primary Regional Program. The match for federal funds on the Primary Regional system will be provided by the NDDOT, except for the following items:

- The LPA will be required to provide the match to federal funds for service road improvements.
- The LPA will be required to fund items not eligible for federal aid, such as waterlines, sanitary sewer, and items exceeding reasonable design specifications as determined by NDDOT.

Secondary Regional Program. The match for the federal funds on the Secondary Regional system will be provided by the NDDOT and the LPA, except for the following items:

- The LPA will be required to provide the match for service road improvements.
- The LPA will be required to fund items not eligible for federal aid, such as waterlines, sanitary sewer, and items exceeding reasonable design specifications as determined by NDDOT.

Urban Roads Program. Federal funds may be used for PE, CE, right of way, utility relocation, and construction. On the Urban Road system, use of federal aid for any of these phases is an LPA decision. When the project is programmed, NDDOT will establish a cap for the project based on the LPA's submitted cost estimate. This cap will establish the maximum federal funds available for the project. Urban Roads program projects will be limited.

LPAs will be responsible for providing the match for all Urban Roads program projects. The LPA will be responsible for providing funds if their federal aid allocation has been spent.

In some cases, the LPAs will be allowed to spend their urban road funds from future years, if the overall urban obligational limit is available.

The LPAs will be responsible for funding all items not eligible for federal aid.

	Federal	State	LPA
Primary Regional	80.93%	19.07%	0.00%
Secondary Regional	80.93%	9.07%	10.00%
Service Roads	80.93%	0.00%	19.07%
LPA Roads	80.93%	0.00%	19.07%

PROJECT SELECTION

The LPAs, in cooperation with the NDDOT district offices, will be asked to submit a list of projects to the NDDOT LGD each year. In metropolitan areas, LPAs must coordinate its project list submission with their respective District. The LPA and District will submit their project list to the MPO for prioritization and eventual submittal to LGD.

Primary and Secondary Regional System. The NDDOT will select projects on the Primary and Secondary Regional system based on engineering and roadway needs, estimated cost of the project, the project development time, and the amount of coordination required.

The NDDOT will establish a five-year list of projects for the Regional system. In that five-year program, the first two years will be considered firm.

LPA concurrence in the project selection will be obtained when the LPA is requested to provide the match or when maintenance responsibility is being transferred.

Urban Roads. Each LPA will choose the project it wishes to be completed under the Urban Roads program. The LPA's project list should be consistent with section 3.2 of this manual. Annually, each LPA will submit a list of projects to the NDDOT describing the LPA's federal aid program for the next four years.

The first two years of an urban area's four-year program must be firm. If there are changes, funding may be lost. If federal funds are lost because an urban area did not have a project ready for obligation in the appropriate fiscal year, the urban area may lose an amount of its allocation equal to the amount of the obligational authority the state has lost.

To demonstrate LPA sponsorship, the LPA must submit a resolution from its governing body supporting the project.

ELIGIBILITY

To be eligible for urban program funds, a project must be associated with either the Urban Roads or Regional (Primary or Secondary) system. Urban program funds can be spent on any of these systems, for federal aid eligible items.

The use of Urban Roads program funds on a project is the LPA's decision. The participation for these activities will be limited for each project, depending on the LPA's available allocation. This limit will be established based on the LPA's estimate, submitted when the project is requested.

3.7 COUNTY PROGRAM

FUNDING

Federal funding for county roads comes from the current transportation bill. As new transportation bills are authorized, the amount of available funds may vary. It is also subject to obligational authority spending limits and availability annually.

The total funds made available to the counties are allotted and available to each county on a formula basis, based on; rural population, land area, major collector mileage, and the county's mill levy collections for road and bridge improvements.

In some cases, the LPAs will be allowed to spend their county road funds from future years, if the overall county obligational limit is available.

PROJECT PARTICIPATION

Federal funds may be used for PE, CE, right of way, utility relocation, and construction. On the county road system, use of federal aid for any of these programs is an LPA decision. Quite often, the amount of federal funds that the LPA has accumulated is not sufficient to fully fund the project at the prevailing federal matching rate. In these cases, the federal funds set aside for the project will be limited to the amount the LPA has accumulated. The remainder of the project cost, will be the responsibility of the LPA.

	Federal	State	LPA
County Roads (CMC)	80.93%	0.00%	19.07%

PROJECT SELECTION

Each year, the NDDOT will advise the LPAs of their accumulated balance, and the allotment for the next fiscal year. The LPAs are provided with information such as federal funds available, eligible projects, etc. each year. For the purpose of planning and developing projects, LPAs will be asked to submit a five-year plan describing how they intend to spend their anticipated allocation. For projects located within the MPO boundary, the LPA will need to go through the MPO prioritization process.

The project requests received from meetings and other contacts are considered a formal commitment by the LPA once these are approved by the LPA board and concurred in by LGD.

As the LPAs' needs change during the year, LGD should be consulted and advised of proposed changes in the County program. When approved by LGD, changes can then be made a part of the County program.

ELIGIBILITY

To be eligible for County program funds, a project must be located on the County-Federal Aid System, commonly referred as the County Major Collector (CMC) system. NDDOT will participate in any federal aid-eligible activities.

The use of County program funds on a project is the LPA's decision. The participation for these activities may be limited for each project, depending on the LPA's available allocation. This limit will be established based on the LPA's estimate, submitted when the project is requested.

3.8 BRIDGE PROGRAM

FUNDING

Federal funding for bridges comes from the current transportation bill. As new transportation bills are authorized, the amount of available funds may vary. It is also subject to obligational authority spending limits and availability annually. To receive bridge rehabilitation or replacement funds, a

structure must qualify in terms of condition rating (see eligibility section below).

PROJECT PARTICIPATION

Cost participation in the bridge program depends on the system on which the project is located.

	Federal	State	LPA
Primary Regional	80.93%	19.07%	0.00%
Secondary Regional	80.93%	9.07%	10.00%
Service Roads	80.93%	0.00%	19.07%
LPA Roads	80.93%	0.00%	19.07%

PROJECT SELECTION

Urban Bridges. Projects for bridges in urban areas will follow the same selection process as outlined in Section 3.6.

County Bridges. Annually, counties will submit a list of bridges they would like to replace or rehabilitate. Funding limitations require justification of importance to replace or rehabilitate eligible bridges. Elements that aid replacement/rehabilitation justification are classification of roadway, cost, traffic volume, safety factors, vehicle use (i.e. bus, mail service, school bus routes, etc.)

ELIGIBILITY

To be eligible, a bridge must have an opening equal to or greater than 20 feet in span length measured along centerline from inside the abutments including piers. Multiple pipes may be considered one structure when the clear distance between openings is equal to or less than half the smaller contiguous opening. The length of multiple pipe openings is measured parallel to the roadway centerline and between the inside faces of the exterior pipe. These types of structures are considered a "major" structure and NDDOT inspects and provides the LPA a Structure Inventory and Appraisal (SI&A) sheet on the condition of the structure.

A "major" structure must be structurally deficient and located on an important link in the LPAs' road network to be considered for replacement. Funding for rehabilitation of major structures will be considered on a case-by-case basis; visit with your LG technical support contact. These funds are

made available based on the detour length, amount of traffic, and other local access.

A bridge less than 20', multiple pipe that cannot meet the spacing requirements above, or smaller culverts are considered "minor" structures and are not eligible for the Bridge Program.

Based on the limited amount of bridge funds, NDDOT may limit the number of bridges funded that cross certain geographical features such as rivers or rugged terrain.

Bridge funds may be used for the structure and approaches only as necessary to provide an adequate connection to the existing roadway.

3.9 SAFETY PROGRAM

NDDOT has completed a [Strategic Highway Safety Plan \(SHSP\)](#) which is a comprehensive transportation safety plan, based on safety data, and developed after consultation with a broad range of safety stakeholders. While completing the SHSP, NDDOT implemented the [Local Road Safety Program \(LRSP\)](#) that suggested projects on LPA roadways that were considered a potential risk based on statewide data from previous crashes. NDDOT worked with the 12 largest cities, all 53 counties, and all 4 tribal governments to complete an LRSP for their roadways.

FUNDING

The funding for the safety program will be obtained from the NDDOT Highway Safety Improvement Program (HSIP). Each year, NDDOT receives funds to be used on safety projects. In order to reduce severe and fatal crashes on all roads in North Dakota, NDDOT will share those funds with the LPAs.

PROJECT PARTICIPATION

Cost participation in the safety program depends on the system on which the project is located. Federal funds are available for PE, CE, right of way, utility relocation and construction for projects on the state highway system. Federal funds are available only for construction engineering and actual construction on the LPA Roads system. Safety program funding approved on the local road system will be limited to the amount identified on the final engineer's estimate prior to bidding.

	Federal	State	LPA
Primary Regional	90.00%	10.00%	0.00%
Secondary Regional	90.00%	5.00%	5.00%
Service Roads	90.00%	0.00%	10.00%
LPA Roads	90.00%	0.00%	10.00%

PROJECT SELECTION

Each year, the NDDOT will send the LPAs a list of high-crash locations. Using this list and any additional information on safety needs in the community, the LPA will submit to the NDDOT annually a list of the safety projects for which they are requesting funds. Based on the LPA's list, eligibility criteria, and available federal funds, the NDDOT will develop a safety program for the next four years. For projects located within the MPO boundary, the LPA will need to go through the MPO prioritization process.

Safety projects include rail crossing improvement projects, projects identified in the Local Roads Safety Program (LRSP), intersection improvements at high-crash locations, intersection realignment, etc. The NDDOT will select the projects using information submitted by the LPAs and from the high-crash location analysis prepared annually by the NDDOT Programming Division.

Rail crossing projects will be initiated by Planning and Asset Management Division, as determined from an annual assessment of needs and improvement priorities. Projects can also be initiated by an LPA.

ELIGIBILITY

Safety funds may be used on any road; state, tribal, or LPA owned. Safety funds must be used to correct an existing safety hazard or to eliminate a potential safety hazard. The LPA must apply for and provide documentation to justify using HSIP funds on a project.

3.10 TRANSPORTATION ALTERNATIVES (TA) PROGRAM

FUNDING

The NDDOT will distribute the Urban and County TA funds through the TA project selection committee. This distribution of funds will be by annual competitive application. The TA project selection committee will recommend

which projects to fund. TA funds can be used only for projects eligible for TA funding.

These funds are available for projects which increase the value, beauty, or reputation of the transportation network. They include pedestrian and bicycle facilities, safe routes to school projects, safe routes for non-drivers, community improvement activities.

Applications can be submitted by LPAs, Tribal governments, federal and state agencies, and Transit Providers. Other governmental entities and public non-profits can submit applications; however, their applications must be sponsored either by one of the 12 major cities, a county or a Tribal government.

PROJECT PARTICIPATION

Federal funds are available for eligible construction costs. A maximum limit will be set for each project. If the costs exceed that amount, the agency sponsoring the TA project will be responsible for the remainder of the costs.

	Federal	State	LPA
TA	80.93%	0.00%	19.07%

PROJECT SELECTION

TA funds will be awarded through a statewide competitive process that is reviewed by the TA Project Selection Committee and approved by the NDDOT Director. The TA projects will be awarded under either the Urban or Rural (county) categories. For projects located within the MPO boundary, the LPA will need to go through the MPO prioritization process. Twelve entities are represented by the TA Project Selection Committee and they are as follows:

- ND Department of Commerce, Tourism
- ND Parks & Recreation Department
- State Historical Society of ND
- ND Indian Affairs Commission
- ND Department of Public Instruction
- ND Forest Service
- One representative from a public school system
- Counties
- Cities (2) (one from a city greater than 5,000 and one less than 5,000 in population)
- An MPO representative
- NDDOT

TA PROGRAM SUBMITTAL, SELECTION AND AWARDS PROCESS

Each year in the fall, notification will be sent to the following entities that the application period has commenced.

- City Auditors
- City Engineers of major cities (cities greater than 5,000)
- Metropolitan Planning Organizations
- County Commission c/o County Auditors
- Tribal Planners
- Members of the TA Project Selection Committee
- ND Schools
- USDA Forest Service
- USACE
- ND Game and Fish
- BIA
- Transit Providers
- USF&W
- ND Parks and Recreation
- ND Forest Service

The typical steps in the TA application process are as follows:

- Applications are due in December/January
- Once applications are received and compiled, applications will be sent to the TA Project Selection Committee
- The TA Project Selection Committee uses a pair-based scoring system to rank projects.
- The TA Project Selection Committee typically meets in the spring
- Letters notifying successful applicants are sent out (typically under the Governor's signature)
- Letters notifying unsuccessful applicants are sent out by the Local Government Division
- Local Government Division commences project development with successful applicants

ELIGIBILITY

Projects eligible for TA funding must fit into eligible categories and must relate to surface transportation. TA projects must fall under one of the activities found at: <http://www.dot.nd.gov/divisions/localgov/TAP.htm>.

3.11 ND SMALL TOWN REVITALIZATION ENDEAVOR FOR ENHANCING TRANSPORTATION (NDSTREET) PROGRAM

FUNDING

The program provides assistance to small communities in upgrading the existing roadway infrastructure along the state highway system.

The NDDOT sets aside a portion of its annual obligational authority that is received from the federal government for the NDSTREET program.

Communities with less than 5,000 in population and have a state highway through their community are eligible to apply for funds.

PROJECT PARTICIPATION

The federal and state portion is capped at project selection based on the cost estimate submitted in the application. All cost overruns or ineligible costs will be the responsibility of the LPA.

	Federal	State	LPA
NDSTREET	80.93%	9.07%	10.00%

PROJECT SELECTION

The NDDOT will distribute these funds through an advisory committee comprised of five members. The five-member advisory committee members are as follows:

- One member from a city with less than 750 in population (coordinated through the ND League of Cities)
- One member from a city between 750 and 1,500 in population (coordinated through the ND League of Cities)
- One member from a city greater than 1,500 in population but less than 5,000 (coordinated through the ND League of Cities)
- One member from the Local Government Division of the NDDOT (chairman)
- One member from the Programming Division of the NDDOT

Projects are selected on a competitive basis. The advisory committee will review the applications submitted and prioritize the projects to be submitted to the Director for funding.

ELIGIBILITY

NDSTREET funds are limited to expenditures on the state highway system. Funds may be used for PE, CE, right of way, construction and utilities.

The LPA will be required to fund items not eligible for federal aid, such as waterlines, sanitary sewer, and items exceeding reasonable design specifications as determined by NDDOT.

3.12 SPECIAL ROAD FUND (SRF) PROGRAM

FUNDING

Each year, the NDDOT receives a portion of the investment income earned on money in the state highway fund. This investment income the NDDOT receives is used for the SRF program as required by NDCC 24-02-37 and 24-02-37.2.

PROJECT PARTICIPATION

The SRF program will fund costs up to the award amount. Only construction costs are eligible. Areas within state-owned recreational, tourist, or historical areas may be funded at a higher level at the discretion of the SRF advisory committee.

There is a maximum dollar amount that an applicant can receive and the Special Road Fund Committee can change this amount based on current funding levels and/or due to special legislation.

	Federal	State	LPA
SRF	0.00%	60.00%	40.00%

PROJECT SELECTION

Projects are selected on a competitive basis. Applications will be accepted from a political subdivision (city or county) or other state agency.

Solicitations will be sent out in the fall of the year, notifying agencies that applications will be accepted for project selection. The following entities will receive notification:

- City Auditors
- City Engineers of 12 major cities
- Metropolitan Planning Organizations
- County Commission c/o County Auditors

- State Historical Society of North Dakota
- North Dakota Parks and Recreation Department
- ND Game and Fish

The NDDOT will distribute these funds through the Special Road Fund advisory committee comprised of five members. The members on the committee are as follows:

- Director – ND Department of Parks and Recreation
- Director – ND Game and Fish Department
- One member of the State Senate (appointed by Chairman of Legislative Council)
- One member of the State House of Representatives (appointed by Chairman of Legislative Council)
- Director – ND Department of Transportation (chairman)

The advisory committee will review the applications submitted and prioritize the projects to be submitted to the Director for funding. The SRF Committee uses a pair based scoring system to rank projects.

ELIGIBILITY

SRF funds may be used for the constructing and maintenance of access roads to and within recreational, tourist, and historical areas.

3.13 SMALL RURAL ECONOMIC DEVELOPMENT (SRED) PROGRAM

FUNDING

The intent of the program is to provide assistance in upgrading the existing roadway and pavement infrastructure to new businesses for roadways on the CMC system. The program will allocate funding on an annual basis to Counties.

PROJECT PARTICIPATION

Funding participation is \$640,000 available per year with a maximum award of \$400,000. If the scope of the project exceeds \$400,000, the Director may use two or more years’ worth of allocations to pay for the project.

	Federal	State	LPA
SRED	80.93%	0.00%	19.07%

PROJECT SELECTION

NDDOT and the Commerce Department will select projects on a competitive basis. Applications for projects will be accepted on an as-needed basis.

The NDDOT and Commerce Department will review the applications submitted and prioritize the projects to be submitted to the Director for funding.

ELIGIBILITY

SRED funds are to be used on county roads. The funds can be used for new pavement, grading, widening, rehabilitation, or upgrading of the existing CMC roadways.

3.14 OTHER STATE FUNDING

FUNDING

These funds are made available to LPAs through NDDOT for infrastructure improvements. Funds are only available through special legislation at this time.

PROJECT PARTICIPATION

The bill that provides these funds will generally provide details on who will get those funds, amount of allocated funds, how to allocate the funds, and the funding split.

PROJECT SELECTION

Each bill contains certain criteria that need to be followed or special requirements that determine which projects and project types will be approved for funding. NDDOT will work with the LPAs to determine which projects will be approved and the meet the intent of each bill.

ELIGIBILITY

The LPA that is eligible for these funds will be identified in the specific bill and who will administer those funds, and any number or other items deemed important to the successful use of those funds.

3.15 FEDERAL LANDS ACCESS PROGRAM (FLAP)

FUNDING

This program provides funding to federal, state, city, county, townships, or tribal agencies for the improvements to roads, bridges, or expansion of transit services that provides access to federal lands within North Dakota. The amount of funds available is dictated by the current federal transportation bill.

These funds are administered by FHWA-Central Federal Lands Division (CFLD).

PROJECT PARTICIPATION

Funding is limited to 80.93% federal funds of eligible costs. Some projects may be limited (capped) to a certain federal dollar amount. Any costs that are not federal aid eligible and exceed the capped amount will be the responsibility of the sponsoring agency.

	Federal	State	LPA
FLAP	80.93%	0.00%	19.07%

PROJECT SELECTION

Projects are selected on a competitive basis based on applications. FHWA-CFLD will occasionally solicit for projects so they have 3-4 years' worth of funding used up. When additional projects are needed, they will send notice out to various federal and state agencies within ND including NDDOT-LGD and we will send notice out to the LPAs.

Applications received will be reviewed and selected by a three-member committee consisting of FHWA-CFLD, NDDOT, and NDACO.

ELIGIBILITY

Roadway or bridge improvements that provide direct access to federal lands within ND are eligible for these funds. Improvements need to be in close proximity or on the federal land.

Successful applicants will enter into agreements with FHWA-CFLD for cost participation and maintenance of the project. NDDOT will not be part of the agreement, reviews, or approvals after the projects are selected for funding.

PROJECT DEVELOPMENT

4.1 AGREEMENTS

GENERAL RESPONSIBILITIES

Agreements will be developed between the NDDOT and the LPA to identify the overall responsibilities on a project level basis in terms of engineering, construction, maintenance and cost participation.

The NDDOT has overall responsibility on behalf of FHWA, for LPA projects built with federal funds. The NDDOT Local Government Division has the general responsibility for all preconstruction activities on the local roads system, and the NDDOT Districts have the general responsibility for project construction with federal aid on the local road system.

AGREEMENTS RELEVANT TO LPAS

- Preliminary Engineering
- Right of way
- Utility relocation/adjustments & reimbursement
- Construction Engineering
- Cost Participation and Maintenance
- Rail Highway Crossing Cost Participation
- Agreement to Install and Maintain

4.2 PROJECT SCHEDULE AND DOCUMENTATION

Once a project is approved for funding and programmed, a project schedule needs to be developed to ensure the project can be bid on time. The project schedule needs to encompass the due dates for activities such as but not limited to field reviews, environmental clearance, preliminary plans, ROW acquisition, utility coordination, final plans, and the bid opening. As part of any successful project, proper documentation must be kept for all activities under taken to complete a project. As part of a federal aid project, future audits and reviews may be completed on these projects and having the proper documentation in the file will be key to a successful audit or review.

PROJECT DEVELOPMENT SCHEDULE

After projects have been scheduled by the selection process, they are assigned project numbers and placed in a particular bid opening. The LGD coordinates with the Programming Division to prepare and distribute a tentative multi-year bid opening schedule. When this schedule is approved, LGD notifies local agencies of their scheduled projects. All projects on the state highway system listed within the first three to four years are placed on the Department's project advancement scheduling, known as the Milestone program.

This program provides a means for sequencing, scheduling, and monitoring the activities required to advance a project through bid opening. The Design Division is responsible for maintaining the Milestone program. LPA projects are not tracked in Milestone.

Projected dates for various activities are established by the Milestone Committee, made up of representatives from Design, Environmental and Transportation Services, Bridge, Materials and Research, Local Government, and Programming Divisions. Regularly scheduled meetings are held where the time frame for a project activity can be adjusted. Projected dates for activities are set after considering workloads, available personnel, and the already established bid opening date.

For LPA-developed projects, the NDDOT will coordinate project development activities with the LPA that correspond to the project bid opening.

PROJECT FILE

A project file must be developed for all federal aid projects. The project file should generally consist of records which document all substantive decisions, communications, actions, calculations, and other significant happenings which had an impact upon the completed project. The responsibility for the file lies with the agency developing the project. All pertinent information is retained in the project file. The most significant items for projects on the state highway system are listed below. On LPA-developed projects, the LPA is responsible for producing this information, as applicable. The Design Manual defines the content of these reports or documents and requirements to complete required project development processes.

- Pavement design report
- Linear soils report
- Safety review
- Bridge Preliminary Concept report
- Traffic data and pavement condition

- Roadway lighting and traffic operations report
- Interstate access request
- Right of way documentation
- Utility coordination
- Environmental documentation and permitting
- Wetland delineation
- Cultural resources
- Cost Participation and Maintenance Agreements
- Preliminary and Construction Engineering Agreements, as applicable
- Memorandums of Understanding
- Day-to-Day Project Correspondence
- Document Reviews and Comments
- All Necessary Project Certifications

4.3 ENVIRONMENTAL PROCESS AND PUBLIC INVOLVEMENT

GENERAL

The Environmental Process is a vital step in securing federal aid on a project. For every federal aid project an LPA develops, an environmental document must be prepared to evaluate all potential environmental impacts. All projects must receive environmental clearance prior to authorization of federal funds from FHWA.

For LPA developed projects on federal aid eligible routes utilizing funds other than federal aid, the LPA must follow all applicable state and federal environmental regulations.

REFERENCE DOCUMENTS

- [NDDOT Design Manual](#)

4.4 TRAFFIC PROJECTIONS AND ESALS

GENERAL

Projected growth in traffic can be very difficult to estimate. Local agencies should make sure traffic projections are as accurate as possible using available methods, such as adjusting for seasonal variations and balancing peaks and valleys in economic development. The NDDOT annually collects traffic data in various locations across the state; this existing traffic data is available on the [NDDOT website](#).

One of the first steps in project development is to obtain the necessary traffic information. The following is a list of information which may be useful in preparing traffic projections.

- Current traffic counts and AADT (average annual daily traffic)
- 8 to 16-hour turning-movement traffic counts are collected and then converted to 24-hour counts at all signalized and major non-signalized intersections
- Pedestrian counts
- Pedestrian/auto gap studies
- Speed studies
- Historical traffic growth trend or transportation planning model

Traffic projections within an urbanized area must be coordinated with the MPO.

The traffic projection period should be at least 20 years. Under certain circumstances, the LPA may want to design beyond 20 years.

The responsibility for doing traffic projections rests with the entity that develops the project.

ESALS FOR PAVEMENT DESIGN

Use ESALs to design pavement thickness and new roadway subbase thickness and type. Obtain vehicle classification data from the project site or a site that is similar regarding functional class and traffic volume (available from the NDDOT Planning & Asset Management Division).

The responsibility for doing ESAL projections rests with the entity that develops the project.

REFERENCE DOCUMENTS

The following documents provide the most up-to-date guidance regarding the policies, standards, procedures, and equipment typically used in a traffic monitoring program.

- [Traffic Monitoring Guide \(FHWA\)](#)
- AASHTO Design Guide
- [NDDOT Traffic Operations Webpage](#)
- [NDDOT Traffic Information Map](#)

4.5 TRAFFIC OPERATIONS

GENERAL

The goal of traffic operation design is to provide a safe, efficient, cost-effective transportation system for all transportation modes. To accomplish this, the following are some factors that must be analyzed, but this list is not all inclusive:

- Roadway capacity and traffic operations
- Traffic control needs
- Crash history and crash potential
- Lighting needs
- ITS needs

REFERENCE DOCUMENTS

- [NDDOT Traffic Operations webpage](#)
- [Highway Capacity Manual](#) (Transportation Research Board)
- Highway Capacity Software (McTRANS)
- [Manual on Uniform Traffic Control Devices](#) (MUTCD)
- Manual of Traffic Engineering Studies (Institute of Traffic Engineers)
- [NDDOT Design Manual](#), Chapter 3 – Section 11

4.6 MATERIALS DESIGN AND PAVEMENT RECOMMENDATIONS

GENERAL

Materials design and pavement recommendations are critical to long term performance of your project. Each project will vary in the amount of testing or data collection required to perform the correct design parameters for your project. Provided below are some examples of reports/recommendations that may need to be completed on your project related to materials design and the pavement recommendation:

- Soil Survey and Design Recommendations
- Bridge Foundation and Consolidation
- Traffic and ESAL projections
- Pavement Thickness Design
- HMA Materials Recommendations

REFERENCE DOCUMENTS

- 1993 Guide for Design of Pavement Structures, AASHTO (Flexible pavements)
- Mechanistic-Empirical Pavement Design Guide (MEPDG), AASHTO (Concrete pavements)
- [Standard Specifications for Road and Bridge Construction](#), NDDOT
- [Flexible Pavement Design Presentation](#)
- [Pavement Design, Principles and Practice](#), FHWA

4.7 INTELLIGENT TRANSPORTATION SYSTEMS

GENERAL

Intelligent Transportation Systems (ITS) are systems that utilize technology, communications and information processing to improve the transportation safety and mobility and enhance productivity of our transportation infrastructure.

The project development process will include a normal systems engineering analysis associated with ITS program areas as identified in the resources below. Any project that will be incorporating ITS components as part of the project will need to complete an ITS Checklist. This checklist provides the necessary documentation for any updates to the regional ITS architecture.

REFERENCE DOCUMENTS

- [NDDOT ITS Website](#)
- [Regional ITS Architecture](#)
- [NDDOT Design Manual](#)

4.8 DESIGN OVERVIEW

GENERAL

LPAs planning to use federal funds on any phase of a project must adhere to 23 CFR 625 and the standards adopted by the NDDOT, AASHTO, or the LPA for proper design of roads, streets, bridges, intersections, bicycle, and pedestrian facilities.

This section describes design practices, but design engineers must also consider social and environmental impacts, the needs and expectations of drivers, the cost of the improvement, and other variables. The responsibility of making these engineering decisions, and the accompanying liability, rest with the designing agency.

The NDDOT policy is that the standards in the reference documents listed in this section shall be used.

The NDDOT uses "desirable" standards rather than "minimum" standards on NDDOT-developed projects whenever possible, and strongly encourages the LPAs to adopt the same philosophy.

On LPA developed projects not affecting the regional system, including approaches to, intersections with or involving over/under passes of the regional system, the LPA and the NDDOT must agree on the design standard to be used. When an LPA developed project affects the regional system, the LPA must follow NDDOT design standards.

ROADWAY DESIGN

Two aspects of highway engineering, geometric design and pavement design are distinct but interdependent.

Geometric. This aspect concerns the visible dimensions of a roadway. Its objective is to shape the roadway to conform with the behavior of drivers, individual vehicles, and traffic. Geometric design deals with location, alignment, profile, cross section, intersections and highway types, design speed, sight distance, and control of access and systems.

Pavement. This aspect concerns the physical characteristics and engineering properties of the roadbed. It deals with pavement type, base materials, subgrade strength, drainage, and pavement management.

REFERENCE DOCUMENTS

The guidelines in the following publications are from various sources and have been adopted by the NDDOT and FHWA.

- 23 CFR 625, "Design Standards for Highways"
- [Design Manual](#), NDDOT
- A Policy of Geometric Design of Highways and Streets ("Green Book"), AASHTO
- [Standard Specifications for Road and Bridge Construction](#), NDDOT
- Roadside Design Guide, AASHTO
- [Gravel Roads Construction & Maintenance Guide](#), FHWA
- [Manual on Uniform Traffic Control Devices](#), USDOT, FHWA

Further guidance is provided in the remaining sections of this chapter.

4.9 INTERSECTION DESIGN

GENERAL

The successful operation of most streets and highways depends largely upon intersection design. All traffic movements including bicycle and pedestrian movements must be accommodated to avoid critical problems of traffic operation, capacity, and safety.

REFERENCE DOCUMENTS

- [Highway Capacity Manual](#), Transportation Research Board
- Intersection Channelization Design Guide, NCHRP Report 279, Transportation Research Board
- [Manual on Uniform Traffic Control Devices](#), USDOT, FHWA
- [FHWA Intersection Safety website](#)
- [NDDOT Traffic Operations Manual](#)

4.10 STRUCTURAL DESIGN

GENERAL

Many variables influence bridge design decisions, such as the structure's location, railroad involvement in the project, hydraulics, deck, girder depth and span, skew angle, abutments, piers, foundations, box culverts, etc.

REFERENCE DOCUMENTS

Refer to bridge publications listed in the [NDDOT Design Manual](#).

Railroad structures built over a roadway must meet the standards established in the [American Railway Engineering and Maintenance-of-Way Association](#). For structures built over railroad tracks, there are certain requirements that need to be met and the applicable railroad should be contacted for those requirements.

4.11 DRAINAGE

GENERAL

The LPA should complete a drainage review for each project where applicable. Depending on the work type, the review may include, where appropriate, a watershed study; hydrologic analysis; type, size, and location study; cost analysis; hydraulic design; and sediment and scour analysis. All work items are considered equally important during drainage design.

In addition, the LPA should complete a hydraulic design for all facilities (culverts, storm drains, etc.) when the scope of work includes these facilities. Hydraulic design of highway drainage structures should be based on hydrologic analysis of local site conditions and the facilities being constructed. Where highways cross or encroach upon established or proposed regulatory floodplains, the flood frequency curve approved by the Federal Emergency Management Agency (FEMA) and administering agencies should be used for design. However, the new structure(s) should not increase the 100-year flood stage by more than the amount allowed by FEMA Regulations. The LPA should determine the 100-year and 500-year discharges for each crossing and include this information in the hydraulic report for bridges and box culverts.

Refer to the [NDDOT Design Manual](#) for additional information on hydraulic design requirements.

Federal funds may be used to construct drainage features only for the portion of the facility that serves the needs of the project. Refer to the NDDOT Design Manual for an example of how to determine participation ratios for the drainage facilities.

REFERENCE DOCUMENTS

- [Public Highway Stream Crossing, ND Administrative Code 89-14](#)
- [Design Manual](#), NDDOT
- [Scientific Investigations Report 2015-5096, U.S. Geological Survey](#)
- Highway Drainage Guidelines, AASHTO

4.12 EROSION CONTROL AND STORMWATER MANAGEMENT

GENERAL

The LPA must ensure that all highway construction projects are located, designed, built, and maintained in a way that will minimize erosion and control storm water runoff.

REFERENCE DOCUMENTS

- 23 CFR 650, Subpart B, "Erosion and Sediment Control of Highway Construction Projects"
- [Erosion and Sediment Control Handbook](#), NDDOT

4.13 PEDESTRIAN/BICYCLE FACILITIES AND ADA REQUIREMENTS

GENERAL

Planning and designing of transportation corridors should consider all modes of travel. Pedestrian facilities are often overlooked as transportation modes, both during design and construction. The NDDOT considers all modes of travel when designing and constructing projects, and encourages the LPA to adopt the same practice. All projects considered alterations as defined by the U.S. Department of Justice (DOJ) must conform to ADA standards regardless of funding source.

REFERENCE DOCUMENTS

When federal, state, or local transportation funds are used in the design and construction of the facility, LPA must conform to the following reference documents.

- [NDDOT 2015 ADA Transition Plan](#), NDDOT
- Guide for the Development of Bicycle Facilities, AASHTO GBF-4 (Note: The NDDOT standard for multi-use paths on bridges is 10'.)
- Manual on Uniform Traffic Control Devices, USDOT, FHWA
- Selecting Roadway Design Treatments to Accommodate Bicycles, FHWA-RD-92-073
- Guide for the Planning, Design, and Operation of Pedestrian Facilities, AASHTO GPF-1
- [Americans with Disabilities Act \(ADA\) Accessibility Guidelines](#) (ADAG), U.S. Access Board
- Regulatory Negotiation Committee on Accessibility for Outdoor Developed Areas Final Report, Access Board
- [Design Manual](#), NDDOT

- Special Report: Accessible Public Rights of Way, Planning and Design for Alterations - August 2007
- Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right of Way - July 2011, 36 CFR Part 1190
- Final Guidelines for Outdoor Developed Areas, 36 CFR Part 1191

4.14 TRANSIT FACILITIES

GENERAL

Consideration for transit facilities should be made on highway construction projects in cooperation with local transit agencies and planning documents.

REFERENCE DOCUMENTS

- AASHTO Guide for Geometric Design of Transit Facilities on Highways and Streets

4.15 ACCESS MANAGEMENT

GENERAL

A well-conceived, comprehensive access management program can improve safety, reduce delays, and provide ease of travel, while limiting capital investments for reconstruction. The four main categories of access management include limiting the number of traffic conflict points; separating traffic conflict areas; limiting deceleration requirements; and removing turning vehicles or queues from sections of the through-lanes.

It is the NDDOT philosophy to limit the number of access points on arterial and collector streets to improve the safety of the traveling public and protect the design integrity of the roadway. At the same time, the NDDOT considers the access needs of the adjacent land use.

Interstate System. For new or modified access to the Interstate System, refer to Section 3.5 and FHWA's Interstate System Access Information Guide.

State Highway System. The NDDOT maintains access control on the State Highway System. The LPA shall contact the District Engineer for proposed changes to access and coordination.

LPA System. The LPA maintains access control on their system. However, any access the LPA allows on the federal aid system must meet the requirements of the reference documents. If the traffic corridor (federal aid

system or local road) intersects a state highway, the LPA must justify to the NDDOT that any new access allowed will not be detrimental to the state highway.

REFERENCE DOCUMENT

- [Access Management Manual](#), TRB
- [Access Management Publications & Resources](#), FHWA
- [FHWA Interstate Access Information Guide](#)
- [Design Manual](#), NDDOT
- A Policy of Geometric Design of Highways and Streets ("Green Book"), AASHTO

4.16 TRAFFIC CONTROL

GENERAL

Traffic control includes traffic signs, signals, pavement markings, and lighting. NDCC 39-13-06 requires that all traffic control devices conform to the USDOT Manual on Uniform Traffic Control Devices (MUTCD).

Conformance to the MUTCD is essential for safe and efficient travel. The jurisdiction responsible for a decision to deviate from the MUTCD is liable for any consequences of that decision. The LPA must certify that they have met design standards and complied with the MUTCD.

REFERENCE DOCUMENTS

- Transportation and Traffic Engineering Handbook, Institute of Traffic Engineers (ITE)
- Traffic Signal Book, Prentice-Hall
- Traffic Control Systems Handbook, FHWA-SA-95-032
- Manual of Traffic Signal Design, ITE
- [Highway Capacity Manual](#), Transportation Research Board
- Detector Locations, ITE (used to locate detectors at traffic-actuated signals)
- Traffic Control Devices Handbook, ITE
- [Manual on Uniform Traffic Control Devices \(MUTCD\)](#)
- Roadway Lighting Design Guide (AASHTO). Lighting Handbook (Illuminating Engineering Society of North America)
- [NDDOT Standard Drawings](#)
- [Roadway Lighting Handbook](#) (FHWA)

4.17 DESIGN EXCEPTIONS

GENERAL

In certain instances, where the minimum standards are not achievable, it may be necessary to make an exception to the standards. If a design exception is proposed, it must be properly documented, justified, supported by engineering analysis, and submitted to the NDDOT for review and approval.

The NDDOT Design Manual provides guidance and a template form for the review and approval process of a Design Exception. All Design Exceptions on the state highway system are approved by the NDDOT Deputy Director for Engineering. Any design exceptions required on the local roads system are approved by the Local Government Engineer. Depending on PODI project designation, some design exceptions may need FHWA approval.

4.18 PROJECT RIGHT OF WAY

GENERAL

The NDDOT [Right of Way Acquisition Procedures for LPA Federal Aid Projects](#) is a guide to right of way acquisition procedures which must be utilized by LPA representatives in the acquisition of road right of way to ensure compliance with state and federal regulations. Information and procedures discussed in this manual pertain to all North Dakota road projects on the federal aid system that uses federal, state or local funding.

Ten weeks before the bid opening, the LPA must certify to NDDOT, without exception, that the right of way was acquired in compliance with the manual identified above.

The NDDOT will accept the LPA's right of way certification. Right of way acquisitions using federal funds are subject to audit and the LPA must submit documentation to NDDOT for review. The NDDOT Environmental and Transportation Services Division Right of Way section will periodically review the right of way acquisition process of the LPA to ensure compliance.

RIGHT OF WAY AUTHORIZATION

Whether or not federal funding is used for right of way acquisition, the LPA must conform to all applicable state and federal regulations.

Federal Funding. If federal funds are used for right of way, a project must be programmed and authorized by FHWA before any project activity takes place. Any project activity taking place before programming and FHWA authorization is ineligible for federal aid reimbursement. NDDOT will notify the LPA after FHWA authorization has occurred.

The LPA will prepare and submit to the NDDOT LGD a detailed cost estimate for right of way, along with the request to acquire right of way. NDDOT must formally authorize the LPA to proceed with right of way acquisition.

No Federal Funding. If no federal funds are used for right of way acquisition, the LPA must wait until NDDOT notifies them that the NEPA process has been completed prior to acquiring right of way.

RIGHT OF WAY PLATS

Right of way plat preparation on the state highway system shall conform to the NDDOT [Surveys and Photogrammetry Manual](#). For projects on the local system, plat preparation may follow the NDDOT manual or, at a minimum or where applicable, the elements of the right of way plat checklist in Chapter 20 of the Surveys and Photogrammetry Manual should be shown on the plat.

Access Control Lines. On projects where the access rights have been or must be acquired, the access control lines and all approved points of entry to or exit from the traffic lanes should also be shown, even where the right of way lines and access control line are coincident.

Conformation to Plans. The right of way plats should conform to the highway plans and contain enough data to permit easy identification and correlation with the legal descriptions of all parcels and easement areas required by the project.

APPRAISAL, ACQUISITION AND RELOCATION

The LPA must adhere to the requirements contained in the NDDOT [Right of Way Acquisition Procedures for Local Public Agency Federal Aid Projects](#).

Additional information can be found in the following resources:

- 49 CFR 24, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended

- 42 U.S.C. 61, Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs
- [NDDOT Right of Way Manual](#)
- [AASHTO Right of Way and Utilities Guidelines and Best Practices](#)

ENCROACHMENTS

The LPA must prohibit encroachments upon the right of way pursuant to 23 CFR Part 1.23, Rights of Way, and 23 CFR Part 710 Subpart D, Real Property Management.

RIGHT OF WAY DOCUMENTATION

The LPA must keep right of way documentation available for inspection by NDDOT and FHWA. For additional guidance, see [Right of Way Acquisition Procedures for Local Public Agency Federal Aid Projects](#) Manual.

4.19 UTILITIES

GENERAL

It is in the public interest for utilities to use the right of way (ROW) on public roads and streets when such use does not interfere with the primary purpose of the highway. Joint use of ROW eliminates the need to purchase additional ROW for utilities. It is the goal to avoid utility relocations whenever possible. It is imperative to identify utility risk issues as early as possible and to coordinate, communicate and cooperate with utility owners to avoid and minimize utility conflicts where possible.

Utility coordination should be performed as early as possible in the environmental phase to account for any potential impacts to utilities. If utilities have been identified through the coordination process, the utility engineering should be completed early in the design phase to minimize any potential impacts as feasible. Utility conflict plans may need to be developed for your project and those plans will need to be reviewed with the utility owners prior to final plan completion.

Some utilities that are in conflict with construction can be relocated before bid award and where possible this is the preferred approach. In most situations the affected utility must be relocated concurrently with the LPA project. All third party utility work needs to be coordinated either through an existing franchise agreement between the LPA and the utility company or through a relocation or adjustment agreement. All projects require a utility certification statement (refer to Appendix 3).

For the purposes of this manual, utility relocation means moving, replacing, or adjusting a utility in existing right of way for which proposed construction cannot otherwise avoid. Utility accommodation means “permitting” a utility to be placed within highway ROW in accordance with a State’s accommodation policy consistent with Federal policy (see 23CFR645B).

Unless otherwise specified, the location and design of all utilities within highway rights of way must conform to the provisions described in Program Guide: [Utility Relocation and Accommodation on Federal aid Highway Projects”, 6th edition](#). To be eligible for federal aid reimbursement, utility relocation agreements must be approved and executed prior to any utility or contractor work being initiated on a federal aid project. Utility relocation agreements need to be executed prior to bid advertisement for a federal aid highway project and be consistent with the utility certification statement submitted prior to PS&E approval.

Ten weeks before the bid opening, the LPA must certify to NDDOT that they have contacted and coordinated with the appropriate utilities within the project area and that either utilities are not affected or will be affected on the project.

UTILITIES AUTHORIZATION AND AGREEMENT

If federal funds are used for relocation, a project must be programmed and authorized by FHWA before any project activity takes place. Any project activity taking place before programming and FHWA authorization is ineligible for federal aid reimbursement. NDDOT will notify the LPA after FHWA authorization has occurred.

To obtain authorization for applicable utility relocation costs, the LPA will need to submit an estimated cost to adjust those utilities to the LG technical representative. The estimate needs to come from the owner of the affected utility.

If federal funds are used to pay for utility relocations, LG will prepare the agreement based on the estimated cost that is eligible for federal aid. If no federal funds are involved, the LPA will enter into an agreement with the affected utility.

GUIDELINES

Utility guidelines for coordination are established in the NDDOT references below and must be followed for all federal aid projects. The LPA is responsible for the utility coordination for their projects and roadways. Any design parameters identified in the references below are required for projects affecting the state highway system. LPA's may use these same parameters or develop their own as appropriate for their system.

REFERENCE DOCUMENTS

- [Highway/Utility Guide](#), FHWA-SA-93-049, FHWA
- [Utility Relocation and Accommodation on Federal aid Highway Projects](#), FHWA-IF-03-014, FHWA
- [Policy for Accommodation of Utilities on State Highway Right of way](#), NDDOT
- [Coordination and Notification for Utility Relocation, Adjustments and Reimbursement](#), NDDOT
- [Design Manual](#), NDDOT
- 23 CFR 645: Utilities (Subpart A: Utility Relocations, Adjustments, and Reimbursement; Subpart B: Accommodation of Utilities)
- 23CFR 635 Subpart C (Physical Construction Authorization)

4.20 ENGINEER'S ESTIMATES, SPECIFICATIONS, AND CODE ITEMS

GENERAL

The Engineer's estimate of the cost of the proposed project must include the specifications and code items, item description, units, quantity, unit price, and the total unit cost for each proposed work item. The total estimated project cost must be tabulated and shown at the bottom of the page. The total cost must be broken out by federal, state, and local participation.

Cost information on each project should be kept confidential until bids have been received and opened. No cost information is to be released publicly until after the bid opening. NDDOT publishes an estimated "range" for the project cost prior to the bid opening.

Specification and code numbers for each item must be used. These numbers are found on the NDDOT Spec and Code List. The LPA must use existing specifications, codes, and nomenclature.

REFERENCE DOCUMENTS

- [Average Annual Bid Prices](#)
- [Spec and Code List](#)

4.21 PLAN REVIEW

GENERAL

Plan review for a project consists of a preliminary plan review; plans, specifications, and construction cost estimates (PS&E review); and final plan review. The LPA shall coordinate with LGD for the appropriate participation for each plan review.

In addition, the designing agency should ensure that all necessary permits have been obtained, all railroad, utility, and other agreements have been executed, and all right of way plats and acquisition are complete.

After the LPA has conducted the PS&E and addressed all comments made at that stage, they should review the plans one final time. On locally-designed projects, LPAs must submit final plans to the NDDOT in final form no less than 10 weeks before the bid opening. (See Section 5. 2)

On locally-designed projects, the NDDOT recommends LPAs use the sample PS&E checklists located in the [NDDOT Design Manual](#).

PRELIMINARY PLAN REVIEW

Depending on the complexity of the project, a preliminary plan review (25%-50%) may be conducted as part of the project development process. The intent of the preliminary plan review is to make sure all major changes are made at this stage. This review meeting shall be coordinated by the LPA with the appropriate District office and LGD.

PS&E REVIEW

All projects must have a PS&E review. The PS&E should be conducted 14 weeks before the bid opening date when the plans are substantially complete (90-100%), and should include a review of the entire plan set, special provisions (including new special provisions), cost estimates, and contract completion dates. This review meeting shall be coordinated by the LPA with the appropriate District office and LGD.

The LPA or their consultant will send the LGD technical representative all the required PS&E documents for review and LGD will distribute those documents to the appropriate Divisions/Districts within NDDOT for review. If the LPA is using a consultant to prepare these documents, that consultant will be responsible to send the PS&E documents to the applicable agencies outside NDDOT including the LPA. LGD will send any comments received from NDDOT Divisions/Districts to the LPA or their representative.

Preliminary Plan and PS&E Reviews may be conducted either formally or informally:

- Informal reviews consist of interested parties submitting comments via email and no formal meeting is held.
- Formal reviews have a meeting time and place set aside for discussion and comments can be made either electronically beforehand or at the meeting itself.

On an LPA designed project, if the LPA has any doubt whether to conduct a formal or informal PS&E review meeting, the LPA should contact NDDOT LGD for their recommendation.

The designing agency should submit plans at least 10 working days before the PS&E review meeting. The title sheet of the plans should include the information as listed in Chapter 3-Section 1 of the NDDOT Design Manual. The LPA must also address all items listed on the plan review checklist (Chapter 3-Section 1 Appendix A of the NDDOT Design Manual).

The LPA is responsible for coordinating the meeting, resolving comments, and preparing the final PS&E report.

The LPA should submit the final PS&E report to the NDDOT District office and to the LGD, for their project file.

FINAL LPA REVIEW

To avoid the need for an added cost and confusion of addendums, the LPA should conduct a final review for all projects after it completes the PS&E. The review should ensure that plans, specifications, cost estimates, utilities, railroad, and right of way are in final form to submit to the NDDOT.

BID OPENING & CONTRACT AWARD

5.1 GENERAL

NDDOT will bid all federal aid projects to ensure all federal requirements are met. There may be circumstances that are not feasible to have NDDOT bid a federal aid project and those projects will be handled on a case by case basis.

An LPA may request to have a state or locally funded project bid by the NDDOT. The LPA will be required to meet all the deadlines as if it is a federal aid project and supply the necessary documentation to complete the bidding process through NDDOT. The LPA will be responsible for reviewing all bids received, contract award, etc. NDDOT responsibility will be complete once the project has been awarded. All other locally funded projects are the responsibility of the LPA.

NDDOT maintains a list of qualified contractors that are allowed to bid on projects through NDDOT. The authority to pre-qualify contractors is given to the NDDOT Director under Section 43-07-06 of the North Dakota Century Code. Bidding requirements and conditions are outlined in Section 102 of the Standard Specifications.

5.2 INFORMATION NEEDED BEFORE BID OPENING

Provided below is a list of information that is required to be submitted to your LG technical representative at least ten (10) weeks prior to the scheduled bid opening. This information is required to prepare the necessary documents to request and gain FHWA authorization of the federal funds.

INFORMATION PREPARED BY LPA OR CONSULTANT

Plans. The LPA will submit the original final stamped plans for State Highway projects. An electronic copy of the plans with the electronic stamp must be provided for all projects.

Special Provisions. The LPA will be required to submit Special Provisions (SP) on projects where certain conditions need to be met or aren't covered in the existing Specifications or Standard Drawing and a plan note is not sufficient to address the issue. For projects on the State Highway system, the LPA must submit an original stamped copy of each SP. An electronic copy of the SP with the electronic stamp must be provided for all projects.

Engineer's Estimate. The LPA will prepare and submit an engineer's estimate based on the final set of plans used for bidding and construction on the project and submit the engineer's estimate to LGD. The LGD will review the engineer's estimate and if in agreement as submitted, sign and date the engineer's estimate prior to requesting authorization from FHWA. The same process will be used in the event an addendum is required and a new engineer's estimate needs to be generated based on the addendum.

Right of way Certification. The LPA will be required to certify that they have acquired or has all the necessary right of way to construct the project as designed. If the right of way cannot be acquired ten (10) weeks prior to the bid opening, the LPA may "certify by exception," subject to prior NDDOT approval, that the right of way will be acquired by the bid opening. The LPA will then have until two-days prior to the bid opening to submit a new certification to NDDOT indicating that they have in fact acquired all the necessary right of way. If this cannot be done by then, the LPA will be required to submit an addendum to withdraw the project from the bid opening. The project will be scheduled for another bid opening when right of way has been obtained. Only an employee of the LPA can sign the certification letter. Please see Appendix 3 for a template to use.

Utility Certification. The LPA will be required to certify that they have contacted and coordinated with all utilities within the project area. If utilities are affected, the LPA must certify that agreements are in place to address those affected utilities and indicate whether federal aid will be requested to assist with the adjustment or relocation of the affected utilities. Only an employee of the LPA can sign the certification letter. Please see Appendix 3 for a template to use.

Design Certification Letter. The LPA will be required to certify that the project has been designed in accordance with 23 CFR Part 625 and other standards such as AASHTO, MUTCD, etc. Only an employee of the LPA can sign the certification letter. Please see Appendix 3 for a template to use.

Railroad Certification Letter. The LPA will be required to certify that there isn't any work done within the railroad right of way or that the railroad has been contacted if work is to be done within railroad right of way. Only an employee of the LPA can sign the certification letter. Please see Appendix 3 for a template to use.

Responsible Charge Certification Letter. The LPA will be required to name and certify that they have assigned an employee of said LPA to be the responsible charge on the project and carry out the duties of the responsible charge as identified in this document. Only an employee of the LPA can sign the certification letter. If the responsible charge on a project needs to change, the LPA will notify NDDOT in writing stating who the new responsible charge person is and that they have full knowledge of the project status/activity. Please see Appendix 3 for a template to use.

Railroad Agreement. If applicable, the LPA will be required to submit an executed copy of the agreement between the LPA and the railroad.

Unexecuted Contract and Contract Bond. Depending on the project owner, the LPA will be required to submit a blank electronic version of their contract and contract bond to be inserted into the proposal for bidding purposes. Typically, this is done on Urban projects. On the County projects, NDDOT has forms available for the LPA to use.

Contract Completion Date. The LPA will set the contract completion date and submit this date to NDDOT. NDDOT will review the proposed completion date, and indicate the approved date in the project proposal.

Permits and Environmental Considerations. The LPA will be required to submit the permits and environmental considerations Special Provision (SP) required for bidding the project. Contact your LG technical representative for the appropriate SP number.

Supplemental Design Data. The LPA may have supplemental design data available such as earthwork calculations, soil borings for bridge pile, electronic design data, surface models, or any additional data that may be useful for a contractor to prepare their bid. This data will be made available to the contractor as a separate document.

PS&E Comments. The LPA will be required to send in the PS&E comments received on the PS&E plans and how those comments were addressed.

INFORMATION PREPARED BY NDDOT

Unexecuted Proposal Form (Bidder's Proposal). The proposal contains information supplied by the LPA and NDDOT and includes some of the following: bid items, required federal provisions, NDDOT supplemental specifications, standard or special provisions, completion dates, unexecuted contract form, etc.

DBE Goals. NDDOT encourages DBE participation on all Federal Aid projects and has a goal each year they try to meet. All Federal Aid projects have to have a DBE goal assigned to the project, which may be zero or higher. Based on the information supplied by the LPA, NDDOT may assign a DBE goal on the project. If there is no DBE goal on the project, a "race neutral" Special Provision will be added to the Bidders Proposal. If there is a DBE goal assigned, a "race conscious" Special Provision will be included in the Bidders Proposal.

Cost Participation & Maintenance (CPM) Agreement or Construction and Maintenance Agreement. NDDOT will send the LPA an agreement prior to the bid opening that identifies the federal aid available on the applicable project, LPA estimated cost, maintenance responsibilities, etc. The LPA will be required to sign and return this agreement prior to the bid opening. If the agreement is not returned and the project is bid, NDDOT will not concur in the award of the contract or not award the contract until the agreement is returned signed by the LPA. Delay in returning a signed agreement may require NDDOT to reject all bids received and rebid at a later date when the agreement is returned signed.

ADDENDUMS TO PLANS

After the project has been advertised for bid, any changes to the plans shall be prepared as an addendum. The LPA will submit any addendums to the LGD for review. After LGD review, the addendums are processed and advertised. In general, addendums should be submitted to NDDOT no later than 9-days before the bid opening. If it is necessary to issue an addendum the week of the bid opening, extra coordination with NDDOT is necessary.

5.3 CONTRACT AWARD

After the bids have been opened, they are reviewed by NDDOT to see if they meet the requirements of the Standard Specifications.

After the above check has been completed on all of the projects in the bid opening, an abstract of the bids is compiled.

LPA ACCEPTS/REJECTS LOW BID

The LPA is required to complete a bid analysis prior to award. The local agency reviews the bid tabulations. The LPA shall notify the NDDOT if the low bid will be accepted. Refer to the links below on bid analysis and contract award. Provided below are links to assist the LPA in performing a bid analysis and awarding the bid.

<http://www.fhwa.dot.gov/programadmin/contracts/051688.cfm>

<http://www.fhwa.dot.gov/construction/cqit/award.cfm>

Both the NDDOT and LPA have the right to reject any proposal, waive technicalities, or accept what is determined to be in the best interests of the state. If the bid is rejected on a locally developed project, the LPA will send a rejection letter to the contractor with a copy of the letter sent to NDDOT. If the bid is rejected on State Highway projects, the NDDOT will send the rejection letter to the contractor.

NDDOT CONCURRENCE AND AWARD OF CONTRACT

On LPA projects, NDDOT has to concur in the award of the project to the lowest responsible bidder. NDDOT concurrence will be based on several items including the bid amount, the bid analysis document, and the low bidder meeting the federal requirements in the bid documents such as DBE goals. For State Highway system projects requiring LPA cost participation or the transfer of maintenance responsibilities, the LPA's only involvement will be to concur in the award.

DBE goals are established for all projects and bidders are required to submit DBE forms when they submit their bid. If they happen to be the low bidder, then additional forms are required to be submitted to NDDOT for review.

Prior to concurring in the award, NDDOT will need to review and approve the DBE forms submitted by the low bidder in order to concur in the award of a project. The review looks at whether the contractor has met the established goal or if the contractor has made a good-faith effort (GFE) to use DBE participants in the project. If the low bidder has not met the established DBE goals and did not make a GFE, then their low bid will be thrown out and the next low bidder will become the new low bidder and the process will start over.

If the LPA wants to award and NDDOT concurs in the award, then the award sheet will be signed by the NDDOT Director and Deputy Director for Engineering and the project can be awarded. The award of the contract needs to occur within 30-days of the bid opening.

For urban projects, the LPA will execute the contract documents and send the signed documents to NDDOT. For County projects, NDDOT will send the contract documents to the low bidder and the LPA will return the signed contract documents to NDDOT. The signed documents will be placed in the final proposal and distributed.

CONTRACT ADMINISTRATION

The LPA is responsible for overseeing construction on LPA projects. LPA may use its own staff, if qualified, or hire a consultant to oversee construction activities.

6.1 PRECONSTRUCTION ACTIVITIES

Responsible in Charge. The LPA shall designate a full-time employee of the LPA as the individual who represents the responsible charge for all federal aid projects.

Construction Engineering. If federal aid is used for construction engineering for a project on the local roads system, the LPA will be required to secure engineering services in accordance with the NDDOT [Consultant Administration Services Procedures Manual](#). A construction engineering service agreement between the LPA, NDDOT, and consultant will be sent after completing this process.

NDDOT Reference Manuals. The NDDOT manuals listed in NDDOT [Construction Records Manual](#) (CRM) provide guidelines and procedures which must be followed in the various stages of engineering and monitoring. These manuals were written from the NDDOT perspective. On all locally developed projects, the NDDOT duties in these manuals will be the responsibility of the LPA's unless this manual specifically states otherwise.

Project Documents. Federal aid projects must use the Construction Automated Records System (CARS), the NDDOT computer based construction records system. The system uses the internet for data entry and stores project records on a central database. Reports generated in CARS can be viewed online at any time so copies do not have to be printed and filed. Pay estimates are prepared and approved online allowing for more timely payments to the contractor.

Before being able to enter or view data, CARS users are assigned a user ID and user's rights by the Information Technology Division. The user ID and a

password allow users to login to the CARS system. The user rights assigned determines what access users have to view and edit data. Consultants or LPAs must fill out and submit [SFN 53085 LDAP Account Information](#) to Construction Services in order to get a user ID and be assigned user rights.

6.2 PRECONSTRUCTION CONFERENCE

The contractor will notify the LPA of its intent to start construction. Before beginning the work, including pit operations specific to the project the LPA and the contractor will coordinate and hold a preconstruction conference at a mutually agreed time and place. The purpose of the preconstruction conference is for all interested parties to review the contract requirements, the construction details, and the proposed work schedule prior to the start of construction. The contractor will notify the following of the time and place of the preconstruction conference:

- NDDOT District Engineer
- Prime Contractor and Subcontractors
- LPA (Responsible Charge) and Representatives, as applicable
- Utility companies
- Railroads
- ND Workforce Safety and Insurance
- Other interested parties

The LPA or their representative is responsible for the agenda and for providing a written record of the conference proceedings. The written record will be sent in memo form to the Prime Contractor, with copies to each participant and to the project file.

The LPA will moderate the meeting and set the tone for good contractor/LPA communications.

Notice to Proceed. The Department's mailing or delivery of a copy of the executed contract to the Contractor or authorized agent constitutes the notice to proceed.

CERT (Construction and Engineering Review Team). The NDDOT construction and engineering review team (CERT) will conduct reviews of construction contracts on a sampling of state highway system and LPA federal aid projects. The purposes of the inspections are to make sure specifications, established construction practices, and field office procedures are complied with uniformly; help train inspection and engineering personnel; and improve the quality of the construction work.

CERT will schedule individual inspections. The district in which the inspection is to be held will be contacted prior to the inspection.

CERT will review contract documents. During the inspection, the applicable checklist will be used. The checklist is only a guide, because requirements, problems, and procedures differ on individual projects.

Construction Activities to be Inspected. Areas of construction activity to be inspected for compliance to specification requirements and established procedures include, but are not limited to the following:

- General field office procedures
- Documentation of project and inspection diaries
- Measurement and documentation of pay items
- Materials sampling and testing procedures
- Project signing and traffic control
- Construction operations
- Environmental compliance
- Specification requirements in regard to the contractor's equipment
- Construction staffing
- Compliance with DBE contract provisions
- Identification of potential construction personnel training needs that become apparent as a result of project inspections
- All procedures or requirements necessary to complete the work satisfactorily

All findings, proposed recommendations and corrective actions will be reported to the LPA, consulting engineer (if applicable), district office, central construction office, and other affected central office divisions. Corrective actions must be completed as soon as possible.

Entities Receiving Inspection Findings Report. NDDOT will distribute a report of each inspection, consisting of a summary of the inspection findings, recommendations, and results, to the LPA and NDDOT.

6.3 MANAGING PROJECT WORK

Field Construction Engineering and Monitoring. The NDDOT Standard Specifications, Supplemental Specifications, plans, special provisions, and all supplementary documents are essential parts of the contract, and a requirement occurring in one is as binding as though it occurs in all.

The LPA may revise the contract as necessary to satisfactorily complete the project at any time between the date of the contract execution and the date the LPA issues the final payment statement to the Contractors (NDDOT Spec. 104.02 and 104.03)

Changes in design due to unforeseen or changed condition may make it necessary to add new items to the contract. The provision of section 104 of the NDDOT Standard Specifications give NDDOT or the LPA can initiate a change to alter the plans and terms of the contract by changes, additions, or omissions necessary to properly complete the work on the contract. This is referred to as the "change order" process. NDDOT and the LPA need to approve the "change order" on LPA projects. Change order work is paid for using progressive estimates.

The federal dollars requested may not exceed the terms of the agreement without prior NDDOT approval. If the district office concurs with the LPA's finding that a change in the scope of the work is necessary, they will notify the Construction Services Division.

6.4 MEASUREMENT AND PAYMENT

The quantities listed in project plans and proposal are approximate. The breakdown of quantities and the various funds are listed in detail on the detail estimate. The LPA must keep an accurate account of all the pay quantities through Pay Quantity Entries (PQEs), field books, etc. The PQEs are entered into the Quantity Manager in CARS and are used by the project engineer to make the payment to the contractor.

The progressive estimate is produced using CARS. Refer to the CRM section 5 for complete guidelines and procedures.

The LPA's responsible charge will approve the progress estimate prior to submittal to the District Engineer, requesting payment. The LPA's responsible charge will provide approval in writing, whether that is a signed paper copy or an email that can be incorporated into the project file as CARS currently doesn't allow an electronic signature from the LPA responsible charge. The District Engineer approves the progressive estimate and sends it to the Construction division for processing.

6.5 PROJECT CLOSEOUT AND DOCUMENTATION

After all work is completed, the LPA will conduct a final inspection as directed in the CRM, section 7.

The LPA or its representative must use the CARS-generated checklist to assist in project close-out.

The LPA will write the acceptance letter to the contractor. It should have no stipulations or conditions on the acceptance and is to be written immediately upon completion of the inspection and acceptance of work.

Project Records. When the LPA accepts the project, they will confirm the quantities of work performed and notify the contractor in writing of any missing documents. When all physical work on the project is completed, and all the records and quantities substantiating the work have been organized, the LPA will prepare the forms needed to complete the final records for the contract. The final record is a summary of quantities, costs, and other data on the performance of the work on the project.

Final Pay Quantities. The LPA certifies that final pay quantities are properly documented to meet state and federal requirements. The NDDOT District Engineer will review all records and documents. The District Engineer will write a combined project/materials acceptance letter to the Construction Engineer. The District Engineer will then forward all final records and documents to Construction Services for review. Upon completion of the review, the final payment will be processed.

All project records become property of the LPA and are stored for three years after federal final voucher (may be as long as seven or more years after construction is complete). NDDOT will notify LPA with the date of federal final voucher.

6.6 REFERENCE DOCUMENTS

- [NDDOT Construction Records Manual](#)
- [NDDOT Standard Specifications for Road and Bridge Construction](#)
- [NDDOT Field Sampling and Testing Manual](#)
- [NDDOT External Civil Rights Manual](#)

MAINTENANCE

7.1 GENERAL

The LPA is responsible for maintaining all projects, including TA or other state-funded projects, on the local roads system and some projects on the regional system and LPA-sponsored projects, as described in Appendix 4. NDDOT will enter into an agreement with the LPA which will specify the maintenance responsibility on all federal aid projects and certain state-funded projects as applicable.

All prior maintenance agreements will remain in effect unless they are superseded by a new agreement.

Maintenance is defined as the performance of normal operations for preserving the entire project, as needed to ensure safe and efficient use.

7.2 MAINTENANCE GUIDELINES

All replacements and repairs should conform to currently approved design standards. All repairs and maintenance should be performed without unreasonable delay. FHWA and NDDOT expect a high level of maintenance. The following provides guidance for each area of maintenance responsibility. (Appendix 4)

Roadway Surface. Preserve the structural integrity of the roadway, and the safety and comfort of the user. This includes a safe, smooth, skid-resistant surface, in a condition as close as practical to the original (or improved) grade and cross-section.

Shoulders. Preserve a safe, smooth, surface, free of obstruction, level with the adjacent roadway surface, and in a condition as close as practical to the original (or improved) grade and cross-section.

Roadside. Preserve the safety and beauty of the roadside through vegetation management, erosion control, and litter pick-up.

Bridges, Pedestrian Underpasses, and Drainage Structures. Preserve the structural and operational characteristics, and hydraulic capacity for which the system was originally designed. These include safe, smooth, skid-resistant surfaces; proper surface drainage; and adequately functioning bearing devices and sub-structural elements. Replacement or repair of structural railing and approach guardrail should be done without unreasonable delay. Pedestrian underpasses should be cleaned, properly lighted, and adequately ventilated.

A bridge is defined as a structure, including supports, over a waterway, roadway, railway, or other obstruction, which has a clear opening of at least 20 feet measured along the centerline of the roadway, from inside of abutment to inside of abutment.

Lighting. Preserve and operate the lighting system as designed. Cost participation and maintenance agreement generally spells out maintenance responsibilities. Typically, the LPA is responsible for maintenance and utility costs.

Snow and Ice Control. Preserve the roadway safety, efficiency, and environment during the winter.

Traffic Safety in Maintenance Work Zones. Use procedures that will aid the safety of motorists and maintenance workers. These procedures should be consistent with the following:

- [Manual on Uniform Traffic Control Devices](#)
- [Federal Aid Policy Guide \(FAPG\)](#)
- [Work Zone Safety and Mobility](#), NDDOT

Pedestrian/Bicycle Facilities. Preserve the pedestrian facility surface for the safety and comfort of the user. This includes a safe, smooth, skid-resistant surface, in a condition as close as practical to the original (or improved) grade and cross-section, including snow removal.

Signs and Traffic Control Devices. Preserve clean, legible, visible, and properly functioning signs and traffic control devices. This includes pavement marking, signing, delineators, signals, etc. Maintain signs (including retroreflectivity) and traffic control devices to MUTCD standards.

Safety Devices. Replace damaged, defective, or inoperable devices without unreasonable delay. This includes guardrails, impact attenuators, breakaway supports, barriers, etc.

Access Control and Encroachments. Preserve the originally designed access control, eliminate unauthorized traffic movements, and prevent improper or unauthorized use of highway rights-of-way. Highway rights-of-way shall be maintained free of encroachments unless permitted.

Changes to any of the items above may be made as per the terms of the cost participation and maintenance agreement.

7.3 MAINTENANCE RESPONSIBILITIES

INTERSTATE SYSTEM

NDDOT will maintain the system, including the interchanges, except for grade-separated facilities.

REGIONAL SYSTEM

Primary Regional System. NDDOT will maintain the project after completing a rehabilitation project on it (defined as restoring the road to a 20-year design life) when one of the following conditions is met:

- the road functions as a freeway (access limited to interchanges); or
- drainage is provided by a ditch section without any accompanying inlets and storm sewer.

If neither of these requirements is met, and the drainage is provided by inlets and storm sewer, the LPA maintains the project. The general intent is that when a Primary Regional pavement section is rebuilt, the LPA will assume the maintenance of the facility.

Secondary Regional System. The urban areas will maintain the system after completing a rehabilitation project.

NDDOT will do structural maintenance on regional system bridges. State participation in maintenance is limited to ensuring the structural integrity of the bridge. Any cosmetic or aesthetic maintenance will be an LPA responsibility. Snow removal and routine bridge roadway maintenance will depend on whether the bridge is on the primary or secondary system.

LPA ROADS SYSTEM

The LPA shall be responsible for maintaining the LPA roads system.

MAINTENANCE REVIEW INSPECTIONS

The NDDOT District Engineer, Local Government Engineer, Federal Highway Administration representative along with the LPA representative responsible for maintaining the LPA system, will perform maintenance inspections on a sampling of selected segments of the local government system which have had a construction project involving federal aid. Four counties and three cities will be inspected annually. These inspections are conducted as part of the yearly project management review process. In addition, the LPA will annually complete and submit a Maintenance Certification form to the LGD. Refer to Policy II 2-2 in Appendix 4.

Maintenance on public bridges is governed by the provisions of 23 CFR 650, subpart C, which establishes National Bridge Inspection Standards (NBIS). This law requires that each bridge be inspected every two years. NDDOT will provide this service. To offset the cost, NDDOT bills the LPAs for any cost for which NDDOT does not receive federal funds.

After each bridge inspection, NDDOT issues a Structural Inventory and Appraisal (SI&A) sheet and sends a copy to the LPA.

NONCOMPLIANCE WITH MAINTENANCE RESPONSIBILITY

If during the maintenance review inspections major deficiencies are found, the LPA shall take immediate steps towards correcting those items identified. Major deficiencies will be identified in the project management review report. The NDDOT Local Government Division will schedule another review within one year to review the steps that are being taken to correct the major deficiencies previously identified or the corrective action that has been completed.

If a LPA continually fails to perform routine maintenance, as outlined in project agreements between the LPA and NDDOT, the NDDOT may withhold further funding of local roadway improvement projects for that LPA until maintenance concerns are resolved.

TRANSIT PROGRAM

8.1 GENERAL

In addition to the highway programs covered in the previous sections of this manual, the LGD within the NDDOT is also responsible for administering and/or monitoring North Dakota's federal aid and state aid public transit programs.

Because of several social and economic factors, public transit systems and operations are not self-supporting and require government support or subsidies to stay in business. It has been long established at the federal and state levels that it is in the public interest to support transit services with public funds. This funding support provides the necessary transit services for the general public, including disadvantaged persons such as the elderly, disabled, low income, and others to carry on their normal day-to-day activities.

Each year, North Dakota (and all other states) receives several categories of federal transit funds to help support and improve public transit services in the state. These funds are appropriated by Congress and administered to the states by the Federal Transit Administration (FTA) in the form of transit grants. In this state, the Local Government Division, in turn, administers these grant funds from the federal level to the local transit providers.

In addition to the above federal funds, there are also state aid funds for public transit, which are provided by the North Dakota State Legislature. These state funds also help to support and improve public transit services in the state. The state funds supplement the federal funds and can also be used by the local entities (transit providers) to match the federal funds they receive. The Local Government Division administers these state aid funds as well.

The following is a description of the federal grant and state aid transit programs administered by Local Government.

8.2 FEDERAL TRANSIT PROGRAMS

North Dakota receives federal transit funds under different federal transit programs, as shown in Table 8-1. This table lists the transit programs and the specific purpose of each program.

The federal transit funds are derived from the federal motor fuel tax which goes into the national Highway Trust Fund. Of this tax amount, part is allocated for public transit use and goes into the Mass Transit Account of the Highway Trust Fund. The U.S. Congress appropriates the federal transit assistance funds for the states from this Mass Transit Account.

8.3 STATE AID TRANSIT PROGRAM

Every two years, state aid is appropriated by the State Legislature to support and improve public transit services in North Dakota.

The State Aid for Public Transit funds in North Dakota are obtained in the Highway Tax Distribution Fund. Transit receives 1.5% of the Highway Tax Distribution Fund (NDCC 54-27-19). This amount goes into the state's Public Transportation Fund from which the State Legislature appropriates the State Aid for Public Transit Funds.

Table 8-1 Summary of Federal and State Transit Programs in North Dakota

Federal Funding Program	Program Description
5303	Used for statewide transit planning activities
5304	Used for transit planning in metropolitan areas
5307	Administered directly from FTA to urbanized areas for transit capital and operating expenses and also for transit related planning
5310	Used for transit projects that meet the transportation needs of the elderly and persons with disabilities in rural and urban areas
5311	Supports and improves public transit service in areas of less than 50,000 population
5311(b)	Provides funds for transit-related training for rural transit providers
5311(c)	Administered directly from FTA to Indian Tribes to improve public transportation on Indian Reservations
5311(f)	Provides funds to inter-city transit providers
5339	Used to provide capital assistance for new and replacement buses, related equipment, and facilities in urban and rural areas
State Aid	State aid for state wide public transit projects

8.4 PUBLIC TRANSIT PROVIDERS

Presently, there are many public transit providers operating throughout the state. The current providers are listed on the [NDDOT website](#).

8.5 FEDERAL & STATE TRANSIT PROGRAM GUIDELINES AND REGULATIONS

The program guidelines and regulations used by the Local Government Division in administering the federal and state transit programs listed Table 8-1, are contained in the [State Management Plan for Public Transportation](#).

The State Transit Management Plan for Public Transportation also includes the policies and procedures used to administer the federal and state transit programs. In addition, it contains FTA requirements and other federal and state requirements that may apply to these programs.

APPENDIX 1. RESPONSIBLE CHARGE

Defining “Responsible Charge” in the Federal-aid Highway Program

Regulation:

The key regulatory provision, 23 CFR 635.105 – *Supervising Agency*, provides that the State Transportation Agency (STA) is responsible for construction of Federal-aid projects, whether it or a local public agency (LPA) performs the work. The regulation provides that the STA and LPA must provide a full time employee to be in “responsible charge” of the project.

Requirements of Position:

For projects administered by the STA, the regulation requires that the person in “responsible charge” be a full-time employed state engineer. This requirement applies even when consultants are providing construction engineering services.

For locally administered projects, the regulation requires that the person in “responsible charge” be a full time employee of the LPA. The regulation is silent about engineering credentials. Thus, the person in “responsible charge” of LPA administered projects need not be an engineer. This requirement applies even when consultants are providing construction engineering services.

Duties:

Regardless of whether the project is administered by the STA or another agency, the person designated as being in "responsible charge" is expected to be a public employee who is accountable for a project. This person should be expected to be able to perform the following duties and functions:

- Administers inherently governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintains familiarity of day to day project operations, including project safety issues;
- Makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visits and reviews the project on a frequency that is commensurate with the magnitude and complexity of the project;
- Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse; and
- Directs project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation.
- Is aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The regulations do not restrict an agency’s organizational authority over the person designated in “responsible charge," and the regulations do not preclude sharing of these

Attachment

duties and functions among a number of public agency employees. The regulations also do not preclude one employee from having responsible charge of several projects and directing project managers assigned to specific projects.

Affect on Laws Regulating Licensure:

The term “responsible charge” is used here in the context intended by the above regulation. It may or may not correspond to its usage in state laws regulating licensure of professional engineers.

NDDOT PROJECTS – RESPONSIBLE CHARGE

Roles of NDDOT Responsible Charge

1. Primary point of contact for the NDDOT with the FHWA.
2. Attends all key project meetings—if the responsible charge cannot attend, rescheduling of meeting will be attempted. Key project meetings—such as: Project Pre-construction, etc.
3. Attend Final Inspection
4. Must be involved in and/or knowledgeable of key project decisions.

Requirements of an NDDOT Employee in Responsible Charge:

1. Oversees project activities:
 - Costs
 - Time adherence to contract requirements
 - Construction quality and scope
2. Able to answer project status questions if called by FHWA
3. Is aware of the qualifications, assignments, and on-the-job performance of the consultant staff at all stages of the project
4. Conducts a One-on-One Meeting with consultant prior to the Pre-construction Meeting. At this meeting the person in “responsible charge” and consultant shall discuss required construction contract administration and any project specific expectations.
 - At the One-on-One Meeting prior to the Pre-construction Meeting, the consultant shall be required to submit the qualifications for the project’s inspectors and testers that will be used on the project. Spot checks and verification will need to be done during the duration of the project on the qualifications of the consultant’s inspectors and testers in the field.
5. Reviews financial processes, transactions and documentation for the project
6. Directs project staff or consultant to carry out construction project administration
7. Makes or participates in decisions that require change orders or supplemental agreements to the project contract
8. Maintains familiarity of day to day project operations & safety issues
9. Visits and reviews projects on a regular basis (in proportion to the project scope and size)

Duties for NDDOT Responsible Charge

1. Schedules and attends Pre-Construction meeting
2. Attends all meetings when a decision is needed
3. Ensures project is constructed in accordance with the plans & specifications
4. Reviews & recommends approval of change orders
5. Ensures that work zone safety requirements are being implemented on the project
6. Reviews and Ensures Final Estimate & complete documentation is completed timely

LOCAL PUBLIC AGENCY (LPA) PROJECTS – RESPONSIBLE CHARGE

Roles of LPA Responsible Charge

1. Primary point of contact for the LPA with the NDDOT.
2. Attends all key project meetings—if the responsible charge cannot attend, rescheduling of meeting will be attempted. Key project meetings—such as: Project Pre-construction, etc.
3. Attends Final Inspection
4. Must be involved in and/or knowledgeable of key project decisions.

Requirements of an LPA Employee in Responsible Charge:

1. Oversees project activities:
 - Costs
 - Time adherence to contract requirements
 - Construction quality and scope
2. Able to answer project status questions if called by NDDOT or FHWA
3. Is aware of the qualifications, assignments, and on-the-job performance of the LPA and consultant staff at all stages of the project
4. Conducts a One-on-One Meeting with consultant prior to the Pre-construction Meeting. At this meeting the person in “responsible charge” and consultant shall discuss required construction contract administration and any project specific expectations.
 - At the One-on-One Meeting prior to the Pre-construction Meeting, the consultant shall be required to submit the qualifications for the project’s inspectors and testers that will be used on the project. Spot checks and verification will need to be done during the duration of the project on the qualifications of the consultant’s inspectors and testers in the field.
5. Reviews financial processes, transactions and documentation for the project
6. Directs project staff, LPA or consultant to carry out construction project administration
7. Makes or participates in decisions that require change orders or supplemental agreements to the project contract
8. Maintains familiarity of day to day project operations & safety issues
9. Visits and reviews projects on a regular basis (in proportion to the project scope and size)

Duties for LPA Responsible Charge

1. Schedules Pre-Construction meeting
2. Attends all meetings when a decision is needed (Responsible Charge from Entity must attend)
3. Ensures project is constructed in accordance with the plans & specifications
4. Reviews & recommends approval of change orders (Responsible Charge)
5. Ensures that work zone safety requirements are being implemented on the project
6. Ensures Final Estimate & complete documentation is transmitted to NDDOT timely

Duties for NDDOT

1. Attends Pre-Construction meeting
2. Is included in all meetings when a major decision is needed
3. Verifies that LPA ensures project is constructed in accordance with the plans & specifications
4. Reviews & approves change orders
5. Verifies that LPA ensures Work Zone safety requirements are being implemented on the project
6. Attends Final Inspection
7. Reviews final estimate

CONSULTANT REVIEW GUIDANCE

GUIDELINES

This form is to be filled out by the person in “responsible charge” for the project.

- A review of the project’s consultant shall be conducted on all projects after the Preconstruction Conference.
- Projects that last over 2 months will need a review done at the Project’s midpoint of construction.
- Additional reviews may be done at the discretion of the person in “responsible charge”.

FEDERAL-AID PROJECT SUPPLEMENTAL CONSULTANT REVIEW

North Dakota Department of Transportation, Consultant Administration Services

SFN XXXXX

Project #	PCN	Project Location:	Date	Time AM PM
Reviewed by:		Title:	Contractor:	
Consulting Firm Name:		Project Engineer/Manager:		

Consultant Performance

Appraisal Period: <input type="checkbox"/> Preconstruction Conf. <input type="checkbox"/> Mid-Construction <input type="checkbox"/> Supplemental				
1.	Rate the PE/PM's understanding of the contract specifications.	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
2.	Rate the Consultants use PPE's as required by the Department.	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
3.	How well does the PE/PM represent the Department in meeting with the Contractor?	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
4.	What is the level of preparation of the PE/PM for meetings?	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
5.	Level of quality of required estimate documentation. (PQRs, certs, meeting notes, ect.)	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
6.	How well are measurements for source documentation being kept?	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
7.	How well is the Project Diary being kept up-to-date?	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
8.	Ability to update the FileNet data base.	<input type="checkbox"/> Daily	<input type="checkbox"/> Weekly	<input type="checkbox"/> Monthly
9.	Monitoring of traffic control (layout, device condition).	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
10.	Application of traffic control fines according to specification and timeliness.	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
11.	Regularity of collecting watchperson reports.	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
12.	Ability of the consultant to provide analysis and/or solutions to project issues.	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
13.	Frequency of the consultant in keeping the District informed of construction activities.	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
14.	Monitoring and collection of all regulatory and material certifications.	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
15.	Ability of the consultant firm in providing certified testers.	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
16.	Correctness of change orders. (work/time justification, independent cost analysis)	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
17.	Timeliness of change orders.	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
18.	Ability of the consultant to monitor DBE requirements. (good faith efforts, CUF, etc)	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
19.	Timeliness and frequency of checking the required Federal bulletin board.	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
20.	How well is material sampling and testing being done?	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
21.	Rate the monitoring of erosion/sediment control (SWPPP updates, BMP, reports)?	<input type="checkbox"/> Very Good	<input type="checkbox"/> Reasonable	<input type="checkbox"/> Marginal
22.	Was material testing being performed at the time of the site visit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
23.	Were project records reviewed at the time of the site visit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Remarks:

Distribution:

CAS District Construction Services

APPENDIX 2. TIP CHECKLIST: NORTH DAKOTA

NORTH DAKOTA MPO TIP CHECKLIST

Metropolitan Planning Organization (MPO): _____
 TIP Period: _____
 Date: _____

	DESCRIPTION	RESPONSE TYPE	MPO RESPONSE	NDDOT USE ONLY	COMMENTS
General	Prepared in cooperation with the NDDOT and Transit Operator?	Yes/No			
	Approved by MPO Policy Board?	Yes/No			
	<i>Date of approval</i>	Date			
	Approved by Governor or designee?	Yes/No			
	<i>Date of approval</i>	Date			
	Public involvement outreach consistent with Public Participation Plan?	Yes/No			
	<i>Date of public advertisement</i>	Date			
	<i>Date of public meeting</i>	Date			
	TIP covers 4 years?	Yes/No			
	Includes all projects proposed for funding under 23 U.S.C. and 49 U.S.C. Chapter 53?	Yes/No			
	Includes other federally funded projects?	Yes/No/NA			
	Projects are consistent with LRTP?	Yes/No			
	<i>TIP projects within short term of LRTP?</i>	Yes/No			
<i>Amendment required to address consistency?</i>	Yes/No				
<i>Date of approval</i>	Date/NA				

Project Level	Sufficient project scope is provided?	Yes/No			
	Total project cost is listed?	Yes/No			
	<i>Federal funding identified?</i>	Yes/No			
	<i>Match funding identified?</i>	Yes/No			
	<i>Sources of federal and match funding provided?</i>	Yes/No			
	<i>Recipient of the project funding identified?</i>	Yes/No			
	Regionally Significant projects listed?	Yes/No			
	ADA Transition Plan projects listed?	Yes/No			
	Small scale projects are grouped?	Yes/No/NA			
	<i>Function</i>	Yes/No/NA			
	<i>Geographical area</i>	Yes/No/NA			
<i>Work type</i>	Yes/No/NA				

Financial	Program is fiscally constrained?	Yes/No			
	<i>By project?</i>	Yes/No			
	<i>By year?</i>	Yes/No			
	Operations and Maintenance identified?	Yes/No			
	<i>O&M for Federal aid highways?</i>	Yes/No			
	<i>O&M for public transportation?</i>	Yes/No			
	Project cost estimates are appropriate for improvement type?	Yes/No			
	Revenue and cost estimates account for year of expenditure?	Yes/No			
	TIP identifies Illustrative Projects?	Yes/No/NA			
	49 U.S.C. Chapter 53 funding identified in the first year of the TIP is less than funding committed to the MPA?	Yes/No			
Are subsequent years based off of funding committed or reasonably expected through 49 U.S.C. Chapter 53?	Yes/No				

Other	TIP identifies criteria and process for prioritizing implementation into the LRTP?	Yes/No			
	Major projects from previous TIP listed?	Yes/No			
	TCM projects given priority, if identified in SIP?	Yes/No/NA			
	TIP conforms to the requirements of 23 U.S.C. 134; further codified in 23 CFR 450?	Yes/No			

MPO Executive Director: _____ Date: _____

NDDOT Local Government Division, MPO Coordinator: _____ Date: _____

APPENDIX 3. CERTIFICATION LETTERS

[Insert Date]

Mr. Paul M. Benning
Local Government Division
ND Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Subject: Design Certification

[insert NDDOT project number]
[insert NDDOT PCN number]
[insert location]
[insert improvement type] – [insert length of project in miles] Miles

The plans and specifications have been prepared in accordance with 23 CFR Part 625 and the following (check all that applies):

- ___ AASHTO “*A Policy for Geometric Design of Highways and Streets*”
- ___ NDDOT “*Design Manual*”
- ___ NDDOT “*Standard Specifications for Road and Bridge Construction*”
- ___ MUTCD “*Manual of Uniform Traffic Control Devices*”
- ___ [City or County] Design Standards and Specifications

[signature of city/county official]

[date signed]

[insert city/county official’s name], [insert city/county official title]

Date

[Insert Date]

Mr. Paul M. Benning
Local Government Division
ND Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Subject: Railroad Certification

[insert NDDOT project number]

[Insert NDDOT PCN number]

[insert location]

[insert improvement type] – [insert length of project in miles] Miles

Please initial the appropriate one:

_____ No work will be done within Railroad right of way.

_____ Work will be done within Railroad right of way and the appropriate Railroad owner has been contacted. The contract provisions require the contractor to obtain Railroad Insurance prior to completing work within the Railroad right of way.

_____ All railroad work will be completed prior to construction.

_____ Arrangements are in place to have Railroad work undertaken during construction.

[signature of city/county official]

[date signed]

[insert city/county official's name], [insert city/county official title]

Date

[insert date]

Mr. Paul M. Benning
Local Government Division
ND Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Subject: Responsible Charge Certification

[insert NDDOT project number]

[Insert NDDOT PCN number]

[insert location]

[insert improvement type] – [insert length of project in miles] Miles

[Insert LPA employee name here, email address, and contact information] has been named the responsible charge on this federal aid project. As the responsible charge, they will be familiar with the day to day activities on the project, project schedule, approve progressive estimates and change orders in writing, attend all key project meetings, and other required activities. The responsible charge named above is an employee of the LPA and not a consultant that has been hired to provide engineering services on behalf of the LPA and will carry out the duties as required above.

[signature of city/county official]

[date signed]

[insert city/county official's name], [insert city/county official title]

Date

[Insert Date]

Mr. Paul M. Benning
Local Government Division
ND Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Subject: Right Of Way Certification

[insert NDDOT project number]
[insert NDDOT PCN number]
[insert location]
[insert improvement type] – [insert length of project in miles] Miles

This project did _____ or did not _____ require the acquisition of additional right of way.

We hereby certify that all necessary rights of way are available for construction of the above project in accordance with the approved plans.

Right of way acquired before the Highway Act of 1970 was in accordance with pertinent FHWA directives in effect at that time. Right of way acquired after 1970 was in accordance with Title III of the Uniform Relocation Assistance & Real Property Acquisitions Policy Act of 1970.

There are no encroachments except as permitted. No individuals or families were displaced; therefore no relocation advisory assistance or payments were necessary.

[signature of city/county official]

[date signed]

[insert city/county official's name], [insert city/county official title]

Date

[insert date]

Mr. Paul M. Benning
Local Government Division
ND Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Subject: Utility Certification

[[insert NDDOT project number]
[Insert NDDOT PCN number]
[insert location]
[insert improvement type] – [insert length of project in miles] Miles

Please initial the appropriate one:

_____ We hereby certify that we have contacted and coordinated with all utility companies within the project area and no utilities will be impacted within the project area.

_____ We hereby certify that we have contacted and coordinated with all utility companies within the project area and agreements are in place to have impacted utilities relocated or adjusted. **Federal aid is not requested for utility relocation or adjustment costs.**

_____ We hereby certify that we have contacted and coordinated with all utility companies within the project area and agreements are in place to have impacted utilities relocated or adjusted. **Federal aid is requested for utility relocation or adjustment costs.**

[signature of city/county official]

[date signed]

[insert city/county official's name], [insert city/county official title]

Date

APPENDIX 4. NDDOT POLICIES

Agency: North Dakota Department of Transportation
Division: Local Government
Group: Executive Policy Manual
Category: II-Management, Project and Program Development
Policy Number: II 2-1
Title: Transportation Alternatives (TA)
Original Date: 05/05/1994
Revised Date: 06/20/2016
Review by Date: 04/15/2017

PURPOSE: The purpose of this policy is to maintain uniformity of the Transportation Alternatives (TA) program. It also assigns a Project Selection Committee to determine the priorities of the Transportation Alternatives projects.

POLICY: The North Dakota Department of Transportation (NDDOT) Local Government Division will administer federal funding for the Transportation Alternatives (TA) program.

1. Program Establishment

The FAST Act replaced the MAP-21 Transportation Alternatives Program (TAP) with a set-aside of Surface Transportation Block Grant (STBG) program funding for Transportation Alternatives (TA). These TA Set-Aside funds include all projects that were previously eligible under TAP.

2. RTP Opt In or Opt Out

The FAST Act allows states the flexibility to leave the Recreational Trails Program (RTP) as a stand-alone program or combine it with TA. NDDOT determines on an annual basis if they will Opt In or Opt Out of RTP. RTP projects are eligible for funding under TA; therefore if the Opt Out provision is selected, NDDOT will solicit RTP type projects as part of its annual TA solicitation. If the Opt In provision is selected the RTP will be administered by NDPRD (ND Parks and Recreation). As agreed in the Memorandum of Understanding between NDDOT, NDPRD, and FHWA an Opt In or Opt Out decision will be made on an annual basis in August of each year.

3. Allocation of Funds

If the RTP Opt In provision is selected, FAST Act requires each State to set aside a portion of its TA funds for RTP projects.

After the Opt In/Opt Out decision is made, the remaining TA funds will be distributed in accordance with the FAST ACT.

- A. 50% of the TA funds are to be distributed on a population basis as follows:
 - Urban areas 5,000 or greater population: 55.62 %
 - All other areas of the state: 44.38 %
- B. 50% of the TA funds are considered “flexible” and can be allocated to any of the following programs: TA, NHPP, STBG, HSIP, CMAQ, and/or Metropolitan Planning. The decision on where to use the flexible funds will be made on an annual basis in a decision document, preferably in August for the upcoming fiscal year, signed by the NDDOT Director.

4. **Eligible Activities**

TA funds may be used for projects or activities that are related to surface transportation as described below:

- A. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.(42 U.S.C. 12101 et seq.).
- B. Construction, planning, and design of infrastructure related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
- C. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.
- D. Construction of turnouts, overlooks, and viewing areas.
- E. Community improvement activities, which include but are not limited to :
 - Inventory, control, or removal of outdoor advertising;
 - historic preservation and rehabilitation of historic transportation facilities;
 - vegetation management practices in transportation rights of way to improve roadway safety, prevent against invasive species, and provide erosion control; and
 - archaeological activities relating to impacts from implementation of a transportation project eligible under title 23,

- F. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:
 - Address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 23 U.S.C. 133(b)(3) [as amended under the FAST Act]. 328(a), and 329 of title 23; or
 - Reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats (Former 23 U.S.C. 213(b) (2)-(4)).

5. **Eligible Project Applicants**

- A. City and County governments
- B. Transit agencies
- C. Natural resource or public land agencies
- D. School districts, local education agencies, or schools
- E. Tribal governments
- F. Any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails.
- G. A nonprofit entity needs to partner with an eligible project applicant.

6. **TA Project Selection Committee**

- A. Definition. The TA Project Selection Committee is created by NDDOT Director to prioritize TA projects submitted under the urban and county categories.
- B. Funding. NDDOT will fund 80.93 percent of construction costs. A maximum limit will be set for each project. If the costs exceed that amount, the sponsoring agency is responsible for the remainder of the costs.
- C. Competitive Process. Projects will be selected through a competitive selection process.
- D. Composition. Twelve entities are represented on the TA Project Selection Committee. The group members are selected by the North Dakota League of Cities, North Dakota Association of Counties, each of the state agency representatives and MPO's. Schools are selected by the Department of Public Instruction DPI. This 12 member group consists of representatives from:
 - Cities over 5,000 population (four year rotational)
 - Cities under 5,000 population (four year rotational)
 - Counties (four year rotational)
 - Metropolitan Planning Organizations (two year rotational)

- North Dakota Department of Commerce, Tourism Division
 - North Dakota Department of Transportation
 - North Dakota Indian Affairs Commission
 - North Dakota Parks & Recreation
 - North Dakota Forest Service
 - North Dakota Department of Public Instruction
 - State Historical Society of North Dakota
 - Schools (four year rotational)
- E. Review process. Applications for TA projects are due at the end of each calendar year to be considered by the Project Selection Committee for funding the next federal fiscal year, which begins October 1. The Project Selection Committee will meet each year to review the applications for that year and prioritize the projects to be funded.
- F. Applications. Applications for TA projects must follow the guidelines established by NDDOT.
- G. Sponsorship. TA projects must be sponsored by a city government with a population over 5,000, a county commission, transit agency, federal and state agency, or the Bureau of Indian Affairs.
- H. Maintenance. The sponsor is responsible for making sure that TA projects will be maintained after construction is completed.

Grant Levi, P.E.
Director

Agency: North Dakota Department of Transportation
Division: Local Government
Group: Executive Policy Manual
Category: II-Management, Project and Program Development
Policy Number: II 2-2
Title: Certifying the Maintenance of County and City Federal Aid Highway Projects
Original Date: 04/16/1986
Revised Date: 02/19/2016
Review by Date: 03/01/2017

PURPOSE: North Dakota Department of Transportation (NDDOT) is, according to Title 23 United States Code and 23 CFR 1.27, required to maintain, or cause to maintain, all federally funded highway projects. Title 23, United States Code 101, defines maintenance as: "...the preservation of the entire highway including surface shoulders, roadsides, structures and such traffic control devices as are necessary for its safe and efficient utilization."

POLICY: It is the policy of NDDOT to require all Local Public Agencies (LPAs) projects receiving federal dollars to enter into an agreement with the Department to ensure that as recipients of federal money the cities and counties agree to abide by the terms and conditions required.

The agreement will require the cities, with a population over 5000, or counties constructing projects with federal funds to provide an annual certification that all federally funded highway projects are being maintained as required.

1. Certification Scope:

Required maintenance will include, but not be limited to, roadway surfacing, shoulders, traffic control devices, safety devices, structures, drainage, and right of way. The highways will be maintained in a good and safe condition for general public use. The rights of way will be maintained and encroachments removed.

Maintenance will be in accordance with NDDOT "Construction and Maintenance Agreement" or "Cost Participation, Construction and Maintenance Agreement" in a manner satisfactory to NDDOT and the Federal Highway Administration.

2. Certification Format:

Each year, the LPA will complete and submit a Maintenance Certification for Federal Aid Projects, state form numbers (SFNs) 51026, and 51027.

LPA certifications will be submitted to the NDDOT Local Government Division.

3. Certification Schedule:

Certifications will be submitted at the annual program review or no later than December 31 of each year.

4. Certification Follow-up:

A review team will inspect a sampling of the federal-aid county and urban projects on a periodic cycle not to exceed four years. The team will review the maintenance efforts of the sampled counties and cities. The team will be coordinated by the Local Government Engineer and will consist of the following representation:

Number of Persons	Representing
1	Local Government
1	District (construction or maintenance)
1	Federal Highway Administration
1	Local Agency

Other representation may be included as deemed necessary by the Local Government Engineer.

**Grant Levi, P.E.
Director**

Agency: North Dakota Department of Transportation
Division: Programming
Group: Executive Policy Manual
Category: II-Management, Project and Program Development
Policy Number: II 8-1.1
Title: Non-Urban Area Program (state highways through cities under 5,000 population)
Original Date: 05/05/1994
Revised Date: 05/03/2016
Review by Date: 04/01/2017

PURPOSE: Define cost participation, operation, and maintenance responsibilities related to projects on state highways through cities under 5,000 population and rural areas.

POLICY: 1. General

Programming Division is responsible for project programming, traffic operation studies, and scoping projects on the state highway system. As part of project programming, Programming Division is responsible for preparing the agreements with Local Public Agencies (LPA) in cities under 5000 population. Local Government Division is responsible for preparing the agreements with LPA in rural areas.

Cities under 5,000 population may submit requests for potential projects on the state highway system to the District Engineer. The request must include the project location and justification. The District Engineer will consider the project request during project priority development for the Statewide Transportation Improvement Program (STIP).

The NDDOT District office is responsible for notifying the LPA that they will have a cost share and/or maintenance responsibility for a planned project. This initial notification should occur when the project is shown in the Draft STIP, so the LPA can budget for the costs. The details may not necessarily be known at this time, but it will ensure the LPA is aware of the potential impact to their budget. The District should also notify the LPA once they have a preliminary or PS&E cost estimate as this will provide a more accurate cost estimate before the LPA receives the cost participation agreement prior to bid of the project.

Before the bid opening of a construction project, NDDOT and the LPA must agree in writing on preconstruction and construction responsibilities, maintenance, right of way access, encroachments, final project plans, and financial arrangements for reimbursing NDDOT. For major projects, and/or

projects including items as noted in 2.i., the agreement may be done prior to the start of preliminary engineering.

Prior maintenance agreements will remain in effect unless they are superseded by a new agreement. New agreements will be established as required.

2. Cities 750 to 5,000 Population

Cost Participation: The LPA's cost participation for the level of improvement NDDOT finds adequate for state highway purposes will be as follows:

- a. When a project is located on a state highway system maintained by NDDOT, and the roadway is a rural design section, the LPA will not be required to participate in the cost of the improvement and the maintenance will remain the responsibility of the NDDOT.
- b. If the state highway is reconstructed to a curb-and-gutter section, the LPA must sign an agreement accepting maintenance responsibility for the curb-and-gutter section of the roadway. The LPA must maintain the roadway according to NDDOT policies.
- c. When a project is located on a state highway system within the LPA, and the roadway is a curb and gutter section or will be built to a curb and gutter section with the project, the LPA is required to provide match. In projects requiring a 20 percent match, LPA participation will be 10 percent, and NDDOT will provide the remaining 10 percent (roadways with curb and gutter on only one side of the roadway require a 5 percent LPA match and a 15 percent state match). In projects requiring less than 20 percent local match, NDDOT will provide up to half of the local match. The LPA must maintain the roadway according to NDDOT policies. The LPA will be required to provide the complete match on service and frontage roads.
- d. When intersection destination, intersection illumination, or roadway segment lighting meets NDDOT warrants and is approved for installation at the option of the NDDOT, an agreement will be developed with the LPA to document cost participation responsibilities as stated in a. - c. above. The agreement will require the LPA to accept operation and maintenance responsibility for the lighting. At locations outside of the city limits the NDDOT may request the LPA accept responsibility for operation and maintenance, the LPA will have no installation cost participation. When the lighting warrants are not met, and the LPA agrees to pay 50% of the installation costs and 100% of

the operation and maintenance responsibility, lighting may be approved for installation at the option of the NDDOT.

- e. When continuous freeway/interstate, complete interchange, or partial interchange lighting meets NDDOT warrants and is approved for installation at the option of the NDDOT, the LPA will not be required to participate in the installation cost of the lighting. The NDDOT may request the LPA accept operation and maintenance responsibility. When the lighting warrants are not met, and the LPA agrees to pay 50% of the installation costs and 100% of the operation and maintenance responsibility, lighting may be approved for installation at the option of the NDDOT.
- f. When traffic signals meeting MUTCD traffic signal warrants are approved for installation at the option of the NDDOT, an agreement will be developed with the LPA to document cost participation responsibilities as stated in a. - c. above. An agreement will be developed with the LPA to require the LPA to accept operation and maintenance responsibility for the traffic signal, unless it is an interstate ramp intersection traffic signal. Interstate ramp intersection traffic signal operation and maintenance will be NDDOT responsibility unless other agreements have been made with the LPA. At locations outside of the city limits the NDDOT may request the LPA accept the traffic signal operation and maintenance responsibility.
- g. When flashing beacons are approved for installation at the option of the NDDOT, an agreement will be developed with the LPA to document responsibilities as stated in a. - c. above. The agreement will require the LPA to accept operation and maintenance responsibility for the flashing beacons. This includes beacons and hardware associated with dynamic intersection conflict warning systems, LED signs, and similar. At locations outside of the city limits the NDDOT may request the LPA accept operation and maintenance responsibility.
- h. LPAs shall be responsible for all costs of the installation of Dynamic Speed Display Signs (DSDS). The NDDOT District Office is responsible for ensuring the proposed installation meets the technical requirements as outlined in the current "NDDOT Guidelines for the Use of Dynamic Speed Display Signs on the State Highway System", and for issuing the permit for installation.
- i. Any project items and associated engineering requested by the LPA, in addition to the level of improvement NDDOT finds adequate for highway purposes, will be at the LPA's expense. The LPA will be required to provide 100 percent of the funding for items not eligible for federal aid, such as water lines, sanitary sewer, local storm sewer, and

items that exceed reasonable design specifications as determined by NDDOT.

The initial seal following a project, and any future seals, will require LPA match according to the Cost Participation policy above.

NDDOT Maintenance Responsibilities: NDDOT will furnish route-marker signs, maintain center-line striping, and do snow plowing but not snow removal. See above for other maintenance responsibilities.

LPA Maintenance Responsibilities: The LPA is responsible for all maintenance except that described in "NDDOT Maintenance Responsibilities" above. The LPA is also responsible for restoring to the original condition any cuts in the surface initiated by the LPA for utilities, etc. The LPA is responsible for all maintenance on service roads to include maintenance seals, signing, striping, snow plowing, and snow removal. See above for other maintenance responsibilities.

3. Cities under 750 Population

Cost Participation: The LPA's cost participation for the level of improvement NDDOT finds adequate for state highway purposes will be as follows:

- a. There will be no LPA cost participation for the level of improvement NDDOT finds adequate for state highway purposes. Any project items and associated engineering requested by the LPA, in addition to the level of improvement NDDOT finds adequate for highway purposes, will be at the LPA's expense. The LPA will be required to provide 100 percent of the funding for items not eligible for federal aid, such as water lines, sanitary sewer, local storm sewer, and items that exceed reasonable design specifications as determined by NDDOT.
- b. There will be no LPA cost participation when roadway lighting meeting NDDOT warrants for intersection destination, intersection illumination, roadway segment lighting, continuous freeway/interstate, partial interchange, or complete interchange warrants is approved for installation at the option of the NDDOT. An agreement will be developed with the LPA to require the LPA to accept operation and maintenance responsibility for the lighting. At locations outside of the city limits the NDDOT may request the LPA accept operation and maintenance responsibility. The NDDOT is responsible for interstate lighting operation and maintenance. When the lighting warrants are not met, and the LPA agrees to pay 50% of the installation costs and 100% of the operation and maintenance responsibility, lighting may be approved for installation at the option of the NDDOT.

- c. There will be no LPA cost participation when traffic signals meeting MUTCD traffic signal warrants are approved for installation at the option of the NDDOT. An agreement will be developed with the LPA to require the LPA to accept operation and maintenance responsibility for the traffic signal, unless it is an interstate ramp intersection traffic signal. Interstate ramp intersection traffic signal operation and maintenance will be NDDOT responsibility unless other agreements have been made with the LPA. At locations outside of the city limits the NDDOT may request the LPA accept operation and maintenance responsibility.
- d. There will be no LPA cost participation when flashing beacons are approved for installation at the option of the NDDOT. An agreement will be developed with the LPA to require the LPA to accept operation and maintenance responsibility for the flashing beacon. This includes beacons and hardware associated with dynamic intersection conflict warning systems, LED signs, and similar. At locations outside of the city limits the NDDOT may request the LPA accept operation and maintenance responsibility.
- e. LPAs shall be responsible for all costs of the installation of Dynamic Speed Display Signs (DSDS). The NDDOT District Office is responsible for ensuring the proposed installation meets the technical requirements as outlined in the current "NDDOT Guidelines for the Use of Dynamic Speed Display Signs on the State Highway System", and for issuing the permit for installation.
- f. The LPA will be required to match funds for service road construction or improvements.

NDDOT Maintenance Responsibilities: NDDOT will maintain the roadway surface, route marker signs, regulatory signs (STOP, YIELD, and SPEED LIMIT signs but not parking signs), and center-line striping, and will do snow plowing but not snow removal. See above for other maintenance responsibilities.

LPA Maintenance Responsibilities: The LPA is responsible for all maintenance except that described in "NDDOT Maintenance Responsibilities" above. The LPA is also responsible for restoring to the original condition any cuts in the surface initiated by the LPA for utilities, etc. The LPA is responsible for all maintenance on service roads to include maintenance seals, signing, striping, snow plowing, and snow removal. See above for other maintenance responsibilities.

4. State Highway System outside of cities and urban areas

The following applies to locations on the State Highway system outside of cities and urban areas (the majority of these locations will be intersections of state highways with county roads). If any portion of the project falls outside of NDDOT right of way but the improvement is within the functional area of a state highway intersection or is directly related to the state highway intersection, cost participation will be the NDDOT responsibility.

- a. When intersection destination, intersection illumination, roadway segment, continuous freeway/interstate, complete interchange, or partial interchange lighting meets NDDOT warrants and is approved for installation at the option of the NDDOT, the NDDOT will pay installation costs. The NDDOT may request the LPA accept operation and maintenance responsibility.
- b. When traffic signals meeting MUTCD traffic signal warrants are approved for installation at the option of the NDDOT, the NDDOT will pay installation costs. The NDDOT may request the LPA accept operation and maintenance responsibility.
- c. When flashing beacons are approved for installation at the option of the NDDOT, the NDDOT will pay installation costs. The NDDOT may request the LPA accept operation and maintenance responsibility. This includes beacons and hardware associated with dynamic intersection conflict warning systems, LED signs, and similar.

Note: See also the following policy memorandums:

- * Category II, Subject 8-1: "Urban Area Program (cities over 5,000 populations)"
- * Category II, Subject 2-1: "Transportation Alternatives Program"

Grant Levi, P.E.
Director

Agency: North Dakota Department of Transportation
Division: Local Government
Group: Executive Policy Manual
Category: II-Management, Project and Program Development
Policy Number: II 8-1.3
Title: North Dakota Small Town Revitalization Endeavor for Enhancing Transportation (NDSTREET) Program
Original Date: 07/12/2005
Revised Date: 02/04/2016
Review by Date: 03/01/2017

PURPOSE: The intent of the program is to provide assistance in upgrading the existing infrastructure through cities with a population of less than 5,000 and to enhance the appearance of streets and sidewalks. The program will allocate funding on an annual basis to small urban areas to provide opportunities to improve state highways through small cities through a solicitation process rather than requiring it as part of a rural corridor project.

POLICY: The Local Government Division will coordinate, develop, and administer a program to provide highway projects to cities with populations less than 5,000. Highway projects are limited to state highways that run through the city limits of these small urban areas.

The annual amount of federal funding dedicated to this program shall be \$3,000,000. The annual allocation of a single project shall not exceed \$2,000,000 of federally eligible items. If the proposed project cost exceeds \$2,000,000, the Director may use two or more years' allocation to pay for the project. This program will participate in the environmental process, preliminary and construction engineering, design, right-of-way, utility relocation and construction. In order for preliminary and construction engineering to be an eligible cost, the consultant selection must follow the Brook Act.

Before any preliminary engineering and bidding of a construction project, the North Dakota Department of Transportation (NDDOT) and the city must agree in writing on preconstruction and construction responsibilities, maintenance, right of way access, encroachments, final project plans, and financial arrangements for reimbursing NDDOT.

1. Project Submission

The Local Government Division will send a letter to the Mayor and Auditor of all cities with a population under 5,000 to notify them of the submittal process.

Within three months of the date of the letter sent, interested cities must submit to the Local Government Division the proposed project for the given year of construction. Submittals must include a scoping checklist which documents the current condition of the roadway, proposed limits of the project, proposed improvement, and estimated costs. Scoping checklists should be completed with assistance from the district engineer.

The submissions must be developed with the appropriate NDDOT district office and cities must use and document a public input process with endorsement by the city governing body.

2. Cost Participation

Projects will be constructed using federal aid funding. For projects requiring a 20 percent match, the city participation will be 10 percent and the NDDOT will provide the remaining 10 percent. The federal and state portion is capped at project selection based on the cost estimate submitted in the local application. All cost overruns or ineligible costs will be the responsibility of the local agency. For projects requiring less than 20 percent match, the NDDOT and the city will each provide one-half of the required match.

The city will be required to cover all match needed for service road construction or improvements (typically 20 percent). Participation on side streets will be to the right of way line or to the radius point adjacent to the state highway if the radius point is beyond the right of way line, unless traffic operations require turn lanes or other widening.

Any project items requested by the city, in addition to the level of improvement NDDOT finds adequate for highway purposes, will be at the city's expense. Additional costs for visual enhancements to the corridor for items such as decorative concrete, trees, or special lighting will be at the city's expense. The city will be required to provide 100 percent funding for items not eligible for federal aid such as water lines, sanitary sewer, ineligible storm sewer costs, and items that exceed reasonable design specifications as determined by NDDOT. Participation in this program does not exclude a city from also participating in the Transportation Alternatives Program (TAP).

3. Maintenance

All prior maintenance agreements will remain in effect unless they are superseded by a new agreement. New agreements will be established as part of a major rehabilitation project.

Cities with a population of 750 to 5,000 will be responsible for all maintenance except that the NDDOT will furnish route marker signs, maintain center line striping, and do snow plowing but not snow removal. The city is also responsible for restoring to the original condition any cuts in the surface initiated by the city for utilities, etc. The first seal coat following the new construction will be the full width of the section and the city shall be responsible for the same matching percentage as required for the new construction. The NDDOT will be responsible for all future maintenance seals which will be a maximum of 40 feet in width. The city is responsible for all maintenance on service roads to include maintenance seals, signing, striping, snow plowing, and snow removal.

Cities with a population under 750 will maintain the drainage system, street lights, and signals. The city is also responsible for restoring to original condition any cuts in the road surface initiated by the city for utilities, etc. The city is responsible for all maintenance on service roads to include maintenance seals, signing, striping, snow plowing, and snow removal. The NDDOT will maintain the roadway surface, route marker signs, regulatory signs (STOP, YIELD, and SPEED LIMIT signs but not parking signs), and center line striping, and will do snow plowing but not snow removal.

4. Guidelines and Criteria

Projects will be evaluated by the North Dakota Small Town Revitalization Endeavor for Enhancing Transportation Program Advisory Committee. The committee will consist of five people. One from a city with less than 750 population, one from a city with a population from 750 to 1,500, one from a city with a population over 1,500 but less than 5,000, one from the Local Government Division of the NDDOT, and one from the Programming Division of the NDDOT. The representative from the Local Government Division will chair the committee. The city representatives will be coordinated with the North Dakota League of Cities.

The committee will review submittals in April of each year and develop a priority list of recommendations to the NDDOT Director. Projects will be ranked according to the following criteria:

1. Pavement condition
2. Drainage condition
3. How the project fits in the city's economic development plan
4. History of investment by the city in other parts of the city
5. Traffic volume
6. Estimated cost

The committee may also consider other criteria in their recommendation. The committee will recommend weighting factors for the criteria prior to the first solicitation of projects.

Once a project is selected by the Director, it shall be incorporated into the NDDOT's Statewide Transportation Improvement Program (STIP). Typically, the earliest a project would then be constructed is three years from the time it is selected. Project scope changes that occur after agreement may cause the project to be shifted to a later date.

Attachments: Scoping Checklist

Grant Levi, P.E.
Director

PROJECT SCOPING WORKSHEET

Date: _____

City: _____

Street: _____

County: _____

Length: _____

Proposed Improvement:

Cost Estimates Breakdown (in \$1,000)							
Alternate	PE	R/W	Utility	Constr.	Bridges	Misc.	Total

Present Road: Surface Width? _____ Surface Type? _____

On-Street Parking Allowed? Present: (No) One Side Both Sides Angle Parallel
Proposed: (No) One Side Both Sides Angle Parallel

Proposed Improvements		
ADT Present: _____	Yr: _____	Travel Way Width: _____
ADT Design: _____	Design year: _____	No. of Lanes: _____
Design Speed: _____		Roadway Width: _____
Maximum Curve: _____		Min. R/W Width: _____
Maximum Grade: _____		

Right of Way
Will additional ROW or easement be acquired? _____ ROW acquisition by: City DOT
Has any ROW easements been acquired since 7-1-72: _____ ROW Condemnation by: City DOT
Est. No. of occupied family dwelling to be displaced? _____
Est. No. business to be displaced? _____

Impacts
Will there be any additional Impacts (Cultural and Environmental Resources): _____
Will there be any taking of any right of way from any public parkland (4F) or schools (6F): _____
Airports: _____ Public Hearings: _____
Environmental Classification (Cat-Ex, EA, EIS): _____
Transportation Enhancements: _____
Intermodal: _____
Pedestrian Needs: _____

Cost Estimates Breakdown (in \$1,000)						
RR Name	No. Xings	No. Tracks and Type of Crossing	Daily Train Movements	Train Speed	Present Protection	Proposed Protection

Purpose and Need Statement for Small Urban Area Projects

Cities, in cooperation with NDDOT district offices, will be asked to submit a Purpose and Need Statement for each project proposed.

The Purpose and Need Statement should be approximately two pages in length which address the following issues:

1. When was the current street section built? Has there been any additional maintenance to the street section?
2. How many driving lanes and turning lanes does the street section currently have and what are the widths of the driving and turning lanes?
3. What is the condition of the pavement section?
 - a. If the pavement section is asphalt, is there any alligator cracking, longitudinal cracking, transverse cracking, raveling, bituminous patching or rutting?

- b. If the pavement section is concrete, are there any broken slabs, faulting, bituminous patching, joint spalling transverse cracking, or longitudinal cracking?
- 4. How are the existing geometrics of the roadway?
- 5. Are there any access points to adjoining properties that present a special concern?
- 6. Are there any existing sidewalks or shared-use path in place?
- 7. What is the condition of the existing storm sewer? Will any additional storm sewer work need to be done along with this project?
- 8. What is the condition of the city's water and sewer line? Will any work have to be done to the city's water and sewer lines along with this project?
- 9. Describe the existing lighting system currently in place? What type of standards and luminaries are currently being used?
- 10. What intersections currently have traffic signals? Are there any locations that have a high accident rate? Are additional turning lanes needed?

Remarks:

City Official: _____

Date: _____

District Engineer: _____

Date: _____

Note: Please attach a map showing location and extent of the project.

Agency: North Dakota Department of Transportation
Division: Local Government
Group: Executive Policy Manual
Category: II-Management, Project and Program Development
Policy Number: II 8-1
Title: Urban Area Program (cities over 5,000 population)
Original Date: 03/29/1974
Revised Date: 06/08/2016
Review By Date: 04/15/2017

PURPOSE: The North Dakota Department of Transportation (NDDOT) may provide various services for the urban areas at their request, depending on available NDDOT resources.

POLICY: **1. General**

The Local Government Division, if requested by an urban area and if staff is available, may help with transportation plans, preliminary engineering data, project development documents, consultant selection, and contract and agreement administration.

Functional Classification: Projects considered for federal aid under the urban program must be on the **Interstate, Regional Highway, or Urban Road** system, except for off-system bridge projects.

- a. The **Interstate** system consists of all Interstate highways through urban areas.
- b. The **Regional Highway** system is all state highways in urban areas, and consists of the **Primary Regional** and **Secondary Regional** systems.

The **Primary Regional** system consists of state routes that serve through-traffic most efficiently in urban areas. Truck routes are given preference. In the case of parallel routes, only one will be on the primary regional system. State routes near and parallel to the interstate system will not be designated primary regional routes.

All urban state highways not on the primary regional system are on the **Secondary Regional** system.

- c. The **Urban Road** system consists of all urban roads not on the Interstate or regional system but classified as collectors and above.

The NDDOT Planning/Asset Management Division will maintain maps and route descriptions of urban area streets and highways.

2. Project Submission

In December of each year, urban areas and MPOs must give the Local Government Division a list of federal-aid projects they wish to build in the next five years in priority order. The list should also indicate the desired year of construction for each project.

Projects must fall into one of the following categories: **Interstate, Urban Roads** or **Regional Highways**.

The submissions must be developed with the appropriate NDDOT District office, urban areas and MPOs must use and document a public input process. Political jurisdictions within the organized boundaries of a Metropolitan Planning Organization (MPO) must submit the project through the MPO.

The Local Government Division will notify the urban areas and MPO's about the urban area program in the spring of each year.

The first two years of an urban area's five-year program must be firm. If there are changes, funding may be lost. If federal funds are lost because an urban area did not have a project ready for obligation in the appropriate fiscal year, the urban area may lose an amount of its allocation equal to the amount of the obligational authority the state has lost.

3. Funding for Interstate, Regional Highway, Urban Road and Bridge Projects

Federal funds may be used for preliminary engineering, construction engineering, right-of-way, utilities relocation, and construction. On the urban road system, use of federal aid for any of these activities is an urban area decision.

- a. **Interstate** system: NDDOT will provide the required match for federal funds for most improvements. It will also provide the required match for the federal funds on new interchanges which meet Federal Highway Administration requirements, are not detrimental to the interstate mainline, and are needed to decrease traffic congestion at existing interchanges.

The urban area will be required to fund grade-separated non-interchange roads and interchange projects which are a result of cross-road traffic. There may be some exceptions if the project is built

in conjunction with an **Interstate** mainline project. To obtain funding, the urban area may request **Regional Highway** funds if the project is part of that system, or may use part of their **Urban Roads** program allocation.

- b. **Regional** system: With the following exceptions, NDDOT will match federal funds for projects on the **Primary Regional** system and half the match for projects on the **Secondary Regional** system (with the urban area providing the rest of the match on the **Secondary Regional** system).
 - The urban area will be required to match federal funds for service road improvements.
 - The urban area will be required to provide 100 percent funding for items not eligible for federal aid, such as water lines, sanitary sewer, local storm sewer, and items that exceed reasonable design specifications as determined by NDDOT.
- c. **Urban Roads** system: An urban area may accumulate its allocation for future projects which require funding greater than one year's allocation. The urban area will be required to provide the match, funding for all items not eligible for federal aid, and all funding above and beyond its federal-aid allocation.
- d. **Bridge** projects: Cost participation is based on the system on which the project is located.
- e. **Lighting**: Urban area cost participation will be the same as stated in a.-d. when roadway lighting meeting NDDOT lighting warrants for intersection destination, intersection illumination, roadway segment lighting, continuous freeway/interstate, partial interchange, or complete interchange is approved for installation at the option of the NDDOT on Interstate and Regional projects and at the option of the LPA on Urban Roads projects. When the lighting warrants are not met, and the LPA agrees to pay 50% of the installation costs and 100% of the maintenance and operating costs, lighting may be approved for installation at the option of the NDDOT.
- f. **Traffic signals**: Urban area cost participation will be the same as stated in a. - d. when traffic signals meeting MUTCD traffic signal warrants are approved for installation at the option of the NDDOT on Interstate and Regional projects and at the option of the LPA on Urban Roads projects.

- g. **Flashing beacons:** Urban area cost participation will be the same as stated in a. - d. when flashing beacons are approved for installation at the option of the NDDOT on Interstate and Regional projects and at the option of the LPA on Urban Roads projects. This includes beacons and hardware associated with dynamic intersection conflict warning systems, LED signs, and similar.
- h. **Dynamic speed display signs (DSDS):** LPA shall be responsible for all costs of the installation of DSDS. The NDDOT District Office is responsible for ensuring the proposed installation meets the technical requirements as outlined in the current “NDDOT Guidelines for the Use of Dynamic Speed Display Signs on the State Highway System”, and for issuing the permit for installation.

4. Maintenance

All prior maintenance agreements will remain in effect unless they are superseded by a new agreement that changes the maintenance responsibilities.

- a. **Interstate** system: NDDOT will maintain the system, including the interchanges, except for grade-separated facilities.
- b. **Primary Regional** system: NDDOT will maintain the project after completing a rehabilitation project on it (defined as restoring the road to a 20-year design life) when one of the following conditions is met:
 - The road functions as a freeway (access limited to interchanges);
or
 - Drainage is provided by a ditch section without any accompanying inlets and storm sewer.

If neither of these requirements is met and the drainage is provided by inlets and storm sewer, the city will maintain the project. The general intent is that when a **Primary Regional** pavement section is rebuilt, the city will assume the maintenance of the facility.

- c. **Secondary Regional** system: The urban areas will maintain the system after completing a rehabilitation project.

NDDOT will do structural maintenance on **Regional System** bridges. State participation in maintenance is limited to ensuring the structural integrity of the bridge. Any cosmetic or aesthetic maintenance will be a local responsibility. Snow removal and routine bridge roadway

maintenance will depend on whether the bridge is on the Primary or Secondary system.

- d. **Urban Roads** system: The urban areas are responsible for maintaining the **Urban Roads** system.
- e. **Lighting**: NDDOT will operate and maintain high mast complete interchange lighting and continuous freeway/Interstate lighting; any other lighting will be LPA responsibility for operation and maintenance. At locations outside of the urban area the NDDOT may request the LPA accept responsibility for operation and maintenance.
- f. **Traffic signals**: NDDOT will operate and maintain interstate ramp intersection traffic signals unless other agreements have been made with the LPA. All other traffic signals in urban areas will be LPA responsibility for operation and maintenance. At locations outside of the urban area the NDDOT may request the LPA accept responsibility for operation and maintenance.
- g. **Flashing beacons**: The LPA will operate and maintain flashing beacons within urban areas. This includes beacons and hardware associated with dynamic conflict warning systems, LED signs, and similar. At locations outside of the urban area the NDDOT may request the LPA accept responsibility for operation and maintenance.
- h. **Dynamic speed display signs (DSDS)**: The LPA will operate and maintain DSDS within urban areas. At locations outside of the urban area the NDDOT may request the LPA accept responsibility for operation and maintenance.

5. Responsibilities

Before any preliminary engineering or bid opening of a construction project, NDDOT and the urban area must agree about the responsibilities, including but not limited to the following: preconstruction, construction, maintenance, right of way, access, encroachments, final project plans, and financial arrangements for the projects.

A. Urban Area Responsibilities

The urban area must design and build all projects on the urban roads system to NDDOT standards.

On the **Urban Roads** system, the urban area will complete all preliminary engineering and construction engineering for projects. The urban areas

are responsible for all phases of project development, including but not limited to:

- a. Consultant selection
- b. Conducting traffic studies
- c. Producing environmental documents
- d. Obtaining environmental clearances
- e. Public input process
- f. Designing projects
- g. Acquiring right of way
- h. Right of way certification
- i. Awarding and signing the contract
- j. Meeting all DBE requirements
- k. Doing construction engineering
- l. Funding payment for claims made against the contract
- m. Taking care of cost overruns (for items "k" and "l," it may be possible to use federal funds if the project has enough available obligational authority)
- n. Identify a project Responsible Charge

B. NDDOT Responsibilities

On the **Interstate** and **Regional** systems, NDDOT will be responsible for the preliminary engineering and construction engineering. There may be situations where NDDOT will use consultants or ask the urban area to complete the engineering on the **Regional** system.

On **Urban Roads** system projects that meet NDDOT and federal requirements, NDDOT will:

- a. Provide federal funds from the urban area's urban roads obligational authority, if requested to do so by the urban area (federal funds will be provided for project development only if the project results in a construction contract)
- b. Review the project at various stages in order to receive federal funds
- c. Review the urban area's consultant selection process to make sure NDDOT and federal requirements have been met

- d. Accept, for the purpose of receiving federal funds, an urban area's right of way certification, certification of meeting applicable design standards, DBE requirements, utilities certification, railroad certification etc.
- e. Conduct the bid opening
- f. Concur in the urban area's award of the contract
- g. Audit the urban area's records to make sure that federal requirements have been met
- h. At the request of the urban area, act as its agent in making payments to the contractor

Note: See also the following policy memorandums:

- Category II, Subject 8-1.1: "Non-Urban Area Program (state highways through cities under 5,000 population)"
- Category II, Subject 2-1: "Transportation Alternatives Program"

Grant Levi, P.E.
Director

Agency: North Dakota Department of Transportation
Division: Local Government
Group: Executive Office Policy Manual
Category: V-Roadways
Policy Number: V 6
Title: Small Rural Economic Development Program
Original Date: 08/11/2011
Revised Date: 06/07/2016
Review by Date: 04/15/2017

PURPOSE: The intent of the program is to provide assistance in upgrading the existing roadway and pavement infrastructure to new businesses. The program will allocate funding on an annual basis to counties to provide opportunities to improve roadways to new businesses.

POLICY: **1. General**

The Local Government Division will coordinate, develop and administer this program to provide roadway projects to counties that support economic development.

The annual amount of federal funding dedicated to this program shall be \$640,000. The annual allocation of a single project shall not exceed \$400,000. If the proposed project cost exceeds \$400,000, the Director may use two or more years' allocation to pay for the project. In most cases, costs shall include construction and construction engineering. If no viable projects are submitted during the fiscal year, the funds will lapse and not be carried over to the following year.

Before any preliminary engineering and bidding of a construction project, NDDOT and the county must agree in writing on preconstruction and construction responsibilities, maintenance, encroachments, final project plans, and financial arrangements for reimbursing NDDOT.

2. Program Eligibility

To be eligible, the road must be on the county major collector (CMC) system or be put on the CMC system before a project is constructed. It should be noted that FHWA has decision making authority on functional classification changes. Eligible activities include improvements to the roadway and surface.

3. Cost Participation

Projects will be constructed using federal aid funding. The counties will provide the required 19.07 percent match of eligible project costs. Any project items requested by the county, in addition to the level of

improvement NDDOT finds adequate for highway purposes, will be at the county's expense. The county will be required to provide 100 percent funding for items not eligible for federal aid such as water lines, sanitary sewer, and items that exceed reasonable road design specifications as determined by NDDOT.

Pavement surface material for the project to be constructed will generally be of similar type as the adjacent pavement surface material. If the county requests a different type of pavement surface, and NDDOT consents, the county will be responsible for the difference in cost between the two types of surfacing.

4. Maintenance

New agreements will be established. Counties will be responsible for all maintenance.

5. Project Submission

The Local Government Division will receive submission on an as needed basis from counties.

Submittals must include a scoping checklist which documents the current condition of the roadway, proposed limits of the project, proposed improvement, and estimated costs. Scoping checklists should be completed with assistance from the District Engineer.

The submissions must be developed with the appropriate NDDOT district office and counties must use and document a public input process with endorsement by the Board of County Commissioners.

6. Guidelines and Criteria

Projects will be evaluated by the Commerce Department and NDDOT. Project will be ranked according to the following criteria:

1. Amount of local investment in project
2. Number of jobs created
3. How the project fits in the county's economic development plan
4. History of investment by the county in other parts of the county
5. Economic Development consistent with State interest
6. Projected traffic volume

7. Estimated Cost

Other criteria may be considered in determining a project's request for funds.

Once a project is selected and approved by the Director it shall be incorporated into NDDOT's Statewide Transportation Improvement Program (STIP). Project scope change that occurs after agreement may cause the project funding to be shifted to a different year.

**GRANT LEVI, P.E.
DIRECTOR**

APPENDIX 5. PROJECT SCOPING WORKSHEET

PROJECT SCOPING WORKSHEET

DATE: _____

PRIORITY# _____

City: _____ Street: _____

County: _____ Length: _____

Proposed Improvement: _____

Cost Estimates Breakdown (in \$1,000)							
Alternate	PE	R/W	Utility	Constr.	Bridges	Misc.	Total

Present Road: Surface Width? _____ Surface Type? _____

On Street Parking Allowed? _____ Present: (No) One Side Both Sides Angle Parallel
 Proposed: (No) One Side Both Sides Angle Parallel

Proposed Improvements	
ADT Present: _____ Yr: _____	Travel Way Width : _____
ADT Design: _____ Design year _____	No. of Lanes: _____
Design Speed: _____	Roadway Width: _____
Maximum Curve: _____	Min. R/W Width: _____
Maximum Grade: _____	

Right of Way	
Will Additional ROW or easement be acquired? _____	ROW acquisition by: City DOT
Has any ROW easements been acquired since 7-1-72: _____	ROW Condemnation by: City DOT
Est. No. of occupied family dwelling to be displaced? _____	
Est. No. business to be displaced? _____	

Impacts	
Will there be any additional Impacts (Cultural and Environmental Resources): _____	
Will there be any impacts to 4(f) or 6(f) properties: _____	
Airports: _____	Public Hearings: _____
Environmental Classification (Cat-Ex, EA, EIS): _____	
Transportation Enhancements: _____	
Intermodal: _____	
Pedestrian Needs: _____	

Railroads Crossings						
RR Name	No. Xings	No. Tracks and Type of Crossing	Daily Train Movements	Train Speed	Present Protection	Proposed Protection

Purpose and Need Statement

The Purpose and Need Statement should address the following issues:

1. When was the current street section built. Has there been any additional maintenance to the street section.
2. How many driving lanes and turning lanes does the street section currently have and what is the widths of the driving and turning lanes.
3. What is the condition of the pavement section.
 - A. If the pavement section is asphalt, is there any alligator cracking, longitudinal cracking, transverse cracking, raveling, bituminous patching or rutting.
 - B. If the pavement section is concrete, is there any broken slabs, faulting, bituminous patching, joint spalling, transverse cracking, or longitudinal cracking.
4. How are the existing geometrics of the roadway?
5. Are there any access points to adjoining properties that present a special concern?
6. Are there any existing sidewalks or shared use path in place?

7. What is the condition of the existing storm sewer? Will any additional storm sewer work need to be done along with this project?
8. What is the condition of the city's water and sewer line? Will any work have to be done to the city's water and sewer lines along with this project?
9. Describe the existing lighting system currently in place? What type of standards and luminaires are currently being used?
10. What intersections currently have traffic signals? Are there any locations that have a high accident rate? Are additional turning lanes needed?

Remarks:

City Engineer: _____

Date: _____

District Engineer: _____

Date: _____

Note: *Please attach a map showing location and extent of the project.*

APPENDIX 6. LPA OR MPO PROJECT SUBMITTAL LIST

EXAMPLE PROJECT:

FISCAL YEAR	FUNDING CATEGORY	FUNCTIONAL CLASSIFICATION	INVESTMENT STRATEGY	TYPE OF WORK	PROJECT LOCATION	PROJECT COST				
						TOTAL	FEDERAL	STATE	LOCAL	NON-PARTICIPATING
2014	Secondary Regional	Minor Arterial	MaR	3" HBP Overlay	32nd Street from Avenue A to Avenue F	\$ 5,250,000	\$ 3,237,200	\$ 362,800	\$ 400,000	\$ 1,250,000

Column Instructions

A	Enter the Fiscal Year of the project.																		
B	<p>Select the appropriate Funding Category from the dropdown list. The different categories are represented below as:</p> <p>FUNDING CATEGORY</p> <ul style="list-style-type: none"> Bridge Interstate Primary Regional Secondary Regional Transportation Alternatives Urban Roads Program 																		
C	<p>Select the functional classification from the dropdown list. The available functional classifications are as follows:</p> <p>FUNCTIONAL CLASSIFICATION</p> <ul style="list-style-type: none"> Interstate Principal Arterial Minor Arterial Collector 																		
D	<p>Enter in the Investment Strategy as defined in the NDDOT Design Manual. A short description of each strategy is provided below for your reference.</p> <p>INVESTMENT STRATEGY</p> <table border="1"> <thead> <tr> <th>Abbreviation</th> <th>Strategy</th> <th>Examples</th> </tr> </thead> <tbody> <tr> <td>PM</td> <td>Preventive Maintenance</td> <td>Seal Coats, Micro-Surfacing, Pavement Patching, Milling and Asphalt Overlay 2" Maximum, Asphalt Overlay 2" Maximum, Concrete Pavement Repair, Dowel Bar Retrofit, Diamond Grinding, Rumble Strips, Pavement Marking, Signals, etc.</td> </tr> <tr> <td>MIR</td> <td>Minor Rehabilitation</td> <td>Asphalt Overlay up to 3", Mill & Overlay up to 3", Cold In-Place Recycling (CIR), Sliver Grading, Bridge Approach Repair, Bridge Rail Repair, Deck Overlay, Guardrail, etc.</td> </tr> <tr> <td>SI</td> <td>Structural Improvement</td> <td>White Topping Project, Crack and Seat or Break and Seat and HBP Overlay or an HBP Overlay in Excess of 3" and is designed based on an engineering analysis</td> </tr> <tr> <td>MaR</td> <td>Major Rehabilitation</td> <td>Mine and Blend and HBP, Full depth Reclamation, Major Concrete Pavement Repair (greater than 10% of the surface area per mile), etc.</td> </tr> <tr> <td>N/R</td> <td>New or Reconstruction</td> <td>Relocating an existing route on new alignment, or completely removing the old pavement structure and restoring the roadbed and surfacing, or major widening on an existing roadway.</td> </tr> </tbody> </table> <p><i>Please note: This list of example projects is not all inclusive, please reference the NDDOT Design Manual for more clarification or other examples. You may also visit with Local Government Division to determine the appropriate strategy.</i></p>	Abbreviation	Strategy	Examples	PM	Preventive Maintenance	Seal Coats, Micro-Surfacing, Pavement Patching, Milling and Asphalt Overlay 2" Maximum, Asphalt Overlay 2" Maximum, Concrete Pavement Repair, Dowel Bar Retrofit, Diamond Grinding, Rumble Strips, Pavement Marking, Signals, etc.	MIR	Minor Rehabilitation	Asphalt Overlay up to 3", Mill & Overlay up to 3", Cold In-Place Recycling (CIR), Sliver Grading, Bridge Approach Repair, Bridge Rail Repair, Deck Overlay, Guardrail, etc.	SI	Structural Improvement	White Topping Project, Crack and Seat or Break and Seat and HBP Overlay or an HBP Overlay in Excess of 3" and is designed based on an engineering analysis	MaR	Major Rehabilitation	Mine and Blend and HBP, Full depth Reclamation, Major Concrete Pavement Repair (greater than 10% of the surface area per mile), etc.	N/R	New or Reconstruction	Relocating an existing route on new alignment, or completely removing the old pavement structure and restoring the roadbed and surfacing, or major widening on an existing roadway.
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MaR	Major Rehabilitation	Mine and Blend and HBP, Full depth Reclamation, Major Concrete Pavement Repair (greater than 10% of the surface area per mile), etc.																	
N/R	New or Reconstruction	Relocating an existing route on new alignment, or completely removing the old pavement structure and restoring the roadbed and surfacing, or major widening on an existing roadway.																	
E	Use this box to provide the type of work as described above from the Investment Strategy example.																		
F	Enter the location of the project. Provide the name of the roadway with the logical termini intersecting streets. Please include highway numbers as applicable.																		
G	Enter the total cost of the project. The total cost needs to include the non-participating items.																		
H	Enter the Federal share for the project.																		
I	Enter the State share for the project, as applicable.																		
J	Enter the Local Share for the project, as applicable.																		
K	Enter the Non-participating costs as they relate to the project. Examples may include city utilities (water lines, sanitary sewer, etc.) or aesthetics inclusion on a project.																		

APPENDIX 7. MAINTENANCE CERTIFICATE FORMS

MAINTENANCE CERTIFICATION
COUNTY FEDERAL AID PROJECT
North Dakota Department of Transportation, Local Government
SFN 51026 (Rev. 06-2007)

All federal aid highway projects have been inspected and are being maintained in a good and safe condition for general public use. Maintenance is in accordance with the North Dakota Department of Transportation "Construction and Maintenance Agreements."

Approved as to form:

States Attorney (Type or print)
Signature

County of
Date

County Auditor (Type or print)
Signature

Chairman, Board of County Commissioners (Type or print)
Signature

Recommended for approval:

County Engineer/Highway Supervisor (Type or print)
Signature

**MAINTENANCE CERTIFICATION
URBAN FEDERAL AID PROJECT**
North Dakota Department of Transportation, Local Government
SFN 51027 (Rev. 06-2007)

All federal aid street projects have been inspected and are being maintained in a good and safe condition for general public use. Maintenance is in accordance with the North Dakota Department of Transportation "Cost Participation and Maintenance Agreements."

Approved as to form:

City Attorney (Type or print)
Signature

City of
Date

City Auditor (Type or print)
Signature

Mayor or President City Commission (Type or print)
Signature
Title

Recommended for approval:

City Engineer (Type or print)
Signature

APPENDIX 8. NDDOT PROJECT MANAGEMENT REVIEW

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

POST PROJECT MANAGEMENT REVIEW CHECKLIST		
Project No:	PCN:	Date of Review:
Location:		
LPA:		
Type of Work:		Bid Date:
Contract Completion Date:		
Responsible Charge:		
LPA Auditor:	Phone No.:	
Review Team: NDDOT/FHWA	LPA Representatives:	
	Consultant:	
Notes:		
Meeting Location:		

Federal funds authorized (NDDOT USE ONLY):

Preliminary Engineering	\$	Date:
Right of Way	\$	Date:
Construction	\$	Date:
-CE	\$	FMIS mod Date:
-Utilities	\$	

A. FUNDING PROCESS:

1. Under what funding program was this project?
2. Was this project included in the STIP? Yes No
3. Was this project federal share capped?
If Yes, \$ Yes No
4. Were all eligible claims for payments made on this project
by NDDOT? Yes No
5. What was the source of funds used as match on this project?

B. LPA PROJECT SELECTION PROCESS:

1. Was this project selected in a cooperative effort with the
NDDOT District Engineer? Yes No N/A
2. Was this project submitted through the MPO? Yes No N/A
3. Was this project submitted to the NDDOT Local
Government Division thru the annual solicitation submittal process?
 Yes No N/A
4. Was this project submitted on a Project Data Worksheet? Yes No N/A
5. Was a signed scoping report submitted? Yes No N/A

C. CONSULTANT SELECTION PROCESS:

1. Did the LPA hire an engineering consultant
firm for this project? Yes No N/A

a. If "Yes," what services were used?

	Preliminary Engineering
	Construction Engineering

2. Was federal aid used for engineering purposes? Yes No
If Yes
 - a. Was NDDOT Consultant Administration Services (CAS) Procedure
Manual followed? Yes No
 - b. Did NDDOT concur with the consultant
selection documentations submittal? Yes No N/A

3. Was an Engineering Services Agreement prepared and was it signed by all parties? Yes No

Date signed:

D. SOLICITATION OF VIEWS/PUBLIC INVOLVEMENT

1. Were appropriate agencies solicited for their comment on this project? Yes No

Date of letter:

2. Were all solicitation of views (SOV) responses included in the Environmental Document? Yes No N/A

3. Were specific questions or concerns addressed in the Environmental Document? Yes No N/A

4. Was public participation encouraged early in this project? Yes No

- a. If yes, what form was used?
 News Release
 Direct Mail
 Other _____

- Commission Meeting
 Citizen Advisory Groups

b. If no, explain:

5. Was a public meeting(s) held for this project? Input Info No N/A

Date held:

6. Did the project meet the criteria in NDDOT Design Manual Chapter II, Section 3.02.02 requiring an opportunity for a hearing? Yes No

a. If yes, what criteria were met?

<input type="checkbox"/>	Acquisition of significant additional right of way.
<input type="checkbox"/>	Substantial adverse impacts upon abutting property.
<input type="checkbox"/>	Substantial change in roadway geometry or function of connecting roadways or of the facility being improved.
<input type="checkbox"/>	Significant social, economic, environmental, or other impact.
<input type="checkbox"/>	Environmentally controversial.
<input type="checkbox"/>	Involves a bypass or significant change in traffic patterns.
<input type="checkbox"/>	Substantial interest in holding a Public Hearing
<input type="checkbox"/>	Another agency with jurisdiction over the actions has requested a Public Hearing.
<input type="checkbox"/>	FHWA determines that a Public Hearing is in the public interest.
<input type="checkbox"/>	

7. Was a public hearing conducted for this project? If no, skip to Section E. Yes No N/A
- a. Date held:
 b. Place held:
 c. Format used? Open House Formal
8. Were all hearing comments resolved? Yes No
9. Was the fifteen day response period provided for public comments? Yes No
10. Was a public hearing transcript prepared? Yes No
11. Was a "Summation of Public Hearing and Project Decisions" document prepared? Yes No
- a. If yes, was it signed by the proper officials? Yes No

E. ENVIRONMENTAL DOCUMENT & PROJECT FILE:

What level of documentation was identified for this project?

<input type="checkbox"/>	Class I	Environmental Impact Statement (EIS/ROD)	Date:
<input type="checkbox"/>	Class II	Programmatic or Documented CatEx (ECL/PCE/DCE)	Date:
<input type="checkbox"/>	Class III	Environmental Assessment (EA / FONSI)	Date:

1. Historical and Archaeological Preservation
- a. Was a Class III Survey completed for the project? Yes No N/A
- b. Did SHPO concur with the Effect Determination? Yes No N/A
1. If yes, what was the determination:
- | | |
|--------------------------|---------------------------------|
| <input type="checkbox"/> | No Historic Properties Affected |
| <input type="checkbox"/> | Adverse Effect |
| <input type="checkbox"/> | No Adverse Effect |
2. Section 4(f) Properties
- a. Were there any publically owned parks, publically owned recreation areas, wildlife or waterfowl refuges, or historic sites within or adjacent to the project area? Yes No N/A
1. If yes, were there any:
- a. Temporary Impacts Yes No N/A
- b. Permanent Impacts Yes No N/A
2. Was a 4(f) Evaluation Completed Yes No N/A
- a. If yes, list type:

3. **Section 6(f) Properties**
- a. Were there any properties purchased with Land and Water Conservation Act Funds within or adjacent to the project area? Yes No N/A
- If yes, were there any:
- a. Temporary Impacts Yes No N/A
- b. Permanent Impacts Yes No N/A
4. **Highway Traffic Noise**
- a. Was this a Type 1 project? Yes No
- If yes, was a Noise Report prepared for the project? Yes No
- Date:
5. **Threatened and Endangered Species**
1. Was the NDDOT Section 7 Table completed for the project? Yes No
2. Was FHWA Coordination Required? Yes No
3. Was a Biological Assessment Required? Yes No
6. **Bald & Golden Eagles**
- a. Did the project impact Bald or Golden Eagles pursuant to the Bald & Golden Eagle Protection Act? Yes No
7. **Clean Water Act**
- a. Did the project impact any wetlands that required mitigation? Yes No
- If yes, where was the mitigation completed:
8. Was a draft Environmental Document written for this project? Yes No
9. Were the following issues addressed in the Environmental Document?
- a. Purpose & Need Yes No N/A
- b. Existing Conditions Yes No N/A
- c. Proposed Improvements Yes No N/A
- d. Alternatives Yes No N/A
- e. Cost Estimates Yes No N/A
- f. Impacts Yes No N/A
- g. Comments & Coordination Yes No N/A
10. Was the draft Environmental Document submitted to the NDDOT for two-week review period? Yes No
11. Was the Environmental Document signed by the Mayor, LPA commission chairperson, or LPA engineer? Yes No
12. Was the final Environmental document submitted to NDDOT? Yes No
13. Was a summary of the local, state, and federal participating amounts included in the Environmental Document? Yes No

14. Does the Project File include the following significant information:

- | | | | | | | |
|---|--------------------------|-----|--------------------------|----|--------------------------|-----|
| a. Pavement design report | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| b. Linear soils report | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| c. Safety review | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| d. Bridge Preliminary Concept report | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| e. Traffic data and pavement condition | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| f. Roadway lighting and traffic operations report | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| g. Interstate access request | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| h. Right of way documentation | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| i. Utility coordination | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| j. Environmental documentation and permitting | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| k. Wetland delineation | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| l. Cultural resources | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| m. Cost Participation and Maintenance Agreement | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| n. Preliminary/Construction Engineering Agreement | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| o. Memorandums of Understanding | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| p. Day-to-Day Project Correspondence | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| q. Document Reviews and Comments | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |
| r. All Necessary Project Certifications | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A |

F. DESIGN STANDARDS

1. Roadway:

- a. What is the functional classification of the road?
- b. What project design life was used?
- c. What is the design speed?
- d. What is the posted speed?
- e. What is the road width?
- f. What are the lane widths? (do not include shoulder)

right
center
Left

- g. What is the shoulder width? _____ N/A
- h. Were the following geometric criteria designed according to the AASHTO "Green Book?"

1) Horizontal Alignment	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
2) Vertical Alignment	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
3) Grades	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
4) Stopping Sight Distance	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
5) Cross Slopes	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
6) Super-elevation	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
- i. Was a design exception completed? Yes No N/A

j. Is parking permitted? Yes No

1) If yes, what is the parking lane width?

k. What was the current ADT?

l. What was the 20-year projected ADT?

m. What ADT was used in the design?

n. What was the current ESAL value?

o. What was the 20 year projected ESAL value?

p. What ESAL value was used in the design?

q. What type of pavement was used?

2. Intersections:

a. Were all intersections designed to a Level of Service (LOS) "D" or better? Yes No N/A

b. How many at-grade intersections are there on the project?

c. How many grade-separated intersections are there on the project?

d. What truck size was used for design standard?

e. Were all intersections checked for sight distance? Yes No N/A

f. How many unsignalized intersections are there on the project?

g. How many signalized intersections are there on this project?

h. Are the signals on this project interconnected with other signals off the project or connected to the command center?

Yes No N/A

If yes, was the ITS checklist completed? Yes No

3. Bridge and Hydraulic:

a. Was there a bridge/structure within project limits? Yes No

If no, skip to section F.4.

- b. Were any improvements made to the bridge/structure? Yes No
- c. If yes, please answer the following:
- 1) What was the sufficiency rating?
 - 2) Was the structure structurally Deficient? Yes No
 - 3) Was the structure Functionally Obsolete? Yes No
 - 4) Was the structure Non-Deficient? Yes No
- d. Was the bridge replaced or rehabilitated?
- e. Was the NDDOT Local Government Division notified when the construction of the structure was completed ? Yes No
- f. Was there a hydraulic report written for this project? Date: Yes No N/A
- g. Was a TS & L held? Yes No N/A
- h. Was there a structure type study written for this project? Date: Yes No N/A
- i. Were the following geometric criteria designed according to the NDDOT Design Manual?
- 1) Horizontal Clearance Yes No
 - 2) Structural Capacity Yes No
 - 3) Vertical Clearance Yes No
 - 4) Bridge Width Yes No

4. Drainage:

- a. Was an estimation of runoff water made for the project drainage basin? Yes No
- b. What frequency was used for the design event? _____ N/A
- c. Was any oversizing prorated according to contributing Q's as describe in the NDDOT Design Manual Chapter V, Section 3D? Yes No

5. Bicycle & Pedestrian Facilities:

- a. Was a sidewalk included as part of the project? Yes No
- If Yes, does it comply with ADA requirements? Yes No
- b. Was a shared use path part of the project? Yes No
- If "Yes", does it comply with ADA requirements? Yes No

c. Were the following AASHTO Shared Use Path standards part of the design?

- 1)Curve Radius (R>74 ft) Yes No
- 2)Path Width (10 ft min) Yes No
- 3)Lateral Clearance (5 ft min) Yes No
- 4)Vertical Clearance (8 ft min, 10 ft desirable) Yes No
- 5)Grades (5% max) Yes No

6. Access Management:

- a. Does the LPA have a guideline concerning access control? Yes No N/A
- b. Whose guideline was used for this project?
 LPA NDDOT N/A

7. Traffic Control Devices & Lighting:

- a. Was signing designed to comply with the MUTCD? Yes No N/A
- b. What vertical clearance was used?
- c. Were sign supports designed using AASHTO design requirements? Yes No N/A
- d. Was pavement marking designed to comply with the MUTCD? Yes No N/A
- e. What type of material was used for pavement marking?
 Plastic Paint Epoxy
- f. Was lighting warranted? Yes No N/A
- g. What foot candle value was used for lighting?
- h. What uniformity ratio was used?

8. Cost Estimates:

- a. What was the STIP estimated cost? \$
- b. What was the cost estimate in the Environmental Document? \$
- c. Were unit prices and estimates comparable to other similar projects? Yes No

- d. What was the engineer's estimate? \$
- e. What was the lowest bid amount? \$

G. RIGHT OF WAY

- 1. What is the right of way width? ft.
- 2. Was additional right of way acquired? Yes No
 - a. If yes, who was responsible for right of way acquisition?
 - LPA state
- 3. Were appraisals completed? Yes No N/A

By whom?

 - a. If no, were Appraisal Notification & Waiver forms signed? Yes No
- 4. Were appraisals and Waiver forms reviewed? Yes No N/A

By whom?
- 5. Were negotiations completed? Yes No N/A

By whom?
- 6. Were property owner(s) afforded an opportunity to accompany the appraiser on an inspection of the property? Yes No N/A
- 7. Did the acquiring agency make a prompt offer to acquire the property for the full amount established? Yes No N/A
- 8. Was the proper owner or the designated representative given a written statement of, and summary of the basis for, the amount established as compensation? Yes No N/A
- 9. Did acquiring agency pay agreed purchase price, or deposit at least that amount with the court before taking possession of the property? Yes No N/A
- 10. Were there any encroachments on the project? Yes No
 - a. If yes, how many? _____
 - b. Were they removed? Yes No

By whom?
 - c. If not removed, explain why:

11. Were there any family or business relocations involved with the project? Yes No
12. If yes, how many?
Is relocation complete? Yes No
13. Did occupant have at least 90 days written notice before they were required to move? Yes No N/A

H. UTILITIES/RAILROAD

1. Were there any utility relocations on the project? Yes No
2. Are the utility agreements on file? Yes No N/A
3. Were any railroad crossings involved? Yes No
4. Are railroad agreements on file? Yes No N/A

I. PS&E

1. Who designed/developed the project?
2. Was a PS&E review held? Yes No
Date held:
3. Are review comments on file? Yes No
4. Were plans revised to address or incorporate review comments? Yes No
Date:

J. PERMITS

1. Was a 404 Permit required for this project? Yes No
a. If yes, date of permit:
2. Was a 408 Permit required for this project? Yes No
a. If yes, date of permit:
3. Was a flood plain permit required? Yes No
a. If yes, date of permit:
4. Was a Sovereign Lands Permit required? Yes No

a. If yes, date of permit:

5. Was a Storm Water Permit obtained for this project?

Date: _____ Yes No Who obtained the permit?

Has the permit been closed out with the ND Health Dept? Yes No

K. FINAL PLANS

1. Were NDDOT's current specifications/codes used? Yes No

2. Were Special Provisions complete? Yes No N/A

3. Were erosion control requirements included? Yes No

4. Were environmental commitments listed? Yes No N/A

5. Were Utility conflict plans prepared and submitted? Yes No N/A

6. Was Supplemental Design Data submitted? Yes No N/A

L. CERTIFICATIONS

1. Was a Design Certification letter written and sent to NDDOT? Yes No
Date:

2. Was a Utility Certification letter written and sent to NDDOT? Yes No
Date:

3. Was a Railroad Certification letter written and sent to NDDOT? Yes No
Date:

4. Was a Right of Way Certification letter written and sent to NDDOT? Yes No
Date:

5. Was a Responsible Charge Certification letter written and sent to NDDOT?
 Yes No N/A
Date:

COMMENTS:

APPENDIX 9. NDDOTs RESPONSIBILITIES FOR LPA PROJECTS

MEMO TO: Grant Levi, P.E.
Director

Ron Henke, P.E.
Deputy Director for Engineering

FROM: Steve Salwei, P.E. /s/
Office of Transportation Programs

DATE: August 10, 2016

SUBJECT: NDDOT's Responsibilities on Local Public Agency (LPA) Projects

The Local Government Division is in the process of updating their operations manual. The existing manual contained a document outlining major responsibilities for the Districts and Divisions on LPA projects. The responsibilities identified in this document are not meant to be all inclusive as program areas and processes within the Department change over time.

This document has been updated and is attached for your review. Your concurrence in the responsibilities as outlined is requested.

38/blf/sas
Attachment

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
DIVISION AND DISTRICT RESPONSIBILITIES ON
LOCAL PUBLIC AGENCY (LPA) PROJECTS AND PROGRAMS**

DISTRICTS

- Attend T.S.&L., P.S.&E., and field reviews for federal-aid projects. The LPA's Responsible Charge or engineer will write and distribute the reports.
- Attend public meetings
- Attend pre-construction meeting
- Ensure that all county and urban bridges are inspected per the National Bridge Inspection Standards
- Be a resource for questions on construction engineering on LPA federal-aid projects
- Approve change orders according to the Construction Records Manual
- Administer progressive estimates pursuant to the Construction and Maintenance Agreement
- Attend the final inspection and acceptance of LPA federal-aid projects. The Materials Coordinator will review the Materials tests/certifications, etc. The DE or ADE will write the combined Material and Project Acceptance letter. The LPA's Responsible Charge or engineer will write the project completion letter.
- Perform bridge inspections on structure projects within 180 days of being constructed, rehabilitated, or repaired
- Perform a staffing analysis on construction engineering hours (when federal aid is used) for projects done by consultants and send the information to the Local Government Division (LGD)
- Perform consultant reviews to ensure the construction engineering was done in accordance with the Construction Records Manual and the work was properly recorded
- Ensure environmental commitments in the plans are completed or adhered to
- Participate in the consultant selection for LPA projects utilizing federal-aid for engineering services affecting the State Highway System, when requested by LGD
- Review maintenance agreements affecting the State Highway System
- Participate in federally funded planning efforts with LPAs located within their District
- Review and comment on LPA/MPO planning documents affecting the State Highway System
- Respond to questions from the LPA related to access and right of way management
- Do required independence assurance materials testing

CIVIL RIGHTS DIVISION

- Provide guidance and information regarding civil rights and the NDDOT's Disadvantaged Business Enterprise (DBE) Affirmative Action Plan
- Maintain a list of minority contractors and consulting engineers and furnish to LPAs upon request by LGD
- Establish DBE participation on LPA federal-aid projects

- Review LPA projects after the bid opening to determine if DBE goals were met
- Administer Title VI in accordance with FHWA and FTA requirements
- Assist Transit (LGD) with DBE goal setting
- Provide guidance on Davis-Bacon and Related Act (“DBRA”) including preparing wage decisions for proposals, assisting with conformance (if necessary), and providing general guidance on DBRA issues to all parties
- Take DBRA complaints, if an employee on a DBRA project wishes to file. Investigate and provide guidance for complaints. Handle any issues which arise, including requests that funds be withheld from contractor payments.
- Provide oversight of EEO requirements, including the regular audit and review of the contract compliance activities of contractors as they relate to EEO/AA requirements and responsibilities. Civil Rights Division will review at least one and typically two projects by city or county subrecipients each construction season.

BRIDGE DIVISION

- Review and comment on Hydraulic Analysis Structure Selection Reports for LPA federal-aid projects for adequacy of design assumptions, when requested by LGD
- Review LPA bridge plans that affect the National Highway System or State Highway System
- Provide review comments to the District and Local Government Engineer on T.S.&L. inspection reports
- Maintain and periodically update the inventory of LPA bridges
- Provide technical assistance, upon request by LGD, to the LPA and consulting engineers in hydraulic or structural design
- Provide inventory data upon request from LGD. This would include an annual listing of all LPA structures eligible for the Bridge Replacement Program, Alert Code 3s, Load Posting, and Scour & Channel profiles.
- Secure agreements with railroads on underpass and overhead structures, when requested by LGD
- Review and comment on LPA/MPO planning documents affecting the State Highway System, when requested by LGD

CONSTRUCTION SERVICES DIVISION

- Administer the bid opening for LPA projects
- Review LPA/consultants completion dates and/or maximum working days
- Process all final project records or other documents in order to process payments in accordance with the cost participation and maintenance agreement. Any incomplete records/documentation will be sent back to the LPA Responsible Charge or engineer for resolution. Final project records will be returned to the LPA.
- When requested by LGD, provide technical assistance to the LPA or consulting engineer through the Construction Engineering Review Team (CERT)

PLANNING/ASSET MANAGEMENT DIVISION

- Provide current and projected traffic volume and ESAL loading information
- Provide regional and urban traffic counts with turning movements, when requested by LGD
- Review and maintain the LPA Functional Classification System maps, logs, and records
- Provide technical assistance to LPA or consulting engineers for traffic data collection, when requested by LGD
- Provide technical assistance for pavement management, when requested by LGD
- Secure funding and construction agreements for local rail crossing safety improvement projects that require a local match
- Provide technical assistance on planning projects or studies conducted by LPAs that are administered by the NDDOT
- Review and comment on LPA/MPO planning documents affecting the State Highway System, when requested by LGD

PROGRAMMING DIVISION

- Provide guidance on traffic control devices and warranting, when requested by LGD
- Review level-of-service analysis performed by LPA and consultants, when requested by LGD
- Coordinate bid opening activities with FHWA and NDDOT divisions. Prepare project funding authorization requests for approval by FHWA.
- Provide base cost data (historical) for use in estimating project costs
- Provide the amount of federal funds that are remaining for LPAs' use to assist Local Government in monitoring program requirements
- Provide guidance and coordination on MPO TIP development into the STIP
- Review and comment on LPA/MPO planning documents affecting the State Highway System, when requested by LGD
- Request authorization of federal funds from FHWA for LPA/MPO projects and studies as necessary

DESIGN DIVISION

- Review LPA roadway plans that affect the National Highway System or State Highway System
- Provide technical assistance to LPA or consulting engineers on design criteria, standards, uniform signing and marking, or other details, when requested by LGD
- Provide resources for project development including Standard Drawings, Standard Plan Drawings, Design Manual, CADD Manual, and Utility Manual
- Review and comment on LPA/MPO planning documents affecting the State Highway System, when requested by LGD
- Maintain milestone activities for projects on the State Highway System

ENVIRONMENTAL AND TRANSPORTATION SERVICES DIVISION

- Provide technical assistance on LPA projects which impact or may impact cultural or natural resources, when requested by LGD
- Review and approve the LPAs' right of way processes, making recommendations where necessary, when requested by LGD
- Provide relocation assistance, if needed
- Provide special provisions or supplemental specifications
- Coordinate Tribal Employment Rights Ordinance (TERO) activities as requested
- Review and comment on LPA/MPO planning documents affecting the State Highway System, when requested by LGD

INFORMATION TECHNOLOGY DIVISION

- Assemble and distribute bid proposals and plans, as requested by LGD
- Maintain plan files or originals, prints, or microfilm

MAINTENANCE DIVISION

- Provide information on sign layouts, when requested by LGD
- Review and comment on LPA/MPO planning documents affecting the State Highway System, when requested by LGD
- Provide ITS guidance as required

FINANCIAL MANAGEMENT DIVISION

- Voucher the Federal Highway Administration and LPAs for project costs

AUDIT SERVICES DIVISION

- Audit consulting engineers overhead rates
- Audit project engineering costs on a random basis
- Review LPAs', Metropolitan Planning Organizations' (MPOs), and Transit Providers' audits, when requested by LGD

MATERIALS AND RESEARCH DIVISION

- Provide technical assistance, upon request by LGD, to LPA and consultant engineers
- Provide pavement thickness designs, linear soils report, etc., on the regional system

SAFETY DIVISION

- Provide the opportunity to apply for behavioral safety grants through National Highway Traffic Safety Administration (NHTSA) funds for enforcement or education/outreach activities as eligible

LOCAL GOVERNMENT DIVISION

- Point of contact for LPAs, MPOs, and Consultants

County and Special Programs

- Develop annual program of projects
- Review environmental documents
- Process environmental clearances
- Provide location and design approval
- Review plans for format and content
- Ensure P.S.&E. and T.S.&L. occur
- Coordinate P.S.&E. plan comment distribution between LPA, District, and other Divisions, as necessary
- Review Engineer's Estimate
- Prepare Bidders Proposal
- Submit completed plans, estimates, and proposals to Programming Division
- Prepare construction and maintenance agreements
- Prepare maintenance and non-encroachment agreements
- Submit LPA federal-aid functional classification revisions to FHWA for approval
- Administer the Emergency Relief (ER) Program for the Department
- Coordinate bridge inventory information (county and city)
- Track status of county funds
- Administer the Transportation Alternatives (TA) Program
- Coordinate county ER project development
- Administer the Special Road Fund (SRF) Program
- LTAP Advisory Board
- Federal Lands Access Program (FLAP)
- Scenic Byways
- Small Rural Economic Development (SRED) Program
- Coordinate Local Road Safety Program (LRSP)
- Conduct joint Project Management Reviews (PMR) with FHWA of completed projects
- Coordinate and perform Title VI subrecipient monitoring, auditing, guidance, and training
- State funding
- Administer the Historic Bridge Program
- Prepare consultant engineering agreements, as necessary
- Respond to questions from the LPA related to access and right of way management

Urban Programs

- Coordinate urban planning studies for cities
- Develop annual program of urban projects
- Review environmental documents
- Process environmental clearance
- Provide location and design approval
- Review plans for format and content
- Ensure P.S.&E. and T.S.&L. occur
- Coordinate P.S.&E. plan comment distribution between LPA, District, and other Divisions, as necessary
- Review Engineer's Estimate
- Prepare Bidders Proposal
- Submit completed plans, estimates, and proposals to Programming Division
- Prepare cost participation and maintenance agreement for urban roads and urban regional projects
- Track status of urban funds
- Conduct joint Project Management Reviews (PMR) with FHWA of completed projects
- Submit LPA federal-aid functional classification revisions to FHWA for approval
- Coordinate and perform Title VI subrecipient monitoring, auditing, guidance, and training
- Administer the North Dakota Small Town Revitalization Endeavor for Enhancing Transportation (NDSTREET) Program
- Prepare consultant engineering agreements, as necessary
- Respond to questions from the LPA related to access and right of way management
- Coordinate MPO involvement
 - Review and approve annual Unified Planning Work Programs (UPWP)
 - Write biennial UPWP contracts for each MPO
 - Allocate FHWA and FTA planning funds to each MPO annually
 - Attend TAC and TTC monthly meetings to monitor progress and ensure UPWP projects are technically sound
 - Approve changes to UPWP
 - Monitor and coordinate MPO federal and state funding budgets
 - Review and summarize quarterly progress for each MPO
 - Assist in development of MPO transportation plans
 - Assist in TIP development for each MPO and coordinate with STIP development
 - Chair MPO mid-year reviews which involve MNDOT, FHWA, and FTA
 - Coordinate, in conjunction with MPO Executive Directors, bi-annual Directors Meetings
 - Participate in all study-related steering committees for MPO projects
 - Act as the liaison between the MPOs and FHWA/FTA

Transit Program

- Administer and/or oversee the following public transit programs:
 - Oversee Fed. Section 5307, Urban Transit Support. Also review transit projects listed in local TIPs.
 - Administer Fed. Section 5310, Elderly and Disabled Transit Grants
 - Administer Fed. Section 5311, Rural Transit Support Grants, RTAP, Training, and Technical Assistance Grants
 - Administer Fed. Section 5339, Bus and Bus Facilities Grants
 - Administer State Aid for Public Transit Grant Program
- Manage contract transit studies
- Conduct compliance reviews, facility, and vehicle inspections
- Include all annual transit projects/funding in Department's annual STIP
- Coordinate and oversee FTA required programs, Drug & Alcohol, Title VI Subrecipient Monitoring and Auditing, Limited English Proficiency (LEP), Maintenance Plans, Transit Asset Management (TAM), Transit Disadvantage Business Enterprise Program (DBE), and Procurement.

Recommendation:

Do you concur with the responsibilities as outlined for each division on LPA projects as written?

Yes X No _____

Comments: _____

Ronald Henke /s/ 8/11/16
Ronald J. Henke, P.E., Deputy Director for Engineering Date

DECISION:

Do you concur with the responsibilities as outlined for each division on LPA projects as written?

Yes X No _____

Comments: _____

Grant Levi /s/ 8/12/16
Grant Levi, P.E., Director Date

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F:\Local Gov Div\Local Government Manual Re-write\NDDOT Responsibilities on LPA Projects.docx

APPENDIX 10. PROJECT DEVELOPMENT FLOWCHART

PROJECT DEVELOPEMENT FLOWCHART

