

TEA-21 Enhancement  
Application How-To-  
Manual

**August 7, 2001**



Richmond Regional Planning District Commission  
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### **Acknowledgement**

Prepared in cooperation with the U.S. Department of Transportation, Federal Highway Administration and the Virginia Department of Transportation.

### **Disclaimer**

The contents of this document reflect the views of the Richmond Regional Planning District Commission. The Commission is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the Federal Highway Administration (FHWA) or the Virginia Department of Transportation (VDOT). This report does not constitute a standard, specification, or regulation.

FHWA or VDOT acceptance of this document as evidence of fulfillment of the objectives of the rural transportation planning program does not constitute endorsement/approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental impact assessments and/or studies of alternatives may be necessary.

# Richmond Regional Planning District Commission

Planning district commissions make government more efficient and effective through coordinated planning and program analysis. Virginia's General Assembly created planning districts in 1968 under the authority of the *Virginia Area Development Act* - revised as the *Regional Cooperation Act* in 1995 - "to promote orderly and efficient development of the physical, social and economic elements of the districts." Through planning district commissions, now 21 in number, local governments solve mutual problems which cross boundary lines and obtain expertise from professional staffs and advice on making the most of scarce taxpayer dollars through intergovernmental cooperation.

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## **Introduction**

This manual was prepared by the staff of the Richmond Regional Planning District Commission for the rural localities of the Richmond region (Charles City County, Goochland County, New Kent County, and Powhatan County) and was financed through the Rural Transportation Planning Program, sponsored by the Virginia Department of Transportation (VDOT) through the Federal Highway Administration (FHWA). The purpose of this manual is to provide guidance for the region's rural localities on "How-To" manage a TEA-21 enhancement grant. While this document is based on a manual written by VDOT, it will be tailored specifically to the Richmond region's rural localities. Also, this manual will attempt to provide a comprehensive step-by-step process on administering enhancement grants.

TEA-21 builds on the initiatives established in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). TEA-21 combines the continuation and improvement of current programs with new initiatives to improve safety, enhance communities and the natural environment. Transportation enhancement activities are funded through a ten percent set aside from Surface Transportation Program (STP) Funds. In order to maximize the use of available funding, TEA-21 provides financing alternatives for meeting matching requirements. The list of activities eligible for enhancement funds is numerous, but all projects must relate to surface transportation. Eligible activities include: bicycle and pedestrian facilities, safety and education programs, scenic easements, landscaping or beautification, historic preservation, rehabilitation of transportation buildings, preservation of abandoned rail corridors, pollution mitigation, transportation museums, control of outdoor advertising and archeological planning and research.

## Enhancement Application

The first step in a transportation enhancement project is the application itself. The application is comprised of the main form and four attachments, A through D. A copy of the application and attachments A through D are located in Appendix A of this document and also at the VDOT website, <http://www.extranet.vdot.state.va.us/forms/>. Application items are straight forward and understandable. VDOT prefers that applicants use the spaces provided on the forms to describe the project, thus eliminating additional work for the applicant and reviewer. Five copies of the completed application package must be mailed to VDOT at the address provided on the application form.

### Application Items

A description of the information required for the application follows:

- A. Indicate applicant group or agency, include name and address.
- B. List those responsible for the project, including project manager. Indicate title, phone, fax and email. This should be the primary contact for the project.
- C. Check which categories the project falls under. The more categories, the higher score the project receives. Attachment A, described on the following page, is used to further describe the project.
- D. Provide project title, location and description. Additional materials indicating the development of the project and current studies or reports can be included with the application. This information should show how this project is related to the community, its progress and importance.
- E. State date of public hearing and attach a copy of the public notice.
- F. Indicate community support, community involvement and endorsements as well as local government endorsements, MPO resolution and endorsements from civic organizations. Attach all copies of resolutions and endorsements.
- G. Indicate who will maintain or own the project.
- H. State dates for beginning design, construction or implementation and estimated completion. This schedule should not exceed one year.
- I. Detail cost estimates. Show the amount of federal funds requested and applicant match, with a minimum twenty percent match. Match status must be detailed from every source, and if the source is confirmed or anticipated, and the amount. Detail the cost breakdown including preliminary engineering and design, right-of-way land acquisition, utility relocation and final construction or implementation, making sure to incorporate cost of environmental reviews and VDOT oversight. Finally, if only partial funding is provided indicate if the project can be completed in phases. VDOT is more likely to fund a project in multiple phases than in a single phase. This allows VDOT to distribute funding to more projects. Attach a description of the phasing. See Attachment B if there are previous grant awards for this project.

- J. Describe any in-kind match proposed through the match requirement.
- K. Detail selection criteria, see Attachment C in appendix A of this report.
- L. Signature of responsible person and date. This is usually the chief local government official, such as the county administrator.

## **Attachment A of Application**

Attachment A provides a check list of the enhancement categories, and eligible and non-eligible activities. Oftentimes, a single project will easily have four eligible categories. Also, the project will receive a higher score for more eligible activities included. It is important that the project not include any non-eligible activities. The eligible categories as defined by federal legislation and VDOT are as follows:

1. Bicycle and Pedestrian Facilities – This category includes projects for bicyclists and pedestrians in addition to safety. This includes activities that enhance the transportation system through aesthetic routing or design or improving existing facilities to make them more useable. Projects must relate to the transportation function, not solely recreational. Activities are not eligible where they are conducted as an incidental part of new transportation projects. This includes sidewalks, wide curb lanes, required curb ramps, and paved shoulders.
2. Bicycle and Pedestrian Safety and Educational Activities – This category includes the development of educational programs and materials that address pedestrian and bicyclist safety. Eligible activities may include educational classes including pamphlets and handouts or informational signage along a pedestrian or bicycle trail. Funds may not be used to develop programs that are normally the responsibility of the local jurisdiction, such as police bike patrols.
3. Scenic Easements and Scenic or Historic Sites – Activities in this category include the purchase, donation, transfer or trade of lands that contain aesthetic, historic, natural visual, or open space value that enhances the transportation experience. This includes properties listed on the National Register of Historic Places. Funds used in historic areas require the applicant to enforce and preserve the scenic and historic values. Funds may also be used for planning and transaction fees, such as appraisals, surveys, and legal costs incurred in the transaction. Funds may not be used for access roads to historic sites, land acquisition that allows development to degrade the scenic character, and land purchased to protect an internal viewshed.
4. Scenic or Historic Highway Program – This category includes the protection and enhancement of federal or state designated scenic or historic highways. Funds are used to protect and enhance the scenic, historical, cultural, and natural qualities of an existing highway, adjacent area or for planning and development of new state scenic byway programs. Virginia Byways must meet standards of aesthetic or cultural value and lead to or are within areas of historical, natural or recreational significance. Eligible activities do not include construction of rest areas, additional lanes or new highways, nor does it include staffing and maintaining tourist welcome centers.

5. Landscaping or Other Scenic Beautification – Eligible activities include landscape planning, design and contraction projects to enhance the aesthetic or natural resources along transportation routes, points of access and adjacent lands. Examples of projects include entryway plantings, reintroducing native species, retrofitting noise barriers with landscaping, roadside viewing areas or overlooks, and aesthetic bridge enhancements. Funds may not be used for routine maintenance, such as grass cutting, tree cutting, constriction of noise barriers or drainage improvements.
6. Historic Preservation – projects within this category will enhance transportation by allowing the public to appreciate the historic significance of the project area. Projects must relate to the transportation system, those that do not are not eligible. Funds may be used for identification, documentation, interpretation, restoration or stabilization of historic structures or landscapes. Examples include restoring historic buildings to serve as a multimodal center and interpretation of Native American or historic archaeological sites. Ineligible projects include replicas of historic buildings, creation of a non-transportation museum, routine maintenance, and restoration of buildings not related to transportation.
7. Rehabilitation and Operation of Historic Transportation Buildings, Structures, or Facilities – Historic transportation buildings and structures are defined as associated with the operation of passenger and freight use, or construction of any transportation mode where the structure is listed on the National Register of Historic Places or is a contributor of a nation, state or local historic district. Structures include tunnels, bridges, trestles, embankments, rails, canals, tow paths and locks, rail stations, taverns and other manmade transportation facilities. The rehabilitation process returns the area to a state, which allows a contemporary use while preserving historic features. Operational processes provide access and service related to the continuation of a contemporary use consistent with the historic character of the structure and is open to the general public on a not-for-profit basis.
8. Preservation of Abandoned Railway Corridor – Activities in this category include the planning, acquisition, rehabilitation and development of railway corridors for public uses without charge. Rail corridors are defined as those in which fixed rail tracks exist or have existed in the past. Abandoned rail corridors are those authorized for abandonment by the Interstate Commerce Commission or those that are pending before the ICC. Funds may not be used for rail preservation.
9. Control and Removal of Outdoor Advertising – Funds in this category are used to remove existing signs and displays. Acquisition must be acquired through the appropriate legal process basing payment on appraisal. Priority is given to the removal of outdoor signs in conjunction with other transportation enhancement activities. Additional eligible activities include the inventory of nonconforming outdoor signs. Billboards listed in VDOT's current billboard removal program are not eligible.
10. Archaeological Planning and Research – This category includes projects in archaeological site preservation and interpretation, planning to improve identification, evaluation and treatment of sites, problem solving using data from transportation related archaeological projects, and development of research designs to guide future research. All projects must be on sites eligible for transportation enhancement funds. Non-transportation related excavations, data entry into GIS or the construction of museums are not eligible.

11. Mitigation of Pollution due to Highway Run-off and Wildlife Protection – Facilities and programs to minimize pollution from stormwater runoff from transportation facilities in addition to current requirements are eligible under this category. This category also covers facilities that would minimize vehicle and wildlife encounters. Acquisition of land without completed plans and fund commitments and projects that do not maintain wildlife habitat connectivity are not eligible.
12. Establish Transportation Museums – This category includes the establishment of transportation related museums and the purchase and construction of a facility, and additions to existing transportation museums. Several requirements are as follows: the museum must;
  1. be a legally organized not-for-profit institution or government entity or a part of;
  2. be educational in nature;
  3. have a formally stated mission;
  4. have one full-time paid professional staff member with museum experience and is given the authority and financial resources sufficient to operate the museum;
  5. present regularly scheduled programs and exhibits that use and interpret objects for the public;
  6. have a formal and appropriate program of documentation, care and use of collections and objects;
  7. have a formal program of presentations and maintenance of exhibits.Activities not eligible include the establishment of aviation museums, purchase of land or building beyond what is needed for the museum, operation costs and maintenance.

## **Attachment B of Application**

Attachment B should only be completed if previous enhancement grants were awarded for this project. A breakdown of items includes:

- A. Indicate applicant group or agency, include name and address.
- B. Detail cost estimates, including all previous awards and phases. Show the amount of federal funds awarded and applicant match.
- C. Detail the cost breakdown, including all previous awards and phases, preliminary engineering and design, right-of-way land acquisition, utility relocation and final construction or implementation.
- D. Indicate previous enhancement awards by year.

## **Attachment C of Application**

Attachment C requires additional detailed information about the relation of the project to the twelve evaluation criteria. Space is provided in the application. VDOT prefers criteria evaluations to be contained in the space provided, only if it absolutely necessary the applicant may attach additional sheets to explain the criteria. The answers to these criteria is used to score the project. It is important that each item succinctly addressed. Evaluation criteria are as follows:

- A. Relationship of the project to surface transportation
- B. Inclusion in a State/Regional/Local Plan
- C. Demonstrable Need/Community Improvement (benefits of the project)

- D. Community Support/Public Involvement
- E. Public Accessibility – including ADA compliance
- F. Compatibility with Adjacent Land Use
- G. Public/Private Venture
- H. Environmental/Ecological/Air Quality Benefit
- I. Significant Aesthetic Value Achieved
- J. Impact on Community Economy and Tourism
- K. Educational Impact
- L. Safety Impact
- M. Originality and Number of Enhancement Categories
- N. Historical Value
- O. Strategy for Upkeep and Maintenance
- P. Relationship to a Previously Funded Project

## **Project Management**

Once the project is approved the CTB, the project management phase begins. Before any construction or on-site work can begin the applicant must attain the necessary agreements, preliminary engineering, public hearings, right-of-way acquisition, and compose proper billing procedures. This next section will detail each of these steps.

### **Project Administration Agreement**

The Project Administration Agreement is a legal document that binds the local government and VDOT to detailed funding and execution processes of the project. In addition to the formal agreement are two attachments that outline state and federal standards and specifics of the project. Attachment A of the agreement contains language and an overview of the following: Virginia Fair Employment Contracting Act, Non-Discrimination Provision, Title VI of the Civil Rights Act of 1964, Certification regarding Non-Segregated Facilities, Disadvantaged Business Enterprises, and TDD/TYY Equipment for the Deaf. Attachment B of the agreement includes a detailed scope of work, payment schedule, and project schedule. A copy of the Project Administration Agreement and the supporting attachments are included in Appendix B of this document. The Project Administration Agreement process is as follows:

- Review and approval by project sponsor
- Signature of all copies of the agreement by project sponsor
- Return of all copies to VDOT
- Signature by Commissioner
- Return of one copy of the agreement to the project sponsor with notice to proceed on preliminary engineering activities

The Project Administration Agreement must be completed and signed prior to funds becoming available for reimbursement. The local government or state agency that endorsed the project will execute the Agreement. It is possible for a project sponsor such as a nonprofit organization to actually administer the project, but this decision is left up to the locality. A non-profit agency cannot act as the fiscal agent for a project. This makes the local government resolution of support required for the application.

### **Preliminary Engineering Activities**

Once the Project Agreement is signed, the project recipient will be notified to begin the preliminary engineering (PE) activities. Preliminary engineering activities follow the following procedure:

- Submit roadside or trail plans for initial review at approx. 70% complete
- Submit plans for review of structural improvements at close to 100%

- After this review, make all necessary revisions and resubmit with all documents necessary to secure the Authorization to advertise
- After receiving written authorization from VDOT, proceed with advertisement and selection of lowest bidder
- Submit necessary items to VDOT for CTB approval of selected bidder
- After written authorization from VDOT, advise contractor to proceed with construction

The following activities detail each phase of the project:

### **Environmental Document**

Since the Enhancement Program is a federally funded program, the approval of an environmental document is required on all projects. Recently there has been funding set aside to assist the project sponsors with the cost of preparing this document. Any charges involved with the actual requirements of the document are legitimate and reimbursable. The document must cover all of the area or length included in the project. See Appendix C for a flowchart of activity and examples of necessary environmental documents.

### **Consultant Services Contract**

If the design of your project is to be completed by a consultant, then the selection of the consultant must follow the requirements of the Brooks Act. The Brooks Act requires a hiring agency to select consultant services for engineering and design upon a qualifications-based procedure.

It is possible to continue the use of an on-board consultant provided that consultant's selection was initially based on a qualifications-based selection process, and VDOT approves the process. Appendix D contains excerpts from the VDOT Manual on Procurement of Consultant Services to provide an overview of the process that VDOT recommends. All consultant contracts must undergo a pre-award audit by VDOT's Fiscal Division prior to signing. This audit typically takes up to three weeks.

### **Plan Design**

Plan design may be completed in-house (using payroll employees) and the sponsor may be reimbursed for this work. All trail, roadside or bridge projects will be reviewed by VDOT and must meet VDOT design standards. For buildings, Virginia's Department of General Services and/or Department of Historic Resources will also review the plan.

Trail and roadside projects should be submitted for initial review when the plans are approximately 70% complete. Plans involving buildings should not be submitted until they are close to 100% complete. Be sure to include a title page with signature blocks for the Assistant Commissioner - Finance, the Chief Engineer and the State Location and Design Engineer. The title page should also include the project name, project number and description. When the plans are ready for review, they should be submitted to either the Programming and Scheduling Division or Urban Division.

### **Public Hearing**

An additional Public Hearing or the posting of a willingness to hold a Public Hearing may be required for the project.

## **Right of Way Activities - Acquisition of Property and Buildings, Adjustment of Utilities, Negotiations with Railroads**

Transportation enhancement funds may be used to acquire property on an approved project. The acquisition of real property must be accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act),as amended. A copy of the uniform Act is included in Appendix E of this document. Negotiations with utility owners for the relocation of services should also occur during the right of way phase of your project. Condemnation or the use of eminent domain is not a course of action recommended by VDOT for use in the enhancement program. If funds from the enhancement program are being used to, purchase right of way or donations of land are to be used as match then contact your District right-of-way Manager before proceeding with the acquisition.

Some basic steps that will be followed in the right-of-way process and prior to taking title to the property are:

1. A qualified appraiser will establish the fair market value of a property in a format acceptable to the local District right-of-way Manager. This covers all property, even those that will be secured by donation.
2. The initiation of negotiations with the landowners should not occur until after the appraisal has been approved.
3. If the property acquisition will result in reimbursement through the enhancement program, than a right-of-way authorization and written notice to proceed from VDOT is necessary. Check with the local District right-of-way Manager for the particulars needed, but in general the following will be required: a.) approved environmental document b.) plat of property showing acquisition area c.) estimated cost of needed right of way. Any right-of-way transfers or construction performed prior to environmental approval cannot be reimbursed.
4. A right-of-way certification will need to be furnished to VDOT's Construction Division prior to project advertisement for bids. An example copy of the right of way certification letter is included in Appendix F.

Procedures for a right-of-way Certification prior to advertisement:

1. The project sponsor will provide the status of the enhancement project to the Residency office. Status should include right-of-way boundary, utility location and/or relocation, hazardous materials contamination information and railroad involvement, if any. If the right-of-way has been acquired or donated for this project, a copy of the deed or agreement covering the acquisition should be included in the correspondence.
2. The residency forwards the above information to the District right-of-way and Utilities Manager, and requests a letter of certification.
3. District right-of-way and Utilities Manager reviews the submission and if acceptable, submits the information to the State right-of-way and Utilities Manager requesting that a right-of-way Certificate be issued.

4. Upon approval by the State right-of-way and Utilities Manager, the Central Office right-of-way and Utilities Division will prepare and release the certification to the Construction Division.

## **Billing Procedures**

Once your project is under agreement, billing for allowable expenses can begin. Reimbursement for expenses can be done on a monthly basis and the following procedure should be followed:

- Consultant or contractor will bill the project sponsor
- The sponsor will pay the bill. The sponsor will submit to the local VDOT Residency office a request for reimbursement, along with copies of the bill and an explanation of match used. VDOT residency offices are as follows: Charles City, New Kent: Sandston residency, P.O. Box 219, Sandston, VA 23150-0219, 804-328-3044; Goochland: Ashland residency, 523 N. Washington Hwy, Ashland, VA 23005, 804-752-5511; Powhatan: Chesterfield residency, 330 Speeks Drive, Midlothian, VA 23122, 804-674-2800.
- The local residency will prepare the necessary invoice and submit this and the other correspondence to the appropriate Richmond Central Office for review and approval
- The Central Office Fiscal Division will process the invoice and send reimbursement to the project's fiscal agent
- The VDOT Central Office will process bills within 30 days of receipt

## **Construction Activities**

VDOT review and approval of the project plans, specifications and cost estimate must be completed prior to the project being advertised for construction. This review may take up to several weeks. Providing completed documents greatly reduces the amount of time needed to review the project. A checklist in Appendix G lists these items. Once the project is approved, VDOT will issue an "authorization to advertise" at that point, the project may be bid. The bid process is as follows:

- Submit roadside or trail plans for initial review at approx. 70% complete
- Submit plans for review of structural improvements at close to 100%
- After this review, make all necessary revisions and resubmit with all documents necessary to secure the Authorization to advertise (see page S and construction checklist in appendix)
- After receiving written authorization from VDOT, proceed with advertisement and selection of lowest bidder
- After written authorization from VDOT, advise contractor to proceed with construction
- There should be a minimum of 21 working days between advertisement and the bid deadline.

- The contractor should be selected on the basis of lowest bid. Negotiations with a contractor to lower a bid is not allowed. A project may be reduced in overall scope to allow for the lowest bid to be accepted and awarded.
- Upon selection of the contractor, the bid tabulation and cost estimate should be submitted to VDOT's Construction Division for review and approval.
- The Construction Division will have the project award placed on the Commonwealth Transportation Board agenda for approval. (board meetings occur on the third Thursday of each month). Once approved by CTB, VDOT will prepare an agreement with FHWA for the award authorization.
- The project sponsor will be notified in writing that construction of the project may proceed.
- When the project is completed the project sponsor will notify the Resident Engineer that the project is ready for a final inspection.

If the project is to be constructed with public works or other staff of the local government, then this method must be approved during the preliminary engineering phase by VDOT and FHWA. The request to use local government staff should be submitted with a cost justification to VDOT. VDOT and FHWA will review and either approve or deny the justification.

### **Quarterly Status Report**

Quarterly status reports are to be submitted to the local Resident Engineer. A Copy of the Quarterly Status Report is found in Appendix H of this document.

**Appendix A**  
**Enhancement Grant Application**



FY 2001- 2002  
PROJECT APPLICATION FORM

COMMONWEALTH OF VIRGINIA

Date: \_\_\_\_\_

A. Applicant (Group, Agency, etc.) Name and Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Responsible Person/Title \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Project Manager \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

C. Transportation Enhancement Category (Check all that apply and complete Attachment A)

- 1. Bicycle and Pedestrian Facilities
- 2. Bicycle and Pedestrian Safety and Educational Activities
- 3. Scenic Easements and Scenic or Historic Sites
- 4. Scenic or Historic Highway Program
- 5. Landscaping and Other Scenic Beautification
- 6. Historic Preservation
- 7. Rehabilitation and Operation of Historic Transportation Building, Structures, or Facilities
- 8. Preservation of Abandoned Railway Corridor
- 9. Control and Removal of Outdoor Advertising
- 10. Archaeological Planning and Research
- 11. Mitigation of Pollution Due to Highway Run-off and Wildlife Protection
- 12. Establish Transportation Museums

D. Project Location and Description

Project Title: \_\_\_\_\_

Project Description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. Date of Public Hearing: \_\_\_\_\_  
(attach a copy of the public notice)

F. Endorsements

Date of Local Government Resolution of Endorsement: \_\_\_\_\_  
(attach a copy of the resolution)

Date of MPO Resolution of Endorsement: \_\_\_\_\_  
(attach a copy of the resolution. Indicate NA if not applicable)

Attach a copy of any endorsements from civic or public interest groups or organizations.

G. Ownership (who will own/maintain the completed project?): \_\_\_\_\_

H. Project Schedule Dates

Begin Design: \_\_\_\_\_  
 Begin Construction/Implementation: \_\_\_\_\_  
 Estimated Completion: \_\_\_\_\_

I. Project Cost Estimate \*:THIS APPLICATION ONLY -use Attachment B to summarize previous awards

Federal Participation Requested	\$ _____	% Match
Non-Federal Participation (applicant match)	\$ _____ (minimum 20%)	_____
TOTAL	\$ _____	

\* NOTE: Only show costs for eligible items.

Cost Breakdown

Preliminary Engineering (planning and design)	\$ _____
Right-of-way (land acquisition)	\$ _____
Utility Relocation	\$ _____
Construction/Implementation	\$ _____
TOTAL	\$ _____ (must match total above)

If partial funding is provided, are there elements of the project that can be completed in phases?

\_\_\_\_\_ Yes \_\_\_\_\_ No If yes, attach a description of the phasing.

Phase I	\$ _____
Phase II	\$ _____
Phase III	\$ _____
TOTAL	\$ _____

Source of Non-federal funds	Status (confirmed/anticipated)	Amount
_____	- _____	\$ _____
_____	- _____	\$ _____
_____	- _____	\$ _____

J. Describe in detail any tangible in-kind match you propose for the match requirement.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

K. Selection Criteria: Attach sheets that address each item in Attachment C.

L. Signature (responsible person)

\_\_\_\_\_ Date: \_\_\_\_\_

**MAILING ADDRESS AND TECHNICAL ASSISTANCE**

Please mail FIVE copies of your completed application package to the following address:

Mr. Robert O. Cassada  
 Programming and Scheduling Division  
 Virginia Department of Transportation  
 1401 East Broad Street  
 Richmond, Virginia 23219

Technical Assistance  
 Bob Terrell: (804) 786-2872  
 Winky Chenault: (804) 786-2264  
 fax: (804) 371-8719  
 web site:

ATTACHMENT A

Commonwealth of Virginia Transportation Enhancement Program

**1. Bicycle and Pedestrian Facilities**

Eligible		Not Eligible	
<b>Criteria</b>		<b>Criteria</b>	
Serves transportation function		Serves recreation function only	
<b>Activity</b>		<b>Activity</b>	
More aesthetic routing		Incidental element of highway project to accommodate routine use (paved shoulder, wide curb lane, sidewalks)	
Enhanced design			
Improve existing facilities to make them more usable		Widen roadway to VDOT standards	
Right-of-way acquisition		Maintenance activities	
Construction of separate facility (path)		Circular trail within a park	
Widen curb lanes			
Re-striping to create wider curb lane			
Paving shoulders			
Provide access to public transit			
Bicycle lockers/racks			
Safety and educational activities			
Narrated touring information			
Boardwalk or sidewalk that has outlasted useful life (30 years)			
Other (Specify):			

**2. Bicycle and Pedestrian Safety and Educational Activities**

Eligible		Not Eligible	
<b>Criteria</b>		<b>Criteria</b>	
Non-construction bicycle/pedestrian safety-related activity		Replace or duplicate Section 402 funding opportunities	
Activity accessible to the general public or targeted to a broad segment of the general public			
<b>Activity</b>		<b>Activity</b>	
Safety training class		Police bicycle patrols	
Educational materials (maps and/or brochures)		School safety patrols	
Enforcement activities			
Safety campaign			
Safety program			
Other (Specify):			

**NOTE: Check every block that is applicable on each page for your project, both eligible and ineligible items. If not listed, add comments under "other" for each category to specify what you are proposing. The eligibility of any items listed as "other" will be determined in consultation with the FHWA.**

ATTACHMENT A

Commonwealth of Virginia Transportation Enhancement Program

**3. Scenic Easements and Scenic or Historic Sites**

Eligible	Not Eligible
<b>Criteria</b>	<b>Criteria</b>
National Register of Historic Places (on or eligible) or	
Significant aesthetic value or	
Significant historic value or	
Significant natural value or	
Significant visual or open space value	
<b>Activity</b>	<b>Activity</b>
Scenic easement to enhance transportation experience	Land acquired which may be developed in a manner that degrades the scenic character
Scenic site to enhance transportation experience	
Historic site to enhance transportation experience	Access road to historic site
Acquisition of historic bridge	Park improvements which do not include enhancement activities
Acquisition of transportation terminal	Visitor center not associated with scenic or historic highway
Land around historic site adjacent to scenic highway	
Bridge restoration if outlasted useful life (30 years)	Land purchase to protect internal viewshed
Other (Specify):	

**4. Scenic or Historic Highway Program**

Eligible	Not Eligible
<b>Criteria</b>	<b>Criteria</b>
State or Federal designated scenic or	Not a State or Federal designated scenic or
or historic highway (Virginia Byway) or	historic highway (Virginia Byway) or
Linked to scenic or historic programs or scenic	Not linked to scenic or historic programs or scenic
or historic sites	or historic sites
	Does not protect or enhance the scenic or historic
<b>Activity</b>	highway
Protect and enhance integrity and visitor appreciation	
of an existing highway or adjacent area	
New state scenic byway program	
Interpretive plaques	
Restoration of historic lighting standards	
Aesthetic treatment of retaining walls and guardrails	
Aesthetically pleasing bridge rails	<b>Activity</b>
Tourist and welcome centers (new or restoration)	Construction or repair of safety rest areas
(must be linked to scenic or historic sites)	Additional lanes
a. Publically owned and open to the public	Statewide program, marketing, or promotion
b. Privately owned and leased to a public entity	Purchase items for advertising or brochures for local
	or national businesses
Other (Specify):	New scenic or historic highway
	Visitor center maintenance, staffing, or operating costs

ATTACHMENT A

Commonwealth of Virginia Transportation Enhancement Program

**5. Landscaping and Other Scenic Beautification**

Eligible		Not Eligible	
<b>Criteria</b>		<b>Criteria</b>	
Enhance the aesthetic or ecological resources along transportation corridors, points of access, and lands qualifying for other categories of transportation enhancement activities		Transportation corridors, points of access, and lands not qualifying for other categories of transportation enhancement activities.	
<b>Activity</b>		<b>Activity</b>	
Landscape planning, design, and/or construction		Routine roadway maintenance	
Scenic vista and overlooks		Construction of noise barriers	
Restoration of historic landscapes		Drainage improvements	
Ecological balance		Post-construction landscaping work	
Gateway plantings		Tree removal without being part of an overall plan or diseased/dead	
Move trees out of clear zone			
Retrofit existing noise barriers with landscaping			
Bridge replacement with one having appropriate architecture			
Roadside ecological viewing areas			
Bridge rails that are aesthetically pleasing			
Other (Specify):			

**6. Historic Preservation**

Eligible		Not Eligible	
<b>Criteria</b>		<b>Criteria</b>	
Project relates to the intermodal surface transportation system		Project does not relate to the intermodal surface transportation system by functional proximity, impact or history.	
Project improves the ability of the public to appreciate the historic significance of the project itself or the area to be served by the project			
National Register of Historic Places (included or eligible) or		Not listed in or eligible for listing in the National Register of Historic Places	
National Register Historic District or			
Local landmark or			
Local Historic District			
<b>Activity</b>		<b>Activity</b>	
Historic building that serves as multimodal center		Replica of historic transportation structure or facility	
Restoration of lighthouses		Creation of a nontransportation related museum	
Stabilization and interpretation of a Native American site		Maintenance activities	
Discovered as a result of a transportation project		roof repair	
Other (specify):		Restore theatre to be a functional theatre	
		Civil War battlefields and/or fort improvements	
		Facility used historically as a meeting place only	

ATTACHMENT A

Commonwealth of Virginia Transportation Enhancement Program

**7. Rehabilitation and Operation of Historic Transportation Buildings, Structures, or Facilities**

Eligible		Not Eligible	
<b>Criteria</b>		<b>Criteria</b>	
National Register of Historic Places (on or eligible) or		Not open to the general public	
National Register Historic District or		Operate on a profit basis	
Local landmark within a local historic district			
Rehabilitation preserves significant historic features			
Operation is open to general public and is not-for-profit			
<b>Activity</b>		<b>Activity</b>	
Tunnel		Maintenance on an existing building	
Bridge		roof repair	
Trestle			
Embankment			
Rail or other guideway			
Railway depot / train station			
Ferry terminal			
Nonoperating rolling stock			
Canal viaduct			
Tow path and lock			
Other manmade transportation feature			
Interpretive display			
Historic inn or tavern			
Other (specify):			

**8. Preservation of Abandoned Railway Corridor**

Eligible		Not Eligible	
<b>Criteria</b>		<b>Criteria</b>	
Rail corridor that has been authorized for abandonment		Private use	
by the Interstate Commerce Commission		A fee is charged to the user	
(or pending) or			
Rail corridor that has been rail banked under Federal			
or state authority			
Publically owned or			
Privately owned but open to the general public			
without charge			
<b>Activity</b>		<b>Activity</b>	
bicycle and/or pedestrian trail		rail preservation	
Other (Specify):			

ATTACHMENT A

Commonwealth of Virginia Transportation Enhancement Program

**9. Control and Removal of Outdoor Advertising**

Eligible		Not Eligible	
<b>Criteria</b>		<b>Criteria</b>	
Removal of existing signs, displays, and devices		Under current state billboard removal program	
Comply with legal process that bases payment on an equitable appraisal			
Priority given with other enhancement activities			
Project above and beyond current state expenditure for billboard removal			
<b>Activity</b>		<b>Activity</b>	
Compilation of accurate inventory of nonconforming outdoor advertising displays			
Purchase and removal of nonconforming billboards			
Purchase of scenic easements along transportation corridors to preserve viewshed			
Other (specify):			

**10. Archaeological Planning and Research**

Eligible		Not Eligible	
<b>Criteria</b>		<b>Criteria</b>	
Activity must be associated with a transportation facility		Activity is not associated with a transportation facility	
<b>Activity</b>		<b>Activity</b>	
Research on sites eligible for transportation enhancement funds		Excavations	
Experimental projects in archaeological site preservation and interpretation		Data entry into GIS systems to accommodate future transportation projects	
Planning to improve identification, evaluation, and treatment of archaeological sites		Creation of a museum	
Problem-oriented synthesis using data derived from transportation-related archaeological sites			
Development of research designs to guide future surveys			
Date recovery and synthetic research			
Partnerships			
Recordation and curation of artifacts previously recovered along a transportation corridor			
Public exhibit of artifacts			
Other (specify):			

ATTACHMENT A

Commonwealth of Virginia Transportation Enhancement Program

11. Mitigation of Pollution due to Highway Run-off and Wildlife Protection

Eligible		Not Eligible	
<b>Criteria</b>		<b>Criteria</b>	
Must be over and above existing mitigation requirements			
Projects that demonstrate aesthetic and ecological methods for mitigation and enhance recharge are encouraged			
<b>Activity</b>		<b>Activity</b>	
Water pollution control alongside an existing highway		Acquisition of land without completed plans and fund commitments necessary for a mitigation project	
Create a wetland to filter runoff			
Stream/channel landscaping to promote filtering			
Regional or watershed-based improvement project		Projects that do not maintain habitat connectivity	
Projects that reduce vehicle-caused wildlife mortality			
Wildlife crossings (underpass or overpass)			
Fencing			
Bridge extensions to provide/improve passage			
Monitoring and data collection			
Develop/improve habitat resources			
Other (specify):			

12. Establish Transportation Museums

Eligible		Not Eligible	
<b>Criteria</b>		<b>Criteria</b>	
Museum is surface transportation related		Museum is not surface transportation related	
Definition of a museum		Does not meet all 7 criteria for the definition of a museum	
1. Not-for-profit institution or government-entity			
2. Essentially educational in nature			
3. Have a formally stated mission			
4. Have one full-time paid qualified professional staff			
5. Present regularly scheduled programs/exhibits			
6. Have a formal/appropriate program of documentation, care, and use of collections/objects		<b>Activity</b>	
7. Have a formal/appropriate program of presentations and maintenance of exhibits		Land/building purchase beyond that needed for the transportation museum	
Open to the public		Operation or maintenance costs of an existing museum	
Run by a public, nonprofit, or not-for-profit organization		Air museum or preserve aircraft	
		Objects or structures related to aviation	
<b>Activity</b>		Displays, or segments of a building, or objects not directly related to transportation	
Building and artifacts purchased for the museum			
a. New building			
b. Addition to an existing building			
c. Conversion of an existing building			
Establishment of a maritime museum			
Other (specify):			



COMMONWEALTH OF VIRGINIA

FY 2001 - 2002  
ATTACHMENT B

THIS FORM SHOULD BE COMPLETED IF PREVIOUS  
ENHANCEMENT AWARDS WERE MADE FOR THIS  
PROJECT

Date:

A. Applicant (Group, Agency, etc.) Name and Address


B. Total Project Cost Estimate (Include all previous awards and phases) \*

Total Federal Enhancement Funds Awarded	\$	<input type="text"/>
Non-Federal Participation (applicant match)	\$	<input type="text"/>
TOTAL	\$	<input type="text"/>

C. Total Cost Breakdown (include all previous awards and phases)

Preliminary Engineering (planning and design)	\$	<input type="text"/>
Right-of-way (land acquisition)	\$	<input type="text"/>
Utility Relocation	\$	<input type="text"/>
Construction/Implementation	\$	<input type="text"/>
TOTAL	\$	<input type="text"/>

D. Enhancement Award amount by year

1993	\$	<input type="text"/>
1994	\$	<input type="text"/>
1995	\$	<input type="text"/>
1996	\$	<input type="text"/>
1997	\$	<input type="text"/>
1998	\$	<input type="text"/>
1999	\$	<input type="text"/>
2000	\$	<input type="text"/>
Total	\$	<input type="text"/>

ATTACHMENT C

**Commonwealth of Virginia Transportation Enhancement Program  
Supplemental Evaluation Criteria**

A. Relationship of the project to surface transportation.


B. Inclusion in a State/Regional/Local Plan


C. Demonstrable Need/Community Improvement (benefits of your project)


D. Community Support/ Public Involvement


Note: If absolutely necessary, you may attach additional sheets to further explain an element.

ATTACHMENT C

**Commonwealth of Virginia Transportation Enhancement Program  
Supplemental Evaluation Criteria**

E. Public Accessibility


F. Compatibility with Adjacent Land Use


G. Public/Private Venture


H. Environmental/Ecological/Air Quality Benefit


ATTACHMENT C

**Commonwealth of Virginia Transportation Enhancement Program  
Supplemental Evaluation Criteria**

I. Significant Aesthetic Value Achieved


J. Impact on Community Economy & Tourism


K. Educational Impact


L. Safety Impact


ATTACHMENT C

**Commonwealth of Virginia Transportation Enhancement Program  
Supplemental Evaluation Criteria**

M. Originality & Number of Enhancement Categories


N. Historical Value


O. Strategy for Upkeep & Maintenance


P. Relationship to a Previously Funded Project


# **Appendix B**

## **Project Administration Agreement**

Virginia Fair Employment Contracting Act  
Non-Discrimination Provision  
Title VI of the Civil Rights Act of 1964  
Certification regarding Non-Segregated Facilities  
Disadvantaged Business Enterprises  
TDD/TYY Equipment for the Deaf

TRANSPORTATION ENHANCEMENT PROGRAM

AGREEMENT FOR PROJECT DEVELOPMENT AND ADMINISTRATION

[PROJECT NAME]

**THIS AGREEMENT**, made and executed in triplicate as of this day \_\_\_\_ of \_\_\_\_\_, \_\_\_\_ between the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION**, hereinafter called the "Department" and \_\_\_\_\_, a political subdivision of the Commonwealth of Virginia, hereinafter called the "Recipient".

WITNESSETH:

**WHEREAS**, the Department has adopted a Six-Year Improvement Program for Fiscal Year 1998-99 through Fiscal Year 2003-2004 for streets and highways, which includes an allocation of funds for \_\_\_\_\_ identified in the Transportation Enhancement Program portion of the Six-Year Improvement Program and designated as Project \_\_\_\_\_ and referred to hereinafter as the "Project" and whose scope of work is identified in Attachment B; and

**WHEREAS**, the estimated cost is \$ \_\_\_\_\_ for preliminary engineering, \$ \_\_\_\_\_ for right-of-way/property acquisition and \$ \_\_\_\_\_ for construction; for a total of \$ \_\_\_\_\_; and

**WHEREAS**, the Department has allocated \$ \_\_\_\_\_ in Federal STP Transportation Enhancement funds for this Project and said funds require a minimum 20% local match and any expenditures above the combined federal/local funds must be 100% local; and

**WHEREAS**, the Recipient's share of the project costs may be provided in the form of cash, land donation or in-kind services, as identified in Attachment B; and

**WHEREAS**, the Department and the Recipient desire to construct the Project as expeditiously as possible and the Recipient agrees to have the Project completed within 48 months from the date of the notice of authorization to proceed with the preliminary engineering phase of the Project;

**NOW, THEREFORE**, for and in consideration of the premises and mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. In consultation with and approval by the Department, the Recipient shall undertake the preliminary engineering, right-of-way/property acquisition, utility relocation, and construction phases of the Project, as applicable, specifically including the following:
  - a. Secure written Department approval to commence the preliminary engineering phase of the Project.
  - b. Perform or, in accordance with the provisions of the Virginia Public Procurement Act, contract with a consultant to perform the preliminary engineering, design and plan development necessary to award a contract for construction. Administer, supervise and inspect the construction of the Project through final acceptance by the Department, in accordance with Department and Federal Highway Administration procedures and policies, including settlement of any claims and disputes arising from the Project
  - c. Submit each phase of the work to the Department for review and approval as the project develops; allow Department personnel to inspect all phases of the Project at all times.
  - d. Prepare plans for the Project, including such items as general notes, references to specifications and standards, typical sections, drainage plans, stormwater management, erosion and sediment control methods, profiles, cross sections, summaries, and the like, as applicable. Plans may be prepared in accordance with the Recipient's standards and format, provided the standards meet or exceed Department standards or are approved by the Department.
  - e. Prepare the appropriate environmental document as dictated by the National Environmental Policy Act and Federal Highway Administration policy and procedures, and carry out all functions necessary to clear the Project environmentally.
  - f. Obtain all necessary permits for the Project.

- g. Locate potential contaminated and/or hazardous waste sites during the survey or early plan development stage. Discuss the presence of these sites and design alternatives with the Department. If contamination is determined to exist, whether obvious or established through testing, the Recipient shall notify the appropriate regulatory agency. Conduct detailed studies such as site characterization to determine the length of time required for clean-up and potential financial liability for the Recipient and the Department. If the purchase of property is anticipated, the first option is to pursue remediation by the property owners) through the appropriate agencies. Should contaminated and/or hazardous waste sites be identified, either the Department or the Recipient may withdraw from participation in the Project and this agreement will terminate.
- h. If required, post a "notice of willingness to hold a public hearing" on the Project, conduct such a hearing, if necessary, in accordance with Department and Federal Highway Administration requirements and coordinate the Project with property owners in the Project area.
- i. Secure written Department approval to advance to the right-of-way acquisition stage. Prerequisites include completion and approval of an environmental document and satisfaction of the public participation requirements. Prepare right-of way/property acquisition plans for the Project and acquire title to all property needed for the Project in the name of the Recipient by purchase or by eminent domain, if necessary.
- j. Abide by Title 25 of the Code of Virginia, as amended, in the acquisition of rights-of way/property for this Project and follow the policy and procedures outlined in Section 702.02 of the Department's Right of Way Manual, which are incorporated by reference.
- k. Provide relocation assistance to those whose property is acquired for the Project in conformance with Title 25 of the Code of Virginia.

- l. Maintain all appraisals, negotiation reports, relocation assistance files, closing statements, eminent domain records and the like for a period of three (3) years after final payment of the federal share of the Project cost.
- m. Coordinate and authorize utility relocations.
- n. Secure written Department approval to advance to the construction stage. Prerequisites include certification that the right of way and easements have been acquired in accordance with the current FHWA directives; arrangements for the relocation of utilities; secured railroad agreements; and secured environmental permits.
- o. Procure a contractor to construct the Project, in conformance with applicable provisions of the Virginia Public Procurement Act. The Recipient agrees not to award a construction contract to any bidder unless its bid is within seven percent (7%) of the Recipient's cost estimate or is approved by the Department. The Recipient agrees not to award such contract until the Commonwealth Transportation Board has accepted and approved the bid and the contractor. Department policy will govern the rate of participation for utility relocations and storm sewers.
- p. Submit any change orders to the construction contract to the Department's Resident Engineer for approval.
- q. Receive written Department approval of any claims prior to settlement.
- r. Maintain accurate records of the Project and documentation of all expenditures, identifying federally participating, federally non-participating, and in-kind contributions, on which reimbursement will be based. Make project documentation available for inspection and/or audit by the Department or the Federal government at any time.
- s. Submit to the Department's Resident Engineer no more frequently than monthly, a statement requesting reimbursement for the Federal share of the Project's costs. The statement must identify and document federally participating and non-participating project expenditures to date. All

preliminary engineering charges shall cease on the date the construction contract is awarded. The final billing shall be made on the basis of final actual costs, reconciling any difference with previously billed amounts. All bills shall be submitted in a format acceptable to the Department.

- t. Furnish the Department a schedule of progress, which is proposed to be followed throughout the term of this Agreement. The schedule shall indicate starting and completion times of each significant task for each major element of this Agreement, and shall have the capability of indicating the proposed percentage of completion at any point for each element, if so required by the Department.
- u. Submit a quarterly progress report in a format acceptable to the Department.
- v. Agree to reimburse the Department 100% of all expenses incurred by the Department in the event that:
  - The Project is canceled by the Recipient during any phase of the work; or,
  - Expenditures incurred are not reimbursed by the Federal Highway Administration due to the Recipient's failure to follow proper federal guidelines and/or the expenditures are found to be federally non-participating items.
- w. The Recipient shall not apply for reimbursement in excess of the amount set out in this Agreement. In the event that the Department inadvertently reimburses the Recipient an amount in excess of this Agreement, such amount shall be repaid to the Department.
- x. Maintain the Project, or have it maintained in a manner satisfactory to the Department or its authorized representatives and make ample provision each year for such maintenance.

2. The Department will coordinate with, cooperate with, and assist the Recipient in implementing the Project, and specifically agrees to:
  - a. Review each phase of the Project and respond in an expeditious manner to requests from the Recipient.
  - b. Provide the necessary coordination with the Federal Highway Administration and other appropriate Federal and State agencies; provide assistance and guidance to the Recipient relative to environmental documentation and coordination as is appropriate.
  - c. Subject to appropriation and allocation, provide reimbursement for Project expenditures for the previous month or for the final billing, within thirty (30) days of receiving an acceptable statement from the Recipient.
  - d. Audit all Project costs and records as required by the Federal Highway Administration.
  - e. To the extent that federal funds are apportioned, provide funding for the Project pursuant to the Transportation Enhancement Program in the Department's Six-Year Improvement Program. The maximum amount of Federal funds available for this project is \$ \_\_\_\_\_ , and is subject to appropriation by the General Assembly, and allocation by the Commonwealth Transportation Board.
  - f. The Department may elect to provide construction inspection for projects located within the Department's right-of-way and/or for projects that will be maintained by the Department.
3. The Recipient agrees to comply with the provisions of: The Virginia Fair Employment Contracting act, Non-Discrimination Provision, Title VI of the Civil Rights Act of 1964, Certification regarding Non-Segregated Facilities, Disadvantaged Business Enterprises, and TDD/"TTY Equipment for the Deaf, as amended, as outlined in attachment A.

4. The Recipient agrees to comply with all applicable federal, state and local regulations and statutes when work is performed on the Project with municipal forces or its agent at project expense.
5. The Recipient agrees that prison labor will not be used for any purpose whatsoever on this project.
6. Nothing herein shall be construed as creating any personal liability on the part of any officer, employee, or agent of the parties, nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.
7. This Agreement shall be binding upon the parties hereto, and their respective successors and assigns.
8. This agreement may be modified with the mutual consent of the Department and the Recipient.
9. The Recipient agrees to participate in the actual cost of this project understanding that basic federal and the Recipient's participation in the actual costs incurred in the preliminary engineering, right-of-way/property acquisition, and construction phases will be a maximum of 80% Federal and a minimum of 20% Recipient.
10. The Recipient acknowledges that Department staff may charge to the Project for expenditures relative to administration of the Agreement, preliminary engineering reviews and consultation, project inspection and other construction engineering activities related to the Project.
11. The Recipient agrees to reimburse the Department for expenditures incurred by the Department on the Recipient's behalf, which are not reimbursed by the Federal Highway Administration.
12. The obligations of the Recipient contained herein are subject to the lawful appropriation of funds, and the federal share shall only be made available for reimbursement of Project expenses if the Recipient lawfully appropriates its share of the costs as set forth herein.

13. This Agreement may be terminated as follows:
  - a. By mutual agreement of the parties, in writing and signed by the parties.
  - b. By the Department without cause, in whole or in part, at any time, with fifteen (15) days advance notice in writing, by the end of which period the Recipient shall have discontinued all work .on the project and shall have delivered to the Department all reports, records, drawings, field notes, plans and other data completed or partially completed, which shall become and remain the sole property of the Department.
  - c. By the Department without advance written notice, due to the failure of the Recipient to perform the work on the project or fulfill its obligations) under this Agreement, in which case the Department may take over the work and prosecute the same to completion by further agreement or otherwise, and the Recipient shall be liable to the Department for any excess cost occasioned to the Department thereby.
  - d. By failure of the General Assembly to appropriate, or the Commonwealth Transportation Board to allocate, sufficient funds to continue the services, in which event the Agreement will terminate upon depletion of the then currently appropriated or allocated funds.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers.

ATTEST:

_____ Name Title Commonwealth of Virginia Department of Transportation	_____ Date	_____ Recipient Name Title Jurisdiction	_____ Date
_____ Signature of Witness	_____ Date	_____ Signature of Witness	_____ Date

**VDOT REVIEW**

Fiscal \_\_\_\_\_ Date \_\_\_\_\_  
Legal \_\_\_\_\_ Date \_\_\_\_\_

Attachment A

1. Virginia Fair Employment Contracting Act
2. Non-Discrimination Provision
3. Title VI of the Civil Rights Act of 1964
4. Certification regarding Non-Segregated Facilities
5. Disadvantaged Business Enterprises
6. TDD/TTY Equipment for the Deaf

Attachment B

Scope of Work  
Schedule Payment  
Schedule

## **Attachment A**

**1. VIRGINIA FAIR EMPLOYMENT CONTRACTING ACT:** The Recipient, its agents, employees, assigns or successors, and any person, firm, or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of the Virginia Fair Employment Contracting Act, Sections 2.1-374 through 2.1-376.1 of the Code of Virginia (1950), as amended. During the performance of this Agreement, the Recipient agrees as follows:

- a. The Recipient will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Recipient. The Recipient agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, including the names of all contracting agencies with which the Recipient has Agreements of over ten thousand dollars.
- b. The Recipient will, in all solicitations or advertisements for employees placed by or on behalf of the Recipient, state that the Recipient is an equal opportunity employer; provided, however, that notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

The Recipient will include the provisions of the foregoing paragraphs "a" and "b" in every subcontract or purchase order of over ten thousand dollars, so that such provisions will be binding upon each subcontractor or vendor. Nothing contained in this, section-shall be deemed to, empower any agency to require any consultant to grant preferential treatment to, or discriminate against, any individual or any group because of race, color, religion, sex or national origin on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex or national origin employed by such consultant in comparison with the total number or percentage of persons of such race, color, religion, sex or national origin in any community or in the Commonwealth.

**2. NON-DISCRIMINATION PROVISION:** The Recipient agrees to abide by the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (42 USC 2000e), which prohibits discrimination against any employee or applicant for employment, or any applicant or recipient of services, on the basis of race, religion, color, sex or national origin; and further agrees to abide by Executive Order No. 11246 entitled "Equal Employment Opportunity," as amended by Executive Order No. 11375 and as supplemented in the Department of Labor Regulations (41 CFR Part 60), which prohibit discrimination on the basis of age. Sections 49 CFR 21 and 23 CFR 710.405(b) are incorporated by reference in all contracts and subcontracts funded in whole or in part with federal funds. The Recipient shall comply with the Americans with Disabilities Act (ADA), and with the provisions of the Virginians with Disabilities Act, Sections 51.5-40 through 51.5-46 of the Code of Virginia (1950), as amended, the terms of which are incorporated herein by reference.

In the event of the Recipient's noncompliance with the nondiscrimination provisions of this Agreement, the Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

- a. withholding of payments to the Recipient under this Agreement until the Recipient complies; and/or
- b. cancellation, termination or suspension of this Agreement, in whole or in part.

**3. TITLE VI OF THE CIVIL RIGHTS ACT OF 1964:** During the performance of this Agreement, the Recipient, for itself, its assignees and successors in interest (herein referred to as "the Recipient"), agrees as follows:

- a. **Compliance with Regulations:** The Recipient will comply with the Regulations of the U.S. Department of Transportation relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (Title 49), Code of Federal Regulations, Part 21, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- b. **Nondiscrimination:** The Recipient, with regard to the services provided by it after award and prior to completion of this Agreement, will not discriminate on the grounds of race, religion, color, sex, national origin, age or handicap in the selection and retention of subconsultants, including procurements of materials and leases of equipment. The Recipient will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the services covers a program set forth in Appendix B of the Regulations.
- c. **Solicitations for Subconsultants:** In all solicitations, either by competitive bidding or negotiation made by the Recipient for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the Recipient of the Recipient's obligations under this Agreement.
- d. **Information and Reports:** The Recipient will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the Recipient is in the exclusive possession of another who fails or refuses to furnish this information, the Recipient shall so certify to the Department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information. The Recipient and subconsultants with fifteen (15) or more employees will submit an updated Title VI Evaluation Report (EEO-D2) annually as long as the Recipient or subconsultant is performing in accordance with this Agreement.
- e. **Sanctions for Noncompliance:** In the event of the Recipient's noncompliance with the nondiscrimination provisions of this Agreement, the Department shall impose

such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

- 1.) withholding of payments to the Recipient under this Agreement until the Recipient complies, and/or
  - 2.) cancellation, termination or suspension of this Agreement, in whole or in part.
- f. Incorporation of Provisions: The Recipient will include the provisions of paragraphs "a" through "f" in every subcontract of \$10,000 or more, including procurements of materials and leases of equipment, unless exempt by the Regulations, order or instructions issued pursuant thereto. The Recipient will take such action with respect to any subcontractor or procurement as the Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, in the event the Recipient becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Recipient may request the Department to enter into such litigation to protect the interests of the Department and, in addition, the Recipient may request the United States to enter into such litigation to protect the interests of the United States.

**4. CERTIFICATION REGARDING NON-SEGREGATED FACILITIES:** By the execution of this Agreement, the Recipient certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. It certifies further that it will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it will not permit its employees to perform their services at any location under its control, where segregated facilities are maintained. The Recipient further certifies that no employee will "be denied access to adequate facilities on the basis of sex or disability. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, national origin, age or handicap, because of habit, local custom or otherwise. It agrees that, except where it has obtained identical certification from proposed subcontractors and material suppliers for specific time periods, it will obtain identical certification from proposed subcontractors or material suppliers prior to the award of subcontracts or the consummation of material supply agreements exceeding ten thousand dollars, and that it will retain such certifications in its files.

**5. DISADVANTAGED BUSINESS ENTERPRISES:** The Recipient, its agents, employees, assigns, or successors, and any person, firm or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of Section 23.43 of 49 CFR Part 23, as amended, which is hereby made part of this Agreement by reference. The Recipient shall take all necessary and reasonable steps in accordance with 49 CFR Part 23, as amended, to ensure that DBE's have the maximum opportunity to compete for and perform contracts and subcontracts under this Agreement.

Further, the Recipient agrees to provide the Department with the dollar amount contracted and name of each subcontractor, which identifies itself as a DBE.

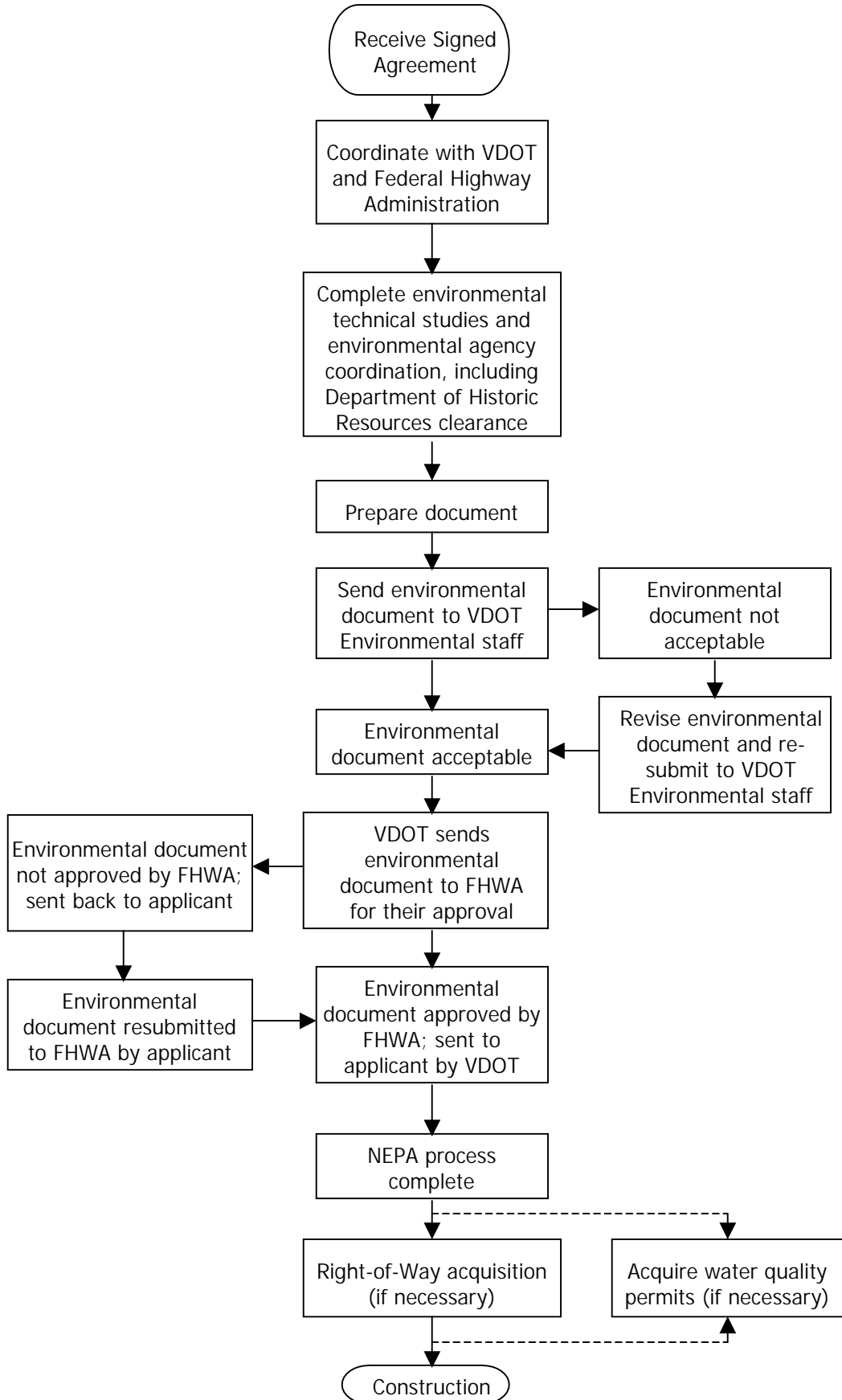
5. **TDD/TTY EQUIPMENT FOR THE DEAF:** When seeking public participation through the maintenance of toll free hot line number and/or publishing project-related materials, the Recipient agrees to ensure that all citizens have equally effective communication. The Recipient agrees to provide or identify a telecommunications device for the deaf/teletypewriter (TDD/TTY) or acceptable means of telephone access for individuals with impaired speech or hearing. The Recipient will provide notice of a TDD/TTY number whenever a standard telephone number is provided.

# **Appendix C**

## **Environmental Document Process Flowchart**

Programmatic Categorical Exclusion  
Categorical Exclusion Determination

# Environmental Document Process Flowchart



TO: Doris Bush  
 FROM: Elaine Surber  
 DATE:        /        /

**PROGRAMMATIC CATEGORICAL EXCLUSION**

Route:  
 State Project #:  
 From:  
 To:  
 Federal Project County/City:  
 PPMS/UPC #:

The subject project meets the criteria for a Programmatic Categorical Exclusion in accordance with:

- CFR 771.117 (c)(1)
- Agreement approved by the Federal Highway Administration on May 21, 1998.

Description of CE Category:

Project Description:

IMPACTS:

	YES	NO
Significant Impacts to Planned Growth or Land Use	<input type="checkbox"/>	<input type="checkbox"/>
Relocations	<input type="checkbox"/>	<input type="checkbox"/>
Substantial Land Acquisition	<input type="checkbox"/>	<input type="checkbox"/>
USCG Construction Permit, USACE Section 404 Permit	<input type="checkbox"/>	<input type="checkbox"/>
Adverse Effect on Historic Properties	<input type="checkbox"/>	<input type="checkbox"/>
Use of Land Protected by Section 4f	<input type="checkbox"/>	<input type="checkbox"/>
Significant Air, Noise or Water Quality Impacts	<input type="checkbox"/>	<input type="checkbox"/>
Impacts to Wetlands	<input type="checkbox"/>	<input type="checkbox"/>
Significant Impacts on Travel Patterns	<input type="checkbox"/>	<input type="checkbox"/>
Changes in Interstate Access Control	<input type="checkbox"/>	<input type="checkbox"/>
Individual or Cumulative Significant Environmental Impacts	<input type="checkbox"/>	<input type="checkbox"/>

No further environmental document will be required.

cc: Ed Sundra  
 C. G. Collins  
 C. Frank Gee  
 EQ-501  
 Rev. 781199

T0: Mr. Roberto Fonseca-Martinez  
 FROM: Dons Bush  
 DATE:        /        /

**CATEGORICAL EXCLUSION DETERMINATION**

Date CE level document approved by VA Division FHWA:        /        /

FHWA Contact: Ed Sundra

Route:

Project Number:

From:

To:

Federal Project:

County/City:

PPMS ID #:

CE Category 23 CFR 771.117:

Description of Category:

Description:

Location Map                                        Topo Map     
 Logical Termini:    Yes                       N/A         (For Non-highway construction  
 only)  
 Independent Utility: Yes                       No       

Typical Section:

Structures:

	PRESENT		IMPACTS	
	YES	NO	YES	NO
SOCIO-ECONOMIC				
Minority/Low Income Populations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disproportionate Impacts to Minority/Low Income Populations: Yes <input type="checkbox"/> No <input type="checkbox"/>				
Existing or Planned Public Recreational Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consistent with Local Land Use:    Yes <input type="checkbox"/> No <input type="checkbox"/>				

Comments:

**SECTION 4(f)**

Use of 4(f) Property:                    Yes                     No                     Acres  
 Individually Eligible Historic Property:    Yes                     No   
 Contributing Element to Historic District    Yes                     No   
 Public Recreation Area:                    Yes                     No   
 Wildlife/Waterfowl Refuge:                    Yes                     No   
 Constructive Use:                    Yes                     No   
 4(f) Evaluation Attached:                    Yes                     No

Comments:

CULTURAL RESOURCES	COMPLETE	PENDING	NIA
Phase I Architecture Conducted	<input type="checkbox"/>		<input type="checkbox"/>
Phase II Architecture Conducted	<input type="checkbox"/>		<input type="checkbox"/>
Phase I Archaeology Conducted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phase II Archaeology Conducted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effect on Historic Properties: No Effect  
 DHR Concurrence on Effect Yes  Pending   
 MCA Attached: Yes  Pending

Comments:

NATURAL RESOURCES	PRESENT		IMPACTS	
	YES	NO	YES	NO
Surface Water Name:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Federal Threatened or Endangered:				
Terrestrial: None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic: None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plants: None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Natural Heritage Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
100 Year Floodplain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	Acres Imp.	
Permit Type: None <input type="checkbox"/> NW <input type="checkbox"/> NW23 <input type="checkbox"/> LOP-1 <input type="checkbox"/> VWPP <input type="checkbox"/> Standard <input type="checkbox"/> VDPES <input type="checkbox"/> VGP-1 <input type="checkbox"/> Regional Permit <input type="checkbox"/> TVA <input type="checkbox"/> Coast Guard <input type="checkbox"/>				

Comments:

AGRICULTURAL/OPEN SPACE	PRESENT		IMPACTS	
	YES	NO	YES	NO
Open Space Easements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural/Forestal Districts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NRCS Form AD-1006 Attached: Yes  No  Zoned Urban  Rating:  
 Alternatives Analysis Required: Yes  No

Comments:

AIR QUALITY  
 >20,000 VPD: Yes  No   
 Attainment: Yes  No   
 In TIP: Yes  No   
 Air Study Attached: Yes  No

NOISE

Type I Project: Yes  No   
Noise Study Attached: Yes  No   
Barriers Under Consideration: Yes  No

RIGHT OF WAY & RELOCATION

Number of Residential Relocations:  
Number of Commercial Relocations:  
Right of Way To be Acquired: acres  
Comments:

OTHER	PRESENT		IMPACTS	
	YES	NO	YES	NO
Septic Systems or Public Water Supplies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Scenic Byways	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lands Developed with 6(f) LWC Funds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cumulative Impacts: Yes  No   
Secondary Impacts: Yes  No   
Substantial Controversy on Environmental Grounds: Yes  No   
Type of Public Hearing: None  
Comments:

COORDINATION

The following agencies were contacted during development of this study:

This project meets the criteria for a Categorical exclusion pursuant to 40 CFR 1508.4 and 23 CFR 771.117 and will not result in significant impacts to the human or natural environment.

Approved: \_\_\_\_\_  
FHWA Virginia Division Administrator

Date: / /

cc: Mr. C. G. Collins

**Appendix D**  
**Excerpts from the VDOT Manual on Procurement of Consultant**  
**Services**

## 2.1 Advertisement Procedures

### Overview

Figure 2 provides an overview of the advertisement process.

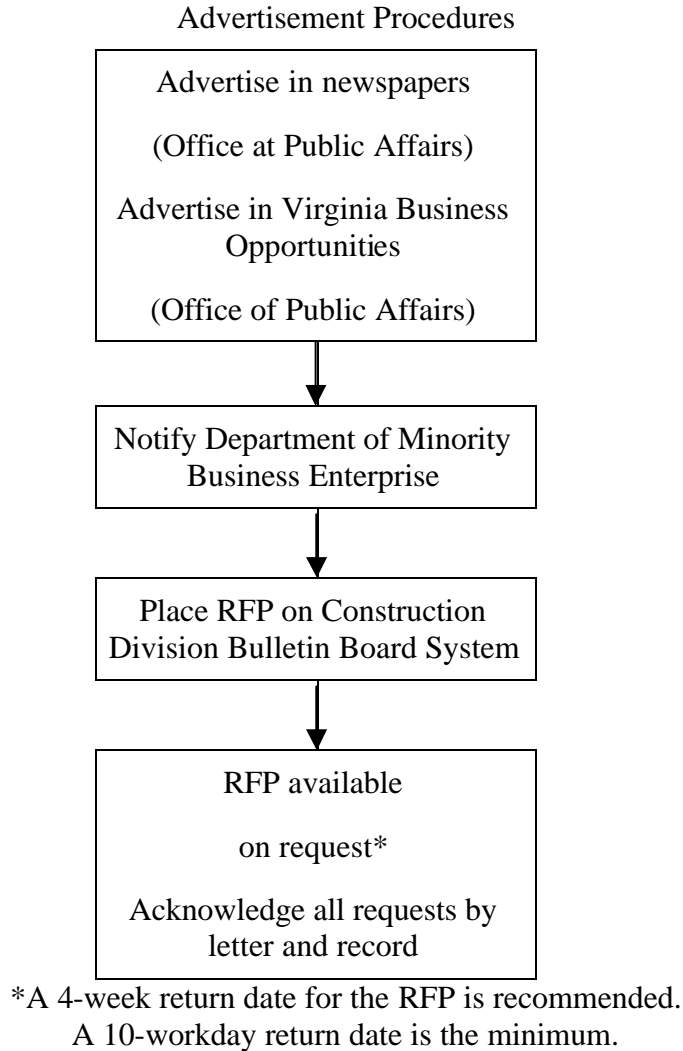


Figure 2

### Public Notice Time Limit

The public notice of the Request for Proposal (RFP) must be published at least 10 workdays prior to the date set for receipt of expressions of interest. To allow a maximum number of offerors to respond, however, a reasonable amount of time in keeping with the project schedule is recommended. A typical amount of time is 3 to 4 weeks.

Expressions of interest require varying amounts of detailed information. Based on expressions of interest, firms need to be screened for conflict of interest on controversial projects. This may result in a firm not being awarded the project applied for, or not being awarded a future project.

## **Request for Proposal**

The brochure may include the following:

1. narrative of the services required
2. Disadvantaged Business Enterprise (DBE) participation form
3. qualification questionnaire
4. selection criteria form that will be used
5. other unique capability or qualification that will be required

*Note: The RFP should not request that offerors furnish an estimate of personnel hours or cost for services.*

## **Qualification Questionnaire**

The qualification questionnaire requests the following information from firms:

1. organizational structure
2. names and addresses of all affiliated or subsidiary companies
3. percentage of work that will be done in a Virginia office and percentage that will be done out of state for each firm involved
4. names and experience background of key personnel assigned to project
5. indication of firm's ability to meet time schedule of project
6. percentage of DBE participation and work to be-performed by DBE
7. list of firms on the team that currently have work with VDOT or firms that have been selected for work not yet commenced and outstanding fees
8. copies of current GSA Forms 254 and 255 for all firms involved in project
9. any other information indicating the firm's qualifications to perform the proposed work required for the project
10. three copies of the State Procurement Memorandum Questionnaire for Participation of Small Businesses and Businesses Owned by Women and Minorities in State Procurement Activities
11. information regarding conditions within firm or subconsultant that are relevant to determining responsibility
12. indication of method of payment for contras and type of contract
13. date, location, and time of scheduled pre-proposal conference; specification of whether attendance is mandatory

## **3. SELECTION AND NEGOTIATION**

### **3.0 Competitive Negotiation**

VDOT uses “competitive negotiation” to select consultants for professional services. Competitive negotiation is a selection method defined by Virginia law in the Virginia Public Procurement Act § 11-37. The most important feature of competitive negotiation is that factors such as technical expertise, previous experience, adequate staffing, and location of the firm are considered. Price is not considered when a consultant is selected. Figure 3 provides an overview of the selection process. Figure 4 provides an overview of the negotiation process.

### **Virginia Public Procurement Act**

The Virginia Public Procurement Act requires that a competitive negotiation process include the following steps:

1. Issue a Request for Proposal. Issue an RFP that contains the specifications and contractual terms and conditions of the procurement. The RFP must also include a statement of any requisite qualifications of potential contractors.
2. Publicize. Publish an RFP in a general circulation newspaper and post it in a designated public area. This must be done at least 10 workdays before the expressions of interest are due, preferably 4 weeks. Expressions of interest may also be solicited directly from potential contractors.
3. Discuss. Hold individual discussions with two or more offerors who are deemed to be fully qualified, responsible, and suitable to provide the services based on initial responses. If Federal Highway Administration (FHWA) funds are involved, discussions must be held with three offerors. Emphasis should be on professional competence. Repetitive informal interviews are permissible. Only nonbinding estimates of project costs may be discussed at this stage.
4. Negotiate. Negotiate with the highest ranked firm. If a satisfactory contract can be negotiated that is considered fair and reasonable, the contract is awarded to that offeror. Otherwise, negotiations with the offeror ranked first are formally terminated and negotiations with the offeror ranked second are begun. This process is followed until a satisfactory contract can be made.

## Evaluating Statements of Interest

Suggested criteria for evaluating statements of interest include:

1. special expertise and experience of the firm's key employees and their availability and time commitment to the project
2. proposed staffing for the project and previous experience of those identified
3. experience of the firm and their personnel on previous projects similar to the one under consideration
4. understanding of the project by the firm as demonstrated by their approach to organization and management of the work
5. current workload of the firm and their ability to meet the proposed project schedule
6. location of the firm's office where the work will be done
7. quality of previous performance by the firm with VDOT
8. DBE participation whether as a prime or subconsultant
9. use of subconsultants to accomplish work on the project
10. equipment the firm has available and proposes to use on the project
11. firm's familiarity with federal, state, and local codes, requirements, standards, and procedures

When reviewing highly technical expressions of interest, evaluation criteria generally should include the following, as well:

1. demonstrated competence
2. innovative concepts
3. approach to quality control
4. comprehensiveness of proposal

### **3.1 Preparation for Consultant Interviews**

To get the most out of interviews with consultants, one must prepare in advance. One needs to do more than arrange an interview with a consultant, listen to their presentation, and score them..

First, the interviewer should be aware that many firms are represented by a generalist who is a polished speaker and negotiator but may know very little about the specific work the firm is proposing to do for VDOT. The interviewer should request in advance that all of the team leaders who will be working on the project be present at the interview, including subconsultants. They should be asked detailed questions about their respective areas of expertise.

Second, it is imperative that the interviewer prepare questions in advance of the interview. The questions should give the interviewer all the information he or she needs to make an informed decision. The interviewer should design a system of recording answers to the questions that will assist him or her later with explaining the reason for the decision to a firm not selected. If the interviewer does not have a well-thought-out system of questioning and recording, he or she will not be able to provide satisfactory feedback.

In summary:

1. Request that all firm members involved with the project be present at the interview.
2. Request that subconsultants be present at the interview.
3. Prepare detailed questions in advance.
4. Develop a recording system that will enable you to give thorough feedback to firms after the interview process.

### **Ensure Fairness to Offerors**

All offerors must be treated fairly. Fairness requires equal treatment of offerors with similar deficiencies. It does not require VDOT to spend an equal amount of time with all offerors or to discuss the same areas. The content and depth of discussion with each offeror are determined by the deficiencies of the individual proposal. In addition, fairness to offerors includes ensuring confidentiality of certain information received from the offeror, such as financial information.

## 3.2 Effective Negotiation

There are four keys to effective negotiation, which spell the acronym TEAM:

- Tone:** View consultants as potential teammates, not as adversaries. This will set a positive tone for the meetings.
- Emotions:** Keep your emotions under control during negotiation meetings and be aware of others' sensitivities.
- Attitude:** Approach negotiation positively. Remember, you may have to work with any one of the consultants in the future!
- Manage:** Take the initiative and actively manage negotiation meetings. Keep the discussion on track and on point.

## 3.3 Payment Methods

There are two basic categories of payment for consultant services:

1. Fixed Price/Lump Sum - The consultant assumes the cost risk of performance. This type of payment method is most appropriate when the scope of service is well defined.
2. Cost Reimbursement - The agency assumes the cost risk of performance. This payment method should be used when there are not definitive requirements and cost uncertainties of performance are high.

Within these two broad categories, the most frequently used payment methods are as follows. A single contract may contain different payment methods as appropriate for different consultants involved.

### Cost Plus Fixed Fee (Cost Reimbursement Payment Method)

- This is the most commonly used payment method for preliminary engineering and design.
- It is used when the required level of effort cannot be well defined.
- Once negotiated, the fixed fee does not vary, though it may be adjusted through negotiation as a result of substantive changes in the work or services to be performed.
- There is low risk to the consultant.
- There is minimal incentive for effective cost management.

### **Lump Sum (Fixed Price Payment Method)**

- This is used when reasonably definite design or performance specifications are available and fair prices can be agreed upon.
- Price is not subject to adjustment due to cost changes.
- There is maximum profit incentive for effective cost control in contrast performance.
- There is minimum administrative burden on the contracting parties.

### **Cost Per Unit Of Work (Cost Reimbursement Payment Method)**

- This is used when the cost of the work per unit can be determined in advance with reasonable accuracy but the extent of the work is indefinite.
- Payment to the consultant of allowable costs is incurred to the extent prescribed in the contract.
- The consultant cannot exceed the cost ceiling without prior approval.

### **Specific Rates of Compensation (Cost Reimbursement Payment Method)**

- This is used when the extent/duration of work and/or cost cannot be estimated.
- Services are acquired on the basis of direct labor hours at fixed hourly rates and material at cost. Fixed hourly rates include salary, overhead, and profit.
- It does not encourage effective cost control.
- It requires almost constant monitoring.
- It can be used to acquire services for "on call" contracts and in emergency situations.

### **Cost Plus a Percentage of the Cost**

This type of contract is illegal in Virginia.

### **3.4 Pre-Award Audit**

A pre-award audit is the financial audit of a consultant's books that is conducted prior to contract initiation. Eighty-eight percent of states require a pre-award audit, including Virginia. Such audits are necessary when the agency has selected a firm it has not previously retained or a firm that has not worked for VDOT within the previous year. The audit unit reviews the monetary records and bookkeeping practices.

The evaluation of a cost proposal is used as a management tool to assess the reasonableness and accuracy of the proposed costs, as well as the adequacy of the consultant's accounting system to account properly for project costs.

The pre-award audit also provides information to management regarding any potential problems relating to the consultant's financial capability. A written pre-award evaluation report setting forth the results of the auditor's review and analysis of cost data submitted on the consultant's cost proposal is issued to the VDOT contracting officers.

## **Overhead**

As long as the agreement is not a fixed rate or lump sum, the consultant should bill the latest audited and approved overhead rate for any work performed for VDOT. This rate fluctuation may be an increase or a decrease, but the maximum total compensation stated in the agreement will not be altered as a result of fluctuations in overhead rates.

## **Projected Cost Escalation**

VDOT allows escalation for increases in direct labor to allow for changes in costs that will occur from the time the proposal is prepared until the work is done. This must be supported by some type of historical data showing that the firm has given like increases in the past and that the proposed increase is based on the need to give merit increases, cost of living raises, etc- VDOT will review the requested escalation for reasonableness.

### **3.5 Acceptable Final Offers**

The objective of contract negotiations is to achieve complete agreement by the parties on all basic issues. The VDOT negotiator must conduct discussions to the extent necessary to resolve uncertainties. Basic questions should not be left for later agreement during price revision or other supplemental proceedings. The issues should be resolved at the time of negotiation! Discussion resulting in final offers that are clear and free from indefinite terms and deficiencies absolve the need for another round of discussions.

### **Maintaining a contract file**

The project sponsor must maintain a contract file that is available for audits, excerpts, transcriptions, or examinations by authorized representatives of the federal government, state government, or the consultant.

The file should include:

1. original contract and amendments
2. documentation of the procurement history
3. authorization of funding availability
4. billings
5. performance evaluations
6. progress reports
7. insurance certificates
8. work orders and/or claims
9. audit report
10. documents referenced in contract (e.g., debarment, certification, lobbying, certification, civil rights compliance)

### **Issuing a notice to proceed.**

The consultant should not begin work until issued a written authorization to proceed by the project manager, contract manager, or appropriate project sponsor official.

# **Appendix E Uniform Act**

# **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended**

(1)Public Law 91-646 91st Congress, S. 1 January 2, 1971

(2)As amended by Public Law 100-17, Apr. 2, 1987, Title IV, Uniform Relocation Act Amendments of 1987.)

(3)As amended by Public Law 102-240, Dec. 18, 1991, Sec. 1055, Relocation Assistance Regulations Relating to the Rural Electrification Administration.)

(4)As amended by Public Law 105-117, Nov 21, 1997, Sec.104; an Alien not lawfully present in the United States)

## **AN ACT**

To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970".

## **TITLE I--GENERAL PROVISIONS**

SEC. 101. As used in this Act--

(1) The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation, the Architect of the Capitol, the Federal Reserve banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.

(2) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(3) The term "State agency" means any department, agency, or instrumentality of a State or of a political subdivision of a State, any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.

(4) The term "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance, any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual, and any annual payment or capital loan to the District of Columbia.

(5) The term "person" means any individual, partnership, corporation, or association.

(6)(A) The term "displaced person" means, except as provided in subparagraph (B)--

(i) any person who moves from real property, or moves his personal property from real property-

(I) as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance; or

(II) on which such person is a residential tenant or conducts a small business, a farm operation, or a business defined in section 101(7)(D), as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a Federal agency or with Federal financial assistance in any case in which the head of the displacing agency determines that such displacement is permanent; and

(ii) solely for the purposes of sections 202(a) and (b) and 205 of this title, any person who moves from real property, or moves his personal property from real property--

(I) as a direct result of a written notice of intent to acquire or the acquisition of other real property, in whole or in part, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; or

(II) as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, of other real property on which such person conducts a business or a farm operation, under a program or project undertaken by a Federal agency or with Federal financial assistance where the head of the displacing agency determines that such displacement is permanent.

(B) The term "displaced person" does not include-

(i) a person who has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act;

(ii) in any case in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of such property at the time it was acquired) who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.

(7)The term "business" means any lawful activity, excepting a farm operation, conducted primarily--

(A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(B) for the sale of services to the public;

(C) by a nonprofit organization; or

(D) solely for the purposes of section 202 of this title, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(8) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(9) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(10) The term "comparable replacement dwelling" means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally equivalent; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

(11) The term "displacing agency" means any Federal agency carrying out a program or project, and any State, State agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person.

(12) The term "lead agency" means the Department of Transportation.

(13) The term "appraisal" means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

#### EFFECT UPON PROPERTY ACQUISITION

SEC. 102. (a) The provisions of section 301 of title III of this Act create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

(b) Nothing in this Act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence immediately prior to the date of enactment of this Act.

#### CERTIFICATION

SEC. 103. (a) Notwithstanding sections 210 and 305 of this Act, the head of a Federal agency may discharge any of his responsibilities under this Act by accepting a certification by a State agency that it will carry out such responsibility, if the head of the lead agency determines that such responsibility will be carried out in accordance with State laws which will accomplish the purpose and effect of this Act.

(b) (1) The head of the lead agency shall issue regulations to carry out this section.

(2) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of this section. A State agency shall make available any information required for such purpose.

(3) Before making a determination regarding any State law under subsection (a) of this section, the head of the lead agency shall provide interested parties with an opportunity for public review and comment. In particular, the head of the lead agency shall consult with interested local general purpose governments

within the State on the effects of such State law on the ability of local governments to carry out their responsibilities under this Act.

(c) (1) The head of a Federal agency may withhold his approval of any Federal financial assistance to or contract or cooperative agreement with any displacing agency found by the Federal agency to have failed to comply with the laws described in subsection (a) of this section.

(2) After consultation with the head of the lead agency, the head of a Federal agency may rescind his acceptance of any certification under this section, in whole or in part, if the State agency fails to comply with such certification or with State law.

## DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE

SEC. 104.(a) IN GENERAL - Except as provided in subsection (c), a displaced person shall not be eligible to receive relocation payments or any other assistance under this Act if the displaced person is an alien not lawfully present in the United States.

### (b) DETERMINATIONS OF ELIGIBILITY

(1) PROMULGATION OF REGULATIONS- Not later than 1 year after the date of enactment of this section, after providing notice and an opportunity for public comment, the head of the lead agency shall promulgate regulations to carry out subsection (a).

(2)CONTENTS OF REGULATIONS- Regulations promulgated under paragraph (1)shall

(A) prescribe the processes, procedures, and information that a displacing agency must use in determining whether a displaced person is an alien not lawfully present in the United States;

(B)prohibit a displacing agency from discriminating against any displaced person;

(C) ensure that each eligibility determination is fair and based on reliable information; and

(D) prescribe standards for a displacing agency to apply in making determinations relating to exceptional and extremely unusual hardship under subsection (c).

(c) EXCEPTIONAL AND EXTREMELY UNUSUAL HARDSHIP- If a displacing agency determines by clear and convincing evidence that a determination of the ineligibility of a displaced person under subsection (a) would result in exceptional and extremely unusual hardship to an individual who is the displaced person's spouse, parent, or child and who is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States, the displacing agency shall provide relocation payments and other assistance to the displaced person under this Act if the displaced person would be eligible for the assistance but for subsection (a).

(d) LIMITATION ON STATUTORY CONSTRUCTION- Nothing in this section affects any right available to a displaced person under any other provision of Federal or State law.

## TITLE II--UNIFORM RELOCATION ASSISTANCE

### DECLARATION OF FINDINGS AND POLICY

SEC. 201. (a) The Congress finds and declares that--

(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

(2) relocation assistance policies must provide for fair, uniform, and equitable treatment of all affected persons;

(3) the displacement of businesses often results in their closure;

(4) minimizing the adverse impact of displacement is essential to maintaining the economic and social well-being of communities; and

(5) implementation of this Act has resulted in burdensome, inefficient, and inconsistent compliance requirements and procedures which will be improved by establishing a lead agency and allowing for State certification and implementation.

(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance. The primary purpose of this title is to ensure that such persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons.

(c) It is the intent of Congress that--

(1) Federal agencies shall carry out this title in a manner which minimizes waste, fraud, and mismanagement and reduces unnecessary administrative costs born by States and State agencies in providing relocation assistance;

(2) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act;

(3) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals; and

(4) the policies and procedures of this Act will be administered in a manner which is consistent with fair housing requirements and which assures all persons their rights under title VIII of the Act of April 11, 1968 (P.L. 90-284), commonly known as the Civil Rights Act of 1968, and title VI of the Civil Rights Act of 1964.

#### MOVING AND RELATED EXPENSES.

SEC. 202. (a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of--

(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency;

(3) actual reasonable expenses in searching for a replacement business or farm; and

(4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed \$10,000.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.

(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than \$1,000 nor more than \$20,000. A person whose sole business at the displacement dwelling is the rental of such property to others shall not qualify for a payment under this subsection.

(d) (1) Except as otherwise provided by Federal law--

(A) if a program or project (i) which is undertaken by a displacing agency, and (ii) the purpose of which is not to relocate or reconstruct any utility facility, results in the relocation of a utility facility;

(B) if the owner of the utility facility which is being relocated under such program or project has entered into, with the State or local government on whose property, easement, or right-of-way such facility is located, a franchise or similar agreement with respect to the use of such property, easement, or right-of-way; and

(C) if the relocation of such facility results in such owner incurring an extraordinary cost in connection with such relocation; the displacing agency may, in accordance with such regulations as the head of the lead agency may issue, provide to such owner a relocation payment which may not exceed the amount of such extraordinary cost (less any increase in the value of the new utility facility above the value of the old utility facility and less any salvage value derived from the old utility facility).

(2) For purposes of this subsection, the term--

(A) "extraordinary cost in connection with a relocation" means any cost incurred by the owner of a utility facility in connection with relocation of such facility which is determined by the head of the displacing agency, under such regulations as the head of the lead agency shall issue--

(i) to be a non-routine relocation expense;

(ii) to be a cost such owner ordinarily does not include in its annual budget as an expense of operation; and

(iii) to meet such other requirements as the lead agency may prescribe in such regulations; and

(B) "utility facility" means--

(i) any electric, gas, water, steam power, or materials transmission or distribution system;

(ii) any transportation system;

(iii) any communications system (including cable television); and

(iv) any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system; located on property which is owned by a State or local government or over which a State or local government has an easement or right-of-way. A utility facility may be publicly, privately, or cooperatively owned.

#### REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. (a) (1) In addition to payments otherwise authorized by this title, the head of the displacing agency shall make an additional payment not in excess of \$22,500 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(A) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling.

(B) The amount, if any, which will compensate such displaced person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling.

(C) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of such date.

(b) The head of any Federal agency may, upon application by a mortgagee, insure any mortgage (including advances during construction) on a comparable replacement dwelling executed by a displaced person assisted under this section, which mortgage is eligible for insurance under any Federal law administered by such agency notwithstanding any requirements under such law relating to age, physical condition, or other personal characteristics of eligible mortgagors, and may make commitments for the insurance of such mortgage prior to the date of execution of the mortgage.

#### REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204 (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to (1) the initiation of negotiations for acquisition of such dwelling, or (2) in any case in which displacement is not a direct result of acquisition, such other event as the head of the lead agency shall prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed 42 months, a comparable replacement dwelling, but not to exceed \$5,250. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account such person's income.

(b) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. Any such person may, at the discretion of the head of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection (a), except that, in the case of a displaced homeowner who has owned and occupied the displacement dwelling for at least 90 days but not more than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person owned and occupied the displacement dwelling 180 days immediately prior to the initiation of such negotiations.

#### RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES

SEC.205 (a) Programs or projects undertaken by a Federal agency or with Federal financial assistance shall be planned in a manner that (1) recognizes, at an early stage in the planning of such programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses, and farm operations, and (2) provides for the resolution of such problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion.

(b) The head of any displacing agency shall ensure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person advisory services.

(c) Each relocation assistance advisory program required by subsection (b) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to--

(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

(2) provide current and continuing information on the availability, sales prices, and rental charges of comparable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of--

- (A) a major disaster as defined in section 102(2) of the Disaster Relief Act of 1974;
  - (B) a national emergency declared by the President; or
  - (C) any other emergency which requires the person to move immediately from the dwelling because continued occupancy of such dwelling by such person constitutes a substantial danger to the health or safety of such person;
- (4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;
- (5) supply (A) information concerning other Federal and State programs which may be of assistance to displaced persons, and (B) technical assistance to such persons in applying for assistance under such programs; and
- (6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.
- (d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.
- (e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may agree that the procedures of one of such agencies shall be utilized to implement this title with respect to such activities. If such agreement cannot be reached, then the head of the lead agency shall designate one of such agencies as the agency whose procedures shall be utilized to implement this title with respect to such activities. Such related activities shall constitute a single program or project for purposes of this Act.
- (f) Notwithstanding section 101(6) of this Act, in any case in which a displacing agency acquires property for a program or project, any person who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project shall be eligible for advisory services to the extent determined by the displacing agency.

#### HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because comparable replacement dwellings are not available, and the head of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the displacing agency may use this section to exceed the maximum amounts which may be paid under sections 203 and 204 on a case-by-case basis for good cause as determined in accordance with such regulations as the head of the lead agency shall issue.

(b) No person shall be required to move from his dwelling on account of any program or project undertaken by a Federal agency or with Federal financial assistance, unless the head of the displacing agency is satisfied that comparable replacement housing is available to such person.

## STATE REQUIRED TO FURNISH REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE (LOCAL COOPERATION)

SEC. 207. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Federal agency having authority over the program or project may not accept such property unless such State agency has made all payments and provided all assistance and assurances, as are required of a State agency by sections 210 and 305 of this Act. Such State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, such Federal agency shall pay 100 per centum of the first \$25,000 of the cost of providing such payments and assistance.

## STATE ACTING AS AGENT FOR FEDERAL PROGRAM

SEC. 208. Whenever real property is acquired by a State agency at the request of a Federal agency for a Federal program or project, such acquisition shall, for the purposes of this Act, be deemed an acquisition by the Federal agency having authority over such program or project.

## PUBLIC WORKS PROGRAMS AND PROJECTS OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 209. Whenever real property is acquired by the government of the District of Columbia or the Washington Metropolitan Area Transit Authority for a program or project which is not subject to sections 210 and 211 of this title, and such acquisition will result in the displacement of any person on or after the effective date of this Act, the Commissioner of the District of Columbia or the Washington Metropolitan Area Transit Authority, as the case may be, shall make all relocation payments and provide all assistance required of a Federal agency by this Act. Whenever real property is acquired for such a program or project on or after such effective date, such Commissioner or Authority, as the case may be, shall make all payments and meet all requirements prescribed for a Federal agency by title III of this Act.

## REQUIREMENTS FOR RELOCATION PAYMENTS AND ASSISTANCE OF FEDERALLY ASSISTED PROGRAM; ASSURANCES OF AVAILABILITY OF HOUSING

SEC. 210. Notwithstanding any other law, the head of a Federal agency shall not approve any grant to, or contract or agreement with, a displacing agency (other than a Federal agency), under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such displacing agency that--

- (1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;
- (2) relocation assistance programs offering the services described in section 205 shall be provided to such displaced persons;
- (3) within a reasonable period of time prior to displacement, comparable replacement dwellings will be available to displaced persons in accordance with section 205(c)(3).

## FEDERAL SHARE OF COSTS.

SEC. 211 (a) The cost to a displacing agency of providing payments and assistance under this title and title III of this Act shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs.

(b) No payment or assistance under this title or title III of this Act shall be required to be made to any person or included as a program or project cost under this section, if such person receives a payment required by Federal, State, or local law which is determined by the head of the Federal agency to have substantially the same purpose and effect as such payment under this section.

(c) Any grant to, or contract or agreement with, a State agency executed before the effective date of this title, under which Federal financial assistance is available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this Act, shall be amended to include the cost of providing payments and services under sections 210 and 305. If the head of a Federal agency determines that it is necessary for the expeditious completion of a program or project he may advance to the State agency the Federal share of the cost of any payments or assistance by such State agency pursuant to sections 206, 210, 215, and 305. [42 U.S.C. 4631]

#### ADMINISTRATION--RELOCATION ASSISTANCE IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

SEC. 212. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under sections 206, 210, and 215 of this title, a State agency may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this title through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs. Such State agency shall, in carrying out the relocation assistance activities described in section 206, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

#### DUTIES OF LEAD AGENCY

SEC. 213. (a) The head of the lead agency shall--

(1) develop, publish, and issue, with the active participation of the Secretary of Housing and Urban Development and the heads of other Federal agencies responsible for funding relocation and acquisition actions, and in coordination with State and local governments, such regulations as may be necessary to carry out this Act;

(2) provide, in consultation with the Attorney General (acting through the Commissioner of the Immigration and Naturalization Service), through training and technical assistance activities for displacing agencies, information developed with the Attorney General (acting through the Commissioner) on proper implementation of section 104;

(3) ensure that displacing agencies implement section 104 fairly and without discrimination in accordance with section 104(b)(2)(B);

(4) ensure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency or a State or State agency with Federal financial assistance;

(5) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and

(6) perform such other duties as may be necessary to carry out this Act.

(b) The head of the lead agency is authorized to issue such regulations and establish such procedures as he may determine to be necessary to assure--

(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable and as uniform as practicable;

(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) that any aggrieved person may have his application reviewed by the head of the Federal agency having authority over the applicable program or project or, in the case of a program or project receiving Federal financial assistance, by the State agency having authority over such program or project or the Federal agency having authority over such program or project if there is no such State agency.

(c) The regulations and procedures issued pursuant to this section shall apply to the Tennessee Valley Authority and the Rural Electrification Administration only with respect to relocation assistance under this title and title I.

#### PLANNING AND OTHER PRELIMINARY EXPENSES FOR ADDITIONAL HOUSING

SEC. 215. In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons who are displaced from dwellings because of any Federal or Federal financially assisted project, the head of the Federal agency administering such project is authorized to make loans as a part of the cost of any such project, or to approve loans as a part of the cost of any such project receiving Federal financial assistance, to nonprofit, limited dividend, or cooperative organizations or to public bodies, for necessary and reasonable expenses, prior to construction, for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing for such displaced persons. Notwithstanding the preceding sentence, or any other law, such loans shall be available for not to exceed 80 per centum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing, prior to the availability of such financing, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering, preliminary architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. Loans to an organization established for profit shall bear interest at a market rate established by the head of such Federal agency. All other loans shall be without interest. Such Federal agency head shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of a loan if he determines that a permanent loan to finance the rehabilitation or the construction of such housing cannot be obtained in an amount adequate for repayment of such loan. Upon repayment of any such loan, the Federal share of the sum repaid shall be credited to the account from which such loan was made,

unless the Secretary of the Treasury determines that such account is no longer in existence, in which case such sum shall be returned to the Treasury and credited to miscellaneous receipts.

#### PAYMENTS NOT TO BE CONSIDERED AS INCOME

SEC. 216. No payment received under this title shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law (except for any Federal law providing low-income housing assistance).

#### TRANSFERS OF SURPLUS PROPERTY

SEC. 218. The Administrator of General Services is authorized to transfer to a State agency for the purpose of providing replacement housing required by this title, any real property surplus to the needs of the United States within the meaning of the Federal Property and Administrative Services Act of 1949, as amended. Such transfer shall be subject to such terms and conditions as the Administrator determines necessary to protect the interests of the United States and may be made without monetary consideration, except that such State agency shall pay to the United States all net amounts received by such agency from any sale, lease, or other disposition of such property for such housing.

#### REPEALS

SEC. 220. (a) The following laws and parts of laws are hereby repealed:

(1) The Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231-1234).

(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

(3) Section 2680 of title 10, United States Code.

(4) Section 7(b) of the Urban Mass Transportation Act of 1965 (49 U.S.C. 1606(b)).

(5) Section 114 of the Housing Act of 1949 (2 U.S.C. 1465).

(6) Paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8).

(7) Section 2 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes", approved October 6, 1964 (78 Stat. 1004; Public Law 88-629; D.C. Code 5-729).

(8) Section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074).

(9) Sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307).

(10) Chapter 5 of title 23, United States Code.

(11) Sections 32 and 33 of the Federal-Aid Highway Act of 1968 (Public Law 90-495).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

#### EFFECTIVE DATE

SEC. 221. (a) Except as provided in subsections (b) and (c) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment.

(b) Until July 1, 1972, sections 210 and 305 shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1972, such sections shall be completely applicable to all States.

(c) The repeals made by paragraphs (4), (5), (6), (8), (9), (10), (11), and (12) of section 220(a) of this title and section 306 of title III shall not apply to any State so long as sections 210 and 305 are not applicable in such State.

#### TITLE III--UNIFORM REAL PROPERTY ACQUISITION POLICY

##### UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall, to the greatest extent practicable, be guided by the following policies:

(1) The head of a Federal agency shall make every reasonable effort to acquire expeditiously real property by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property, except that the head of the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value.

(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The head of the Federal agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least ninety days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

(6) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed fair rental value of the property to a short-term occupier.

(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the Federal agency concerned has determined has little or no value or utility to the owner.

(10) A person whose real property is being acquired in accordance with this title may, after the person has been fully informed of his right to receive just compensation for such property, donate such property, and part thereof, any interest therein, or any compensation paid therefor to a Federal agency, as such person shall determine.

## BUILDINGS, STRUCTURES, AND IMPROVEMENTS

SEC. 302. (a) Notwithstanding any other provision of law, if the head of a Federal agency acquires any interest in real property in any State, he shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which he requires to be removed from such real property or which he determines will be adversely affected by the use to which such real property will be put.

(b) (1) for the purpose of determining just compensation to be paid for any building, structure, or other improvement required to be acquired by subsection (a) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner and the land involved disclaims all interest in the

improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. Nothing in this subsection shall be construed to deprive the tenant of any rights to reject payment under this subsection and to obtain payment for such property interests in accordance with applicable law, other than this subsection.

#### EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

SEC. 303. The head of a Federal agency, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses he necessarily incurred for--

- (1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;
- (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and
- (3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

#### LITIGATION EXPENSES

SEC. 304. (a) The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if--

- (1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or
- (2) the proceeding is abandoned by the United States.

(b) Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency for whose benefit the condemnation proceedings was instituted.

(c) The court rendering a judgment for the plaintiff in a proceeding brought under section 1346(a)(2) or 1491 of title 28, United States Code, awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court or the Attorney General reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

#### REQUIREMENTS FOR UNIFORM LAND ACQUISITION POLICIES; PAYMENTS OF EXPENSES INCIDENTAL TO TRANSFER OF REAL PROPERTY TO STATE; PAYMENT OF LITIGATION EXPENSES IN CERTAIN CASES

SEC. 305. (a) Notwithstanding any other law, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, an acquiring agency under which Federal financial

assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective date of this title, unless he receives satisfactory assurances from such acquiring agency that--

(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302, and

(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304.

(b) For purposes of this section, the term "acquiring agency" means--

(1) a State agency (as defined in section 101(3)) which has the authority to acquire property by eminent domain under State law, and

(2) a State agency or person which does not have such authority, to the extent provided by the head of the lead agency by regulation.

#### REPEALS

SEC. 306. Sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071-3073), section 35(a) of the Federal-Aid Highway Act of 1968 (23 U.S.C. 141) and section 301 of the Land Acquisition Policy Act of 1960 (33 U.S.C. 596) are hereby repealed. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Act or portions thereof under this section.

#### EFFECTIVE DATE.

SEC. 418. The amendment made by section 412 of this title (to the extent such amendment prescribes authority to develop, publish, and issue regulations) shall take effect on the date of the enactment of this title. This title and the amendments made by this title (other than the amendment made by section 412 to such extent) shall take effect on the effective date provided in such regulations but not later than 2 years after such date of enactment.

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1. Original text appears in regular typeface.
2. Amended text is displayed in boldface.
3. Amended text is in section 213(c) in regular typeface.
4. Amended text section 104 & 213(a)(2)(3) in bold italics.

United States Department of Transportation - Federal Highway Administration

**Appendix F**  
**Right of Way Certification Letter**

Date  
Route  
Project  
From:  
To:  
City/County; UPC/ID

MEMORANDUM:

TO: Mr. C. F. Gee

Attention: Mr. R. C. Edwards

RE: Certification No. I for Advertisement & Construction

This is to certify that no additional right of way is required for this project. All construction is to take place within the existing right of way.

No persons, businesses, or nonprofit organizations were displaced by the right of way acquisition for this project; therefore, relocation assistance was not required. There are no, railroads or buildings affected by the proposed construction.

In addition, to the best of our knowledge, the soil on all the right of way parcels acquired for this project is free of contaminants.

Arrangements have been made to adjust all known utility conflicts on the above project that have been determined to be project cost. Utility owners performing work at no cost to the project have been instructed to proceed and complete all utility work as soon as possible. Any major utility work that is expected to be performed by the utility company during highway construction, if applicable, will be covered by a special provision in the contract assembly.

It is satisfactory to advertise this project for construction bids and for construction to proceed with respect to right of way and utilities.

S. A. Waymack, Director  
Right of Way and Utilities Division

AJM:sca

CC: Distr. Adm.

Mr. M.T. Mills

Mr. W. D. Gilbert

Mr. M. E. Graham

Urban or Sec. Rds. Engr.

Mr. J. W. Lawson

Res. Engr.

Distr. RW Mngr.

Distr. UT Engr.

**Appendix G**  
**Construction Division Checklist**

# CHECKLIST

Items necessary for the Construction Division to request authorization for Advertisement and Construction

Project Number:

Federal Aid (FHWA) Number:

Recipient Contact:

VDOT Central Office Contact:

VDOT District/Residency Contact(s):

The following information will be cleared and/or certified before VDOT can process the request for authorization to advertise.

**Recipient Responsibility** - This information must be provided in order for VDOT to process the necessary permits, certifications, and clearances. \*\*\*

Approved Environmental Document?                     YES         NO

Environmental Commitments Satisfied?                     YES         NO

Hazardous Waste/Material Been Identified and Removed or Specific Bid items included in

NO contract?                     YES         NO

Right of Way information submitted?                     YES         NO

Utility Agreement information submitted?                     YES         NO

Railroad Information submitted?                     YES         NO

Pubic hearing requirements been satisfied?                     YES         NO

Plans, Proposal and Engineer's Estimate Submitted for Review ?

First Submission                     YES         NO

Second Submission                     YES         NO

Have all design exceptions been approved by VDOT?  YES         NO

\*\*\* Contact the District Office or Resident Engineer for any other permit requirements that may be required on your project. (i.e. Land Use, Building Permits, etc.)

**VDOT Responsibility** - Based on the information provided above the items below will be submitted to the Construction Division for processing to the Federal Highway Administration (FHWA).

Approved Environmental Document?                     YES     NO

Date Approved

Right of Way Certification to Advertise?                     YES     NO

Appropriate Utility Certification?                     YES     NO

Railroad Certification / Agreement?                     YES     NO

Approval in TIP?                     YES     NO

(Transportation Improvement Program)

Approval in SYP? (Six Year Program)                     YES     NO

Have all design exceptions been reviewed and approved?                     YES     NO

Review of Plans, Proposal, and Estimate

by Construction Division?                     YES     NO

Authorized for Advertisement? \_\_\_\_\_ Date Authorized: \_\_\_\_\_

Date of Commonwealth Transportation Board Meeting: \_\_\_\_\_

(Usually the 3rd Thursday of each month)

**FORMS NECESSARY IN PROPOSAL** - These forms may be obtained from the Construction Division. Please call (804) 786-5274 to request these documents.

Form C-104 Sworn Statement

Form C-105 Affidavit of Non-Collusion

Federal Provisions

Federal Wage Rates

Copied Notes – Immigration Reform

Copied Notes - SECT 108B Subcontracting

Copied Notes- 110B Labor rate forms

Special Provision 10 - FHWA Form 1273

Special Provision 26 - Attachment A - Appalachian projects only

Special Provision 30 - Affirmative Action (Projects aver S 10,000.00)

Special Provision 102C - Use of Domestic Material

Special Provision 110 - DBE Requirement

**Appendix H**  
**Quarterly Status Report**

## Transportation Enhancement Program Quarterly Status Report

Project Name: \_\_\_\_\_  
 Project #: \_\_\_\_\_ Location: \_\_\_\_\_  
 Phase: \_\_\_\_\_ Jurisdiction #: \_\_\_\_\_  
 Submitted By: \_\_\_\_\_ Date: \_\_\_\_\_  
 PPMS #: \_\_\_\_\_  
 District: \_\_\_\_\_ Residency: \_\_\_\_\_

**DRAFT**

Year	_____
Jan-Mar	Jul-Sept
Apr-Jun	Oct-Dec

Dates	
Proposed	Actual

Funds First Allocated by CTB			
Preagreement Meeting			
Administrative Agreement (sent to recipient for signature)			
Administrative Agreement (signed by VDOT and sent to recipient)	*		

**Preliminary Engineering**

Authorization to Begin PE (Federal funding authorization ok)			
Consultant Selected			
Consultant Pre-award Audit			
Public Hearing			
Construction Plans (70% complete - 100% buildings) Submitted			
Construction Plans (70% complete - 100% buildings) Review Comments	*		
Environmental Document Submitted			
Environmental Document Approved	*		

**Right-of-Way**

R/W Appraisal/Plans Submitted			
R/W Appraisal/Plans Approved	*		
Utility Relocation Certificates Submitted			
Railroad Agreements Submitted			
Authorization to Begin R/W Acquisition (Federal funding authorization ok)	*		

**Construction/Implementation**

Construction Plans (Final) Submitted			
Construction Plans (Final) Approved	*		
Bid Package Received			
Bid Package Approved			
Authorization to Advertise Project (Federal funding authorization ok)	*		
Advertise Project			
CTB Approves Bid			
Authorization to Begin Construction	*		
Construction/Implementation Complete			
Project Accepted by VDOT	*		

\* Written authorization/documentation from VDOT required

Insert N/A if not applicable

**Narrative (brief description of activities for this quarter)**


## GLOSSARY

Agent of the Commonwealth	Allows local government agencies and selected others to act on behalf of the Commonwealth of Virginia and advertise projects for construction.
Administration Agreement	The Agreement between VDOT and the local government or state agency indicating each parties responsibility in managing the project. The agreement also gives a description of the project, a project number, breakdown of funds and a description of the match requirements.
Brooks Act	Federal Act that requires a hiring agency to select consultant services for engineering and design upon a qualifications-based selection procedure. Qualifications based selection does not allow for price to be used as a factor in the selection process. For contract services under \$25,000 the use of small purchase provisions are allowed, however selection is still based upon qualifications.
Categorical Exclusion (CE)	A category of action which does not individually or cumulatively have a significant effect on the human environment, and which have been found to have no such effect in a federal agency's implementing regulation. Therefore, neither an environmental assessment nor environmental impact statement is required.
Competitive Bidding	Projects are required to be advertised and awarded to the lowest bidder through open competitive bidding. The use of local forces or force account construction must be approved in advance and is contingent upon a finding of cost effectiveness.
CTB	Commonwealth Transportation Board. The CTB must approve all contracts prior to award and construction in accordance with the Code of Virginia.
Cultural Resources	In accordance with Section 106 of the National Historic Preservation Act, Federal Agencies are required to take into account the effect of their undertaking on any district, site, building, structure or object that is included in, or eligible for inclusion in, the National Register of Historic Places. The applicant is responsible for identifying and evaluating historic properties.
Davis-Bacon	Federal requirement that all Federally funded projects over \$2,000 must use a predetermined wage rate. This regulation applies to all enhancement projects that lie within the existing

right of way of a Federal-aid highway or are linked to a Federal-aid highway by means of proximity or impact (examples include removal of outdoor advertising and highway drainage issues.) Davis-Bacon does not apply if the enhancement project is based solely upon function such as the restoration of a transportation facility or construction of an independent bike path or trail.

Design Standards	Projects must be designed with American Association of State Highway and Transportation Officials (AASHTO) and/or state approved standards. It is recommended that all projects follow AASHTO guidelines for design and construction if applicable.
FHWA	Federal Highway Administration, Branch of the U. S. Department of Transportation.
Force Account Work/Local Forces	Design and/or construction by a sponsor's own work forces. Force account work only applies when a local government is the project sponsor. If a local government wishes to use local forces, VDOT and FHWA must approve the cost effectiveness of this method.
Hazardous Materials/Wastes	Chemical substances or residues and other waste materials that have a potential deleterious effects on human health or the environment. Hazardous materials/waste issues lead to significant project delays and costs. Potential hazardous materials/waste sites must be evaluated and mitigated prior to construction.
In-Kind Contributions	Services which include engineering and design, materials and labor. Public in-kind contribution is the use of a sponsor's own workforce and materials. Private in-kind contributions consist of volunteer labor. Both public and private in-kind contributions are eligible and can be used to construct an enhancement project.
Matching Funds	The non-Federal share of the cost of an enhancement project which is provided by the project sponsor. It may consist of cash, materials, services or the donated value of property.
MPO	Metropolitan Planning Organization Regional organizations, which are comprised, of local elected officials, appropriate agency officials and state officials or their representatives. MPOs are responsible for the development of transportation plans and programs for the urbanized area they represent. All enhancement projects require that the local MPO be notified of a sponsor's intent to file an enhancement application with YDOT. Eventually, if the project is selected, the MPO must

	approve its addition to their local Transportation Improvement Program (TIP).
NEPA	The National Environmental Policy Act is the basic national charter for protection of the environment. One of NEPA's most familiar requirements forces federal agencies to evaluate the effects of their actions on the human and natural environment.
PS&E	Plans, Specifications and Estimates Approval of the PS&E must occur before federal funds will be authorized to proceed with the construction of the project.
Public Involvement Process	Process by which the general public has the opportunity to review and address issues in relation to transportation projects.
Public Hearing	An advertised public meeting to present transportation proposals and provide the opportunity for public comment. A public hearing must be held for all transportation enhancement projects prior to application submittal. The requirements for public hearing may follow the guidelines as established by the local government.
Programming and Scheduling Division	Division within VDOT charged with the responsibility for overall management of the enhancement program. In addition this division handles the administration of all rural enhancement projects.
Section 106	See Cultural Resources section.
Section 4(f)	Section 4(f) applies only to agencies of USDOT and requires the preservation of public park and recreation lands, wildlife and waterfowl refuges, and historic sites. Use of these lands may only be approved if there is no prudent and feasible alternative to using that land, and the project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.
Project Sponsor	Although many enhancement projects are initiated and sometimes managed by non-profit groups, the ultimate responsibility for the administration of the project will lie with a local government or public agency (project sponsor). The project sponsor is also responsible for seeing that the match requirements are fulfilled.

Right of Way Certification	Letter required on all Federally funded transportation projects that certifies to the status of property acquisitions. This certification is required even when the property is secured by donation or no additional Right of Way is needed.
STIP	Statewide Transportation Improvement Program. The STIP is a Federally mandated document, which provides the transportation plans and programs developed for all areas of the state. All modes of transportation must be considered including enhancement projects.
TIP	Transportation Improvement Program. The TIP is a list of transportation projects developed by all MPOs to cover work over a minimum of a three-year period. All projects, including enhancements, which propose the use of Federal funds, must be included in the TIP.
Uniform Act	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Procedures and requirements in the acquisition of real property and relocation of persons and businesses for Federal funded projects. Enhancement projects do have to meet the requirements of the Uniform Act.
Urban Division	Division within VDOT which provides administration of all Urban enhancement projects. This includes all municipalities over 3500 population who receive maintenance funds from the State.
VDOT	Virginia Department of Transportation
Virginia Procurement Rules	State and local requirements contractor for project construction in securing a professional services contract or project construction.