



**COLORADO**

**Department of Transportation**

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## **Local Agency Projects**

TIP Training Workshop on Process  
Requirements:  
What Every Project Manager  
(and Applicant) Should Know

Non-MPO Area Call for Projects  
May 2022





# CDOT Local Agency Project Oversight

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When applying for funding give extra thought to:

- What is CDOT's Role?
- Is your Project Schedule and Cost Estimate Realistic?
- What is the Process?



# CDOT Local Agency Manual (July 2017 revision)

- \$\$ come with requirements that can impact your:
  - Cost
  - Scope
  - Schedule
- Set realistic dates for project development and delivery
- Talk with CDOT early and often





## CDOT / Local Agency IGA

- **No reimbursement without an Executed Intergovernmental Agreement (IGA) and an Executed Option Letter**
- What does an Outline IGA define?
  - Scope of Work-As per the approved TIP Application
  - Project responsibilities (Form 1243)
  - Funding Provisions (TIP Application and Cost Estimate for Exhibit C of IGA - Design, ROW, Utilities, Misc, Construction)
  - Phase and Project Deadlines



# Consultant Selection

- **If you want to receive reimbursement with funds for the design consultant costs:**
  - Follow the required selection process included in Exhibit H of the IGA along with a list of federal and state laws.
  - Chapter 5 of the Local Agency Manual
  - Local Agency prepares documents stating the need for professional services and develops the RFP.
  - CDOT Reviews the RFP.
  - Local Agency advertises the RFP upon CDOT approval for a minimum of 15 days.
  - Local Agency conducts interviews and selection is based on competence and qualifications only (cost not a consideration since cost must be fair and reasonable as pursuant to CRS-24-30-140)
  - After a consultant is selected, the LA negotiates costs with the consultant and they execute a contract. The LA then issues the Notice of Proceed to the consultant and copies CDOT.



# Project Schedule

- Milestones:
  - Kickoff/Scoping meeting
  - Field Inspection Review (30% Design)
  - Final Office Review (90% Design)
  - Clearances-ROW, Utility, Environmental
  - Plans & Specs and Estimate Approval
  - Concurrence to Ad
- Please Note: If IGA is construction only, the project still needs to go through the Preconstruction milestones above



# Utilities



# Local Agency Responsibilities

- **SUE - New law, requires a SUE investigation if your project meets all 4 criteria**
  - Project involves a construction contract with a public entity;
  - Project involves primarily horizontal construction and does not involve primarily the construction of buildings;
  - The project has anticipated excavation footprint that exceeds 2 feet in depth and that is a contiguous 1000 square feet (excluding fencing and signing projects) **OR** involves utility boring;
  - Project requires the design services of a licensed PE.
- **Budget for SUE.**
- **Distribute plans and meeting invitations to Utility owners for review. Provide plans to CDOT Utilities a minimum of 2 weeks prior to each milestone meeting.**
- **Draft, negotiate, and execute required agreements, including the Public Utilities Commission action for Railroads.**
- **Incorporate all work elements of the agreements into the plans, Utilities specification, and Railroad requirements specification.**





# Utilities Red Flags

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- Contact CDOT early to walk through the Utilities process.
- In application development, determine what utilities will be impacted, if there will be a potential conflicts, if relocations are required, determine who will perform the work and how the work will be paid for.
- Build in time into the project schedule - for plan reviews, Utility relocations and signatures on your agreements.
- The Utility Clearance Certification Letter must detail how the utility work for each utility is being paid; whether at project cost, at no cost to the project, per the project force account, per the franchise agreement or by using over match money.





# Environmental



# Environmental: Federal vs. Non-Federal

**Federal funding triggers the following laws not triggered with local or state funding:**

- **National Environmental Policy Act (NEPA)**
- **Section 4(f) Historic**- if you have takings of buildings greater than 50 years old this substantive law applies
- **Section 4(f) Parks & Recreation** - if you are touching parks or recreation resources (trails) this substantive law applies

**The above will impact your project in terms of scope, fee, and schedule**

**These items apply regardless of funding:**

- Wetlands Section 404
- Migratory Bird Treaty Act
- Section 6(f) - Land & Water Conservation Fund
- Clean Air Act
- Endangered Species Act
- MS4 compliance

**In addition, items apply on CDOT roadways:**

- Noise Analysis
- Air Analysis
- Archaeo/Paleo
- Hazardous Materials



## Environmental: Success Tips

- **Environmental scoping meeting with CDOT**
- **Provide environmental scope for consultants to CDOT for review**
- **Identify red flag resources early**
- **Engineers work in conjunction with environmental to avoid & minimize impacts**



## Environmental Bottom Line....

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**Coordination with CDOT Environmental Staff - Early and Often**



# Right of Way



## Right of Way

- If any portion of the project receives federal reimbursement, (even just one traffic signal) Uniform Act must be followed. CDOT local agency staff and ROW team can help advise.
- You must identify ROW at scoping. The ROW process following the Uniform Act takes time, money and paperwork and adds 9-12 months to your schedule, no matter your funding source, size of project or size of acquisitions.
- You must have environmental approval to submit plans for approval. Review and approval takes 1-2 months, depending on quality of plans submitted.
- It can take 9 to 12 months after the ROW plans are completed and authorized to acquire ROW. The time between ROWPR and Ad Date needs to be at least 9 to 12 months.



## Right of Way:

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- **Are you willing to condemn?**  
Can you condemn?  
Are you ready to condemn?
- **If relocation is involved, start early.**  
Talk to CDOT ROW ASAP
- Always assume worst case when scheduling, relocation and condemnation can add 9-18 months







# Traffic



# Traffic

- Project components must conform to the Manual on Uniform Traffic Control Devices
  - New traffic signals require that one or more signal warrants under existing conditions is met (prior to applying is preferable)
- Alterations to street and highway facilities require traffic analysis
  - Data collection (vehicle, bicycle, and pedestrian counts) and analysis; be sure to include in the scope and cost
- Systems Engineering Analysis required for projects incorporating technology
  - <https://www.codot.gov/programs/intelligent-transportation-systems/systems-engineering-analysis-sea>
  - Conduct prior to application or include in scope of project
- Projects on the state highway system require an Operations Evaluation
- Many traffic control products have long lead times for procurement, build into project schedule



# Traffic Red Flags

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- Traffic signals without a warrant analysis
- Crosswalk enhancements without adequate analysis
- Lack of SEA
- Lump Sum of traffic control
- Experimental or non-MUTCD traffic control devices
- Proprietary items (may be used with justification - Finding in the Public Interest)





# **Intelligent Transportation Systems (ITS) and the Systems Engineering Analysis (SEA)**



- Systems Engineering Analysis -> SEA
- **Project delivery process** for technology to ensure project success from pre-scoping to retirement of the system
  - Process: guides the Project Managers (PMs) through the technology portion of design, step by step, using templates that PM's complete
- Required per 23 CFR 940  
(<https://www.fhwa.dot.gov/legsregs/directives/fapg/cfr0940.htm>)
- Required to be completed to have federal funds released



- **Local Agency SEA Form required for projects starting design on/after 03/01/2022**
- Use the Local Agency SEA Form to determine which SEA process to use
- [Robust SEA Process](#) required for project falls within at least one of the following:
  - On CDOT's right of way
  - Will be owned, operated, or maintained by CDOT
  - Impact CDOT devices
  - Uses CDOT's network
  - Involves multiple local agencies
- [SEA & Local Agency Webpage](#)
  - <https://www.codot.gov/programs/intelligent-transportation-systems/systems-engineering-analysis-sea/sea-and-local-agencies>



# ITS Red Flags

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- Every project must document if there is technology or not
- SEA must be started early in design process
- When completing the form - the more detail the better! Vague answers will cause a longer review!

Questions or comments?

Reach out to [emma.boff@state.co.us](mailto:emma.boff@state.co.us) or  
[CDOT\\_ITS\\_SUPPORT@state.co.us](mailto:CDOT_ITS_SUPPORT@state.co.us)





# Final Thoughts





## Construction: Red Flags

- Allocate sufficient local agency staff / resources to manage and document the project.
- Local agency must have a certified **soils/materials engineer** assigned to do required testing - sometimes this is overlooked.
- **For the construction phase, a licensed Professional Engineer is Federally required to be in responsible charge.**
- Keep the CDOT project manager informed throughout project completion. Can help avoid project delays.





## Recent Red Flags

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- Buy America (no waivers)
- CMO concurrence / review / approval needed
- EEO certification for final documentation to close
- Missing materials finals documents to close
- As-built plans are needed for final





## Contact Info

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**Thank you!**

**Questions?**