

Federal / State Exchange Funding Program



Jeff Peyton
Local Programs Manager
ODOT Office of Local Programs



What is it?

- ❑ Began in FY2015 in response to concerns and issues that were being raised concerning the difficult processes and requirements that must be followed when using federal \$\$
- ❑ ODOT will allow CEAO to swap \$12.5M of federal \$\$ for state from the LBR program from FY 2015 to FY 2021
- ❑ Funding still at 80/20 but credit bridge \$\$ can be used to cover up to 95%
- ❑ Since 2015, nearly \$53M has been completed or is currently programmed to sell



Benefits of the Program

- Streamlined processes that are typically a little more burdensome when using federal funds.
- Potential for costs savings with a more local-directed process.



Projects Completed / Approved

- 2015 – 2020

- 67 Bridges

- \$52.6M



Approval

4 Step Process



Step 1

- County submits a request to exchange federal funds for state funds to the CEAO
- CEAO will determine which LBR projects are good candidates to switch to state funds:



Good Candidates for Swap

- ❑ No impacts to a historic bridge or other historic structure
- ❑ Does not require an individual 401 permit
- ❑ Does not impact Category 2/3 Wetlands
- ❑ Does not impact Endangered species

Note: Projects with 4(f) properties may be good candidates – 4(f) is not applicable when using state funds

Step 2

If approved by the CEAO, the County sends the request on to ODOT – Local Programs for approval

(LPA LETTER HEAD)

[DATE]

Ohio Department of Transportation
1980 West Broad Street
Mail Stop #3180
Columbus, Ohio 43223
Attn: ODOT Office of Local Programs

REQUEST TO EXCHANGE FEDERAL FUNDS FOR STATE FUNDS

Re: CRS:
PID:

Dear Office of Local Programs:

Pursuant to ORC 5531.08, it is requested that the federal funds that would have been used for the above referenced bridge project be exchanged for state funds as part of the Federal/State Exchange Program. The status of the project is as follows:

- a. The project meets the environmental requirements for the program and an Environmental Certification form will be submitted prior to sale
- b. All of the work necessary for construction of this project will be performed within the right-of-way and a Right-of-Way Certification letter will be submitted prior to sale
- c. The County Engineers Association of Ohio has approved this project to be part of the Federal/State Exchange Program.
- d. All state funds will be used solely for Construction and Construction Engineering activities.

(Signature)

(Authorized Agent for Local Government Agency)

Step 3

Once approved, ODOT sends
An approval letter to the
County, and copies the
respective District

(LPA LETTER HEAD)

[DATE]

Office of Licking County Engineer
William C. Lozier, P.E. P.S.
Donald D. Hill County Administration Building
20 South Second Street
Newark, Ohio 43055

APPROVAL TO EXCHANGE FEDERAL FUNDS FOR STATE FUNDS

Re: CRS:
PID:

Dear Mr. Lozier:

Pursuant to ORC 5531.08, it is requested that the federal funds that would have been used for the above referenced bridge project be exchanged for state funds as part of the Federal/State Exchange Program. The status of the project is as follows:

- a. The project meets the environmental requirements for the program and an Environmental Certification form will be submitted prior to sale
- b. All of the work necessary for construction of this project will be performed within the right-of-way and a Right-of-Way Certification letter will be submitted prior to sale
- c. The County Engineers Association of Ohio has approved this project to be part of the Federal/State Exchange Program.
- d. All state funds will be used solely for Construction and Construction Engineering activities.

(Signature)

(Authorized Agent for Local Government Agency)

Step 4

The County then works with the District to program the project, and the modified LPA Agreement is then drafted and executed

[OHIO DEPARTMENT OF TRANSPORTATION STATE FUNDS EXCHANGE AGREEMENT]

THIS AGREEMENT is made by and between the State of Ohio, Department of Transportation, hereinafter referred to as ODOT, 1980 West Broad Street, Columbus, Ohio 43223 and the (INSERT NAME OF LPA/County) [acting by and through the (INSERT AGENCY RESPONSIBLE FOR LPA ADMINISTRATION)] (USE THIS "ACTING BY" PHRASE ONLY AS NEEDED), hereinafter referred to as the LPA, (address).

1. PURPOSE

- 1.1 Section 5501.03(A)(3) of the Ohio Revised Code (ORC) provides that ODOT may coordinate its activities with those of other appropriate state departments, public agencies, and authorities, and enter into any contracts with such departments, agencies, and authorities as may be necessary to carry out its duties, powers, and functions.
- 1.2 ORC Section 5501.11(A)(4) states that the Department of Transportation with respect to highways shall cooperate with the counties, municipal corporations, townships, and other subdivisions of the state in the establishment, construction, reconstruction, maintenance, repair, and improvement of the public roads and bridges.
- 1.3 Section 5501.03 (D) of the Ohio Revised Code provides that ODOT may coordinate its activities and enter into contracts with other appropriate public authorities to administer the design, qualification of bidders, competitive bid letting, construction, inspection, and acceptance of any projects administered by ODOT, provided the administration of such projects is performed in accordance with all applicable Federal and State laws and regulations with oversight by ODOT.
- 1.4 ORC Section 5531.09(C) provides that upon written request of a county, township or municipal corporation and a determination by the Director that it would be in the best interests of the traveling public, the Director may declare a waiver of that portion of the construction costs of a highway project which the county, township, or municipal corporation normally would be required to pay.
- 1.5 The purpose of this Agreement is to set forth the responsibilities of the parties associated with the administration of State funds on behalf of the Ohio Department of Transportation through the County Engineer Association of Ohio for the PROJECT by ODOT.
- 1.6 The LPA shall comply with all applicable Federal and State laws, regulations, and applicable executive orders in regards to the PROJECT. This obligation is in addition to compliance with any law, regulation, or executive order specifically referenced in this Agreement.

2. FUNDING AND PAYMENT

- 2.1 The total cost for the PROJECT is estimated to be \$_____. ODOT shall provide to the LPA _____ percent of the eligible costs, up to a maximum of \$_____ in State funds. This maximum amount reflects the funding limit for the PROJECT set by the applicable Program Manager and cannot be used as a LPA's match. Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with the actual construction of the



Post Approval

Programming

- ❑ County will work with the ODOT District LPA Manager to program the project (4C87)
- ❑ The CEAO LBR funding application will be used in place of the scope document



Post Approval

Modified LPA Agreement

- ❑ All milestone dates in ELLIS will be N/A with the exception of:
 - Sale
 - Award
 - Begin Construction
 - End Construction

Environmental

- ❑ SHPO – Request for concurrence of no impacts to historic properties
- ❑ USACE - Application to requesting a Nationwide Permit
- ❑ County may send letter to ODNR requesting a sign-off for impacts to Threatened and Endangered Species
(Forgo ODNR letter – this coordination will be done by the USACE as part of the Nationwide Permit process)
- ❑ If R/W is needed from a 6(f) property then coordination with NPS is required

Environmental Cont.

County attaches all agency coordination to the Environmental Certification form and sends to ODOT

Federal/State Funding Exchange Environmental Certification

County-Route-Section:

PID:

The status of environmental for the above referenced project is certified as follows:

- There are no impacts to a historic bridge or other historic structure (Letter from SHPO is attached)
- No individual 401 permit is required (USACE's issuance of a 404 NWP is attached)
- There are no impacts to Category 2/3 wetlands (addressed by the bullet point above)
- Impacts to Threatened and Endangered species have been addressed –

Please Check Appropriate Box:

<input type="checkbox"/>	Sign-off letter from ODNR is attached. If ODNR required coordination with USFWS, then sign-off letter from USFWS is also attached
<input type="checkbox"/>	Coordination with ODNR/USFWS, as appropriate, was performed as part of the 404 NWP coordination by the USACE

Since no federal funds will be used in any phase of the project, it is not considered a "federal action," and therefore full NEPA documentation does not apply.

County Engineer Signature

Printed Name

Date

Right-of-Way

R/W Certification Letter is
sent to ODOT
(utility note attached)

Insert LPA letterhead/LPA logo	
<p style="text-align: center;">LPA Certification of Right of Way Control Letter 1 State Funding Exchange Program</p>	
Insert date (<i>date of letter</i>)	
Insert addressee	
Re:	C/R/S: PID:
Dear (insert addressee):	
I certify that:	
<p>1. STATUS OF THE REQUIRED RIGHT OF WAY: All work proposed is within the existing right of way.</p> <p>2. COMPLIANCE WITH RELOCATION ASSISTANCE PROGRAM REQUIREMENTS For this project, there were no displacements of individuals, personal property, residences, businesses, farms or not for profit organizations.</p> <p>3. STATUS OF REQUIRED UTILITY RELOCATIONS (<i>Select either</i>) No utility relocation required.</p> <p style="text-align: center;"><u>or</u></p> <p>There are utilities within the construction limits of the project. The status of these arrangements for the completion of the work prior to or in coordination with the physical construction is shown on the Utility Note below.</p> <p style="text-align: center;">(<i>INSERT UTILITY NOTE</i>)</p> <p>4. STATUS OF RAILROAD OPERATING FACILITIES None affected.</p> <p>5. ENCROACHMENTS There are no improvements or obstructions located within the limits of this project.</p>	
Respectfully,	
(Type name)	
(Title of person signing)	



Right-of-Way

- Any necessary R/W is acquired in accordance with ORC
- District REA will also complete a R/W Certification form

Plans

- ❑ Can be prepared in-house or by a consultant
- ❑ QBS process if over \$50,000
- ❑ Design in accordance with AASHTO standards
 - ❑ No minimum bridge width requirement
 - ❑ Must not be SD/FO upon completion
- ❑ Approach work limited to 200' (or reasonable touchdown points)
- ❑ ODOT Plan reviews are NOT required



Bid and Award

- ❑ County prepares the bid package (5% EDGE goal)
- ❑ County bids and awards the project
- ❑ Award package sent to OLP to encumber the funds
- ❑ Make sure a copy of the encumbrance is received before authorizing the contractor to begin work

Payment

- ❑ County can pay and seek reimbursement or set-up a direct pay to contractor through ODOT
- ❑ Requests for payment can be submitted at the completion or progress payments can be made
- ❑ If requesting reimbursement for CE, sufficient time tracking must be kept



Final Review

- ❑ County to notify the District Construction office to perform a final review
- ❑ Final review is only to ensure that the bridge was constructed according to plan
- ❑ ODOT will not monitor during construction



Questions???

Contact information:

Jeff Peyton
Local Programs Manager
ODOT Office of Local Programs
(614)466-2032