



# **Non-Federal-aid Project Development Guide**

## **For Local Public Agencies**

**January 19, 2024**

This document does not apply to projects where the Administering Bureau is the Systems Planning Bureau.

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[https://iowadot.gov/local\\_systems/publications/im/non-federal-aid-guide.pdf](https://iowadot.gov/local_systems/publications/im/non-federal-aid-guide.pdf)

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## 1 Introduction

### 1.1. About the Non-Federal-aid Guide

#### 1.1.1. What is the Non-Federal-aid Guide for?

The Non-Federal-aid Project Development Guide for Local Public Agencies exists to provide information and instructions to Local Public Agency (LPA) staff in order to help them successfully develop their non-Federal-aid transportation projects. Non-Federal-aid includes Federal-aid Swap, Farm-to-Market (FM), and State-aid projects. While the Iowa DOT does not review locally funded, locally let projects, the procedures in this document cover various Federal and State laws and regulations. LPAs are encouraged, but not required, to follow the procedures within this document for all projects, regardless of funding.

**The Non-Federal-aid Guide does not necessarily apply to projects where the Administering Bureau is the Systems Planning Bureau.** Specifically, this Non-Federal-aid Guide does not necessarily outline the procedures for State Recreational Trails and Revitalize Iowa's Sound Economy (RISE) projects. For more information on determining the Administering Bureau, refer to [I.M. 1.000](#), Iowa DOT Oversight of LPA Projects.

#### 1.1.2. How should the Non-Federal-aid Guide be used?

For LPAs that are unfamiliar with non-Federal-aid procedures, the Non-Federal-aid Guide serves as an overview and introduction to the non-Federal-aid process.

The Non-Federal-aid Guide is not intended to include all the details of the non-Federal-aid process. Instead, where appropriate, the Non-Federal-aid Guide references other documents that provide additional detailed instructions concerning specific parts of the process. In other words, the Non-Federal-aid Guide provides a central location from which all the information relevant to development of LPA Non-Federal-aid transportation projects may be located.

Most of the detailed information referenced by the Non-Federal-aid Guide is contained in the Instructional Memorandums to Local Public Agencies (I.M.s). To view or print a referenced I.M., simply click on the hyperlink provided, shown with [blue, underlined text](#). The Iowa DOT does not provide printed copies of the I.M.s; however, all I.M.s are available on-line in Adobe Acrobat's Portable Document Format (PDF).

Although the Non-Federal-aid Guide is written using an informal style, in some places, it is necessary to use technical terms or phrases. When such terms or phrases are used, they are defined in [Appendix B - Glossary of Terms](#). To jump to the glossary entry for a defined term or phrase, simply click on the [green, dotted-underline text](#).

#### 1.1.3. What does the Non-Federal-aid Guide cover?

The focus of the Non-Federal-aid Guide is project development and administration. It provides guidance for a wide range of project activities – beginning immediately after funding approval and continuing up through construction completion and final reimbursement.

### 1.2. Working with the Iowa DOT

#### 1.2.1. Roles and Responsibilities

With respect to an LPA transportation project, the Iowa DOT can serve as both an advisor and a monitor. With each role, the Iowa DOT has different responsibilities. As an advisor, the Iowa DOT is responsible for providing guidance and assistance to LPAs to help them successfully implement their non-Federal-aid transportation projects. As a monitor, the Iowa DOT is responsible for administering and overseeing the various transportation funding programs that are available to LPAs. This oversight is accomplished by numerous reviews and approvals of project activities, as outlined in the I.M.s applicable to those activities.

### 1.2.2. Who do I Contact?

The administration and oversight of these transportation funding programs is a combined effort of many different Divisions and Bureaus within the Iowa DOT. However, the LPA's primary point of contact with the Iowa DOT will be the [Administering Bureau](#). Unless specified otherwise, all project submittals, correspondence, and questions should be directed to the [Administering Bureau](#).

The Iowa DOT [Local Systems Bureau](#) is responsible for providing written guidance, including the Guide, I.M.s, and other information, to both the [Administering Bureau](#) and LPAs. The Local Systems Bureau also provides assistance with the interpretation and implementation of that guidance.

## 2 Non-Federal-aid Basics

This section of the Non-Federal-aid Guide explains several critical activities and their sequence in the process. To have a successful project, it is crucial that the LPA officials working on the project understand and comply with these basic requirements of the process.

### 2.1. Common Non-Federal-aid Funding Types

#### 2.1.1. Federal-aid Swap Program Projects

The State of Iowa has established a Federal-aid Swap Program. It is a non-Federal-aid source of funding for LPAs. For more information, refer to [I.M. 1.150](#), Federal-aid Swap Program.

##### Surface Transportation Block Grant (STBG) Swap Program

STBG Swap Program funds can be used for projects on rural minor collectors and higher classifications in rural areas, and also on any Farm-to-Market (FM) road. STBG Swap Program funds can be used on urban collector streets and higher classifications in urban areas. For more information, refer to [I.M. 1.150](#), Federal-aid Swap Program.

##### Highway Bridge Program (HBP) Swap

The HBP Swap funds available for the State of Iowa are divided between the cities and counties on a formula basis. Each county receives an annual allocation of funds which may be used on any eligible bridge, subject to certain restrictions. Cities compete for HBP funding based on a priority point system. In addition to the HBP funds, there is an allocation of State funds available annually for city and county bridges under the City and County Bridge Construction funds, respectively. For complete information regarding the bridge programs for both cities and counties, refer to [I.M. 1.100](#), Highway Bridge Programs for Cities and Counties.

#### 2.1.2. Farm-to-Market Program Projects

The Farm-to-Market (FM) Program is for the establishment, construction, reconstruction, or improvement of the FM system, per Iowa Code Section [310.4](#). The FM Fund is comprised of 8% of the Road Use Tax Fund (RUTF), per Iowa Code Section [312.2](#). For more information, refer to [I.M. 2.100](#), Farm-to-Market Program.

#### 2.1.3. Other Iowa DOT Funding Programs

There are numerous funding programs through the Iowa DOT. For more information, refer to the Iowa DOT Funding Guide: [https://iowadot.gov/pol\\_leg\\_services/Funding-Guide.pdf](https://iowadot.gov/pol_leg_services/Funding-Guide.pdf).

The Iowa DOT Traffic and Safety Bureau has established various safety programs; refer to their website for additional information: <https://iowadot.gov/traffic/Safety-Engineering-and-Planning>

The Iowa DOT Systems Planning Bureau has also established various funding programs; refer to their website for additional information: [https://iowadot.gov/systems\\_planning/](https://iowadot.gov/systems_planning/)

## 2.2. Project Programming

### 2.2.1. Federal-aid Swap Program Projects

All Federal-aid Swap Program (Swap) projects must be included, or “programmed,” in the appropriate Regional Planning Affiliation (RPA) or Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP). All of the RPA and MPO TIPs are then combined, along with Iowa DOT Federal-aid projects, to form the Statewide Transportation Improvement Program (STIP).

The LPA is responsible for working with the applicable RPA or MPO to ensure that their project is included in the TIP / STIP and is programmed with an adequate amount of funds for the correct [Federal Fiscal Year \(FFY\)](#). However, if the project is being funded with County HBP Swap funds, it is not necessary for the LPA to submit the project to the RPA or MPO for inclusion in the TIP / STIP. Once programmed in the County Five Year Program (CFYP), the project will automatically be submitted for inclusion in the TIP / STIP.

**Note: Funds should be programmed in the FFY(s) in which project letting will occur; not on the basis of when actual expenditures will occur.** For example, if utilizing Federal-aid Swap on the construction phase of a project, all related Federal-aid funds should be programmed for the FFY of the anticipated letting. This would be true even if the construction project was expected to take multiple construction seasons.

Project programming information for the TIPs is submitted, reviewed, and transmitted to the Iowa DOT for inclusion in the STIP using the [Transportation Project Management System \(TPMS\)](#). TPMS is web-based tool developed by the [Iowa County Engineers Association Service Bureau \(ICEASB\)](#) to assist local agencies with project programming and development tracking. While this tool was initially developed for the counties, it is also available for use by cities and consultants. For more information about TPMS or to request access to this system, call the ICEASB at 515-244-0779.

### 2.2.2. Project Programming - All Other Non-Swap Projects

County Secondary Road Department projects: The county enters all construction projects in the CFYP in TPMS.

City projects and all other projects not in a CFYP: Cities or other entities may need to enter construction projects into a Capital Improvement Program, if required by Local authorities.

## 2.3. Funding Agreement

Another important initial step in the non-Federal-aid project process is execution of a funding agreement between the Iowa DOT and the LPA. The [Administering Bureau](#) will prepare a funding agreement and send an unsigned copy to the LPA for signature. By signing the funding agreement, the LPA agrees to follow all of the applicable Federal and State laws, regulations and policies pertaining to the specific type(s) of funds that are involved.

In general, the funding agreement spells out the responsibilities of both the LPA and the Iowa DOT. The details of the funding agreement will vary, depending on the type of funds that are involved. The LPA officials responsible for the project should thoroughly review the funding agreement prior to bringing it to the board of supervisors or city council for action. Any questions or concerns should be directed to the [Administering Bureau](#).

## 2.4. Reimbursement

All of the transportation funding programs administered by the Iowa DOT operate on a reimbursement basis. The LPA, after completing the necessary steps and receiving the appropriate approvals, pays project expenses up front. In turn, the LPA submits a request for reimbursement to the Iowa DOT. (In cases where a project is on a FM route, the payment will be made from the FM account instead of payment being made locally.) The request should be made using the form or format provided by the [Administering Bureau](#). To ensure proper accounting of costs, reimbursement requests for costs incurred

prior to June 30 shall be submitted to the [Administering Bureau](#) by August 1 if possible, but no later than August 15.

Requests for reimbursement shall be made on a periodic basis after costs have been incurred.

After Iowa DOT review and approval, the LPA will be reimbursed by the Iowa DOT at the agreed upon funding, as per the Funding Agreement, for properly documented, eligible, and authorized project costs. Reimbursements to the LPA are typically made by issuing a State warrant.

**Farm-to-Market Projects:** A slightly different process is used for county projects on the FM System. For those projects, payments are typically made by Iowa DOT from the county's FM account. On Swap projects, after such payments have been made, the DOT will automatically process a reimbursement, and the reimbursement will be deposited into the county's FM account. For additional information on how to process reimbursements, refer to [I.M. 1.000](#).

## 2.5. Match Requirements

Some state-aid transportation programs require some type of cost sharing or match. See each program's guidance for further information.

## 2.6. Person in Responsible Charge

Federal regulations (23 CFR 635.105 and 23 CFR 172.9(d)(1)) require the LPA to have a full time employee who is in responsible charge of the project. This person supervises all project administration duties, oversees the work performed by consultants and contractors, and coordinates the development of the project with the Iowa DOT. Specific duties include:

1. administering inherently governmental project activities, including the review, approval, and negotiation of contracts, adherence to contract requirements and construction quality, and managing the scope of Federal-aid projects;
2. maintaining familiarity with day to day project operations, including project safety issues;
3. evaluating and participating in contract administration decisions and approvals, such as changed conditions, scope changes, changes in contract time, and changes in contract amounts;
4. scheduling and attending project review meetings and construction site visits on a frequency that is commensurate with the magnitude and complexity of the project;
5. reviewing financial processes, transactions, and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse;
6. directing project staff, agency staff, or consultants, to carry out project administration and contract oversight, including proper documentation;
7. being aware of the qualifications, assignments, and on-the-job performance of the agency and consultant staff at all stages of the project; and
8. ensuring that costs requested for Federal-aid reimbursement are allowable in accordance with the Federal cost principles and consistent with the contract terms.

These duties may be shared by several people. A single person may also serve as the person in responsible charge for multiple projects.

For counties and larger cities, this person is typically the county or city engineer; however, they need not be a licensed engineer or architect to be the person in responsible charge. For smaller cities that do not have any full time employees, the mayor or city clerk may serve as the person in responsible charge, with assistance from the Iowa DOT [Administering Bureau](#). A consultant **shall not** serve as the person in responsible charge.

## 3 Getting Started

### 3.1. Project Development Overview

The Non-Federal-aid project development process is shown graphically in [Appendix A - Project Development Flowchart](#). This flow chart includes references to some of the applicable I.M.s for additional details concerning specific parts of the development process. The remaining sections of the Non-Federal-aid Guide provide a written overview of the project development process.

### 3.2. Project Schedule

The time required to develop a project from funding approval to project letting varies greatly, depending on several factors. Some of these factors include whether right-of-way must be acquired, the type and magnitude of environmental impacts, and whether utility relocations or work on railroad property or facilities is required. Therefore, it is not possible to specify a project schedule that is applicable to all situations.

### 3.3. Project Submittal Dates

[I.M. 3.010](#), Project Development Submittal Dates and Information, provides specific dates for some of the key project submittals, based on a targeted Iowa DOT letting date. It also provides a summary of what should be included in those submittals.

*Please note that [I.M. 3.010](#) is only intended to show the minimum amount of time required for the Iowa DOT to review the project submittals listed. Depending on the circumstances of each project, other submittals or activities may be the controlling factor in determining when a project may be let. These dates do not account for the review times of other Federal or State agencies that may or may not be necessary for a given project.*

### 3.4. Project Tracking

For projects let at the Iowa DOT, the use of TPMS is required, in order to record and monitor the development status of projects that involve construction. Use of TPMS for non-construction projects is optional. Much of the information in TPMS is transferred electronically to the Iowa DOT for use in project programming, development, and letting. Therefore, it is important for LPAs to keep their project information current in TPMS.

## 4 Permits and Environmental Review

This section of the non-Federal-aid Guide gives a brief summary of the typical permits or environmental reviews that may be required by the applicable Federal or State laws and regulations.

### 4.1. Threatened and Endangered Species

The Endangered Species Act (ESA) applies to its listed species and critical habitats on projects. [I.M. 4.110](#), Threatened and Endangered Species, provides guidance concerning the requirements and procedures for potential impacts to listed species and critical habitats.

### 4.2. Cultural and Historic Resources

State laws require the preservation of cultural and historic resources. [I.M. 4.120](#), Cultural Resource Regulations, provides guidance concerning the requirements and procedures for potential impacts to cultural and historic resources, such as archeological sites and historic properties. At minimum, a Cultural Resources Assessment or Cultural Resources Evaluation shall be completed on every project.

### 4.3. Section 404 Permits

Section 404 of the Clean Water Act and its associated Federal regulations place restrictions on the use of wetlands, streams, rivers, or other aquatic resources. If any project construction will occur in any of these

areas, the LPA may be required to notify the U.S. Army Corps of Engineers and obtain the appropriate Section 404 permit. For more information, refer to [I.M. 4.130](#), 404 Permit Process.

#### **4.4. Water Trails and Paddling Routes**

Water Trails and Paddling Routes are considered recreational areas under 23 CFR 774. If a project has the potential for obstruction or falling debris, signage and/or coordination will be required. For more information on this process, see [I.M. 4.200](#), “Water Trails and Paddling Routes”.

#### **4.5. Iowa DNR Floodplain Development Permits**

Projects that will involve construction in the flood plain of any river or stream in Iowa may require a Floodplain Development Permit from the Iowa Department of Natural Resources (Iowa DNR). The threshold for when a permit is required depends on the location, type of construction, and drainage area of the river or stream. For more information, refer to [I.M. 4.150](#), Iowa DNR Floodplain Permits and Regulations.

#### **4.6. Storm Water Permits**

The Clean Water Act and its associated Federal and State regulations may also require a National Pollutant Discharge Elimination System (NPDES) permit. If project construction activities will disturb more than 1 acre of ground, the LPA is required to submit a notification and obtain an NPDES permit from the Iowa DNR. Ground is considered disturbed if the soil is exposed to erosive forces, such as wind or water, for any period of time. For more information, refer to [I.M. 4.140](#), Storm Water Permits.

#### **4.7. Projects in the Vicinity of an Airport or Heliport**

If project construction will take place in the vicinity of a public airport or heliport, the LPA may be required to provide notice to the Federal Aviation Administration (FAA) and local airport officials. For more information, refer to [I.M. 4.190](#), Highway Improvements in the Vicinity of Airports or Heliports.

#### **4.8. Hazardous Materials**

In order to construct a transportation project, it is possible that hazardous materials may be encountered during the demolition or construction of buildings, bridges, or other structures. In those cases, certain Federal and State laws and regulations may govern how the demolition or construction may proceed.

The Clean Air Act and its associated Federal regulations require certain inspection, testing, notification, and removal procedures to be followed if the project involves removal of any structures or material that may contain asbestos. This includes buildings and bridges. For more information on the required procedures, refer to [I.M. 4.160](#), Asbestos Inspection, Removal, and Notification Requirements.

If contaminated soil or other hazardous wastes are encountered during project construction or on property acquired for the project, the LPA may be responsible for removal or treatment of such materials. If hazardous wastes may be present, the LPA may contact the Iowa DOT [Location and Environment Bureau](#), Regulated Materials Section, for assistance.

#### **4.9. Work on Primary or Interstate Highways**

If a locally sponsored project involves a Primary or Interstate highway, additional coordination and approvals by the Iowa DOT and / or Federal Highway Administration (FHWA) are required, as described below.

##### **4.9.1. Permits**

If the project will require any work within or abutting the right-of-way of an Interstate or Primary Highway, the LPA must acquire the appropriate permit(s) from the Iowa DOT. Execution of the project funding agreement does not grant any of the Iowa DOT permits that may be required. The type of permits required depends on the type of work being done. Any time a project is located within Iowa DOT ROW, the [Administering Bureau](#) will work with the District Office on various project development submittals. The LPA shall submit the Application and Agreement to Perform Work Within State Highway Right-of-Way ([Form 810028](#)) to the appropriate District.



#### 4.9.2. Interchange Justification Reports

If the project will involve studies, design, or construction associated with a new or revised interchange on an Interstate highway, an Interchange Justification Report (IJR) must be prepared. The purpose of an IJR is to evaluate the need and engineering feasibility of the proposed interchange. The IJR must be reviewed and approved by the Iowa DOT and the FHWA. For more information, refer to the Iowa DOT's [User Guide – Process for New or Revised Interchange Access](#). For projects on or over the Interstate, the Iowa DOT is required by the FHWA to administer construction. An IJR may “Federalize” a project, which means that the project would need to follow Federal-aid project guidelines, laws and regulations, regardless of the type of funding being used for the project. For additional information on what it means to “Federalize” a project, refer to [I.M. 1.150](#), Federal-aid Swap Program.

#### 4.9.3. Projects within Interstate Right-of-Way

If the project will require any work within an Interstate ROW, additional time may be required for FHWA review prior to construction, regardless of funding type. For non-Federal-aid projects, the Administering Bureau will coordinate this. Due to traffic volumes and speed, for all construction that takes place within Interstate right-of-way, the Iowa DOT will be the contracting authority and the project will be directly administered by Iowa DOT unless prior approval has been obtained from FHWA. Coordination of these activities should be discussed early in the design process to ensure all parties have capacity in their schedules.

## 5 Project Design

Unless specified otherwise in the project funding agreement, the LPA is responsible for all project design activities. The project design may be completed by the LPA's own staff, by a consultant, or if provided for by an intergovernmental agreement with another governmental agency, the staff or consultants hired by that agency. In any case, all plans and specifications must be prepared by a professional engineer or architect licensed to practice in the State of Iowa, unless specified otherwise in the project funding agreement.

### 5.1. Design Guidelines

All projects should be designed to meet the guidelines provided by the Iowa DOT. Generally speaking, these guidelines correspond to nationally recognized design guidelines, such as those published by the American Association of State Highway Transportation Officials (AASHTO).

#### 5.1.1. Roadways and Bridges

Any road or bridge projects that are located on the [Primary Highway System](#), [Interstate System](#) or [National Highway System](#) (NHS), regardless of funding source, shall use the design guidelines in the [Iowa DOT Design Manual](#). For all other road and bridge projects, refer to the guidelines listed below:

- For projects involving new construction or complete reconstruction within urban areas, refer to Iowa Statewide Urban Design and Specifications (SUDAS) [Design Manual](#), Chapter 5.
- For projects involving new construction or complete reconstruction on rural collectors and rural local roads, refer to [I.M. 3.210](#), Rural Design Guidelines.
- For projects involving new construction or complete reconstruction on urban public improvement projects, refer to [I.M. 3.215](#), Urban Design Guidelines.
- For projects with a rural cross section (e.g. shoulders with open ditches, no curbs) in urban areas or projects in transition areas between rural and urban areas, refer either to the [SUDAS Design Manual](#) or [I.M. 3.210](#).
- For rehabilitation, restoration, or resurfacing (3R) projects, refer to [I.M. 3.220](#), 3R Guidelines.
- For guidance concerning the use and placement of guard rails and bridge rails, refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail).
- For guidance in providing a safe recovery area, refer to [I.M. 3.240](#), Clear Zone Guidelines.
- For projects involving bridges or culverts, additionally refer to [I.M. 3.500](#), Bridge or Culvert Plans.

### 5.1.2. Bicycle and Pedestrian Facilities

For bicycle and pedestrian facility projects, designs should meet or exceed the minimum recommended values provided in Chapter 12A and 12B of the [Iowa DOT Design Manual](#).

New construction or alterations to pedestrian facilities shall be designed to meet the requirements of the Americans with Disabilities Act (ADA). Refer to [I.M. 1.080](#), ADA Requirements, for the applicable design guidelines.

## 5.2. Design Exceptions

Designs that do not meet the guidelines specified by the applicable I.M.s or documents referenced in Section 5.1 require a written design exception or justification. Design exceptions and justifications shall be based on sound engineering judgment, describe the proposed mitigation measures, and include supporting documentation as appropriate. Design exceptions also require preparation of a cost-benefit analysis; whereas justifications do not.

### 5.2.1. Roadways and Bridges

A design exception is required in the following situations:

1. For projects on the [Interstate System](#), [Primary Highway System](#), or [National Highway System](#), any controlling design element identified in the [Iowa DOT Design Manual Section 1C-1](#) is not met. Design exceptions on these systems are required to be approved by the [Administering Bureau](#).
2. For the controlling design elements listed in [I.M. 3.260](#), Design Exception Process, the proposed design does not meet:
  - the values in the “AASHTO Guidelines” tables of [I.M. 3.210](#); or
  - the “acceptable” values in the [Iowa DOT Design Manual](#) or [SUDAS Design Manual](#), as applicable.

Design Exceptions not on the systems listed above in number 1 are not required to be approved by the [Administering Bureau](#); they should be kept in a file at the LPA office.

A justification is required in the following situations:

For the controlling design elements listed in [I.M. 3.260](#), Design Exception Process, the proposed design meets:

- the values in the “AASHTO Guidelines” tables, but does not meet the values in the “Design Aids” tables of [I.M. 3.210](#); or
- the “acceptable” values, but does not meet the “preferred values” in the [Iowa DOT Design Manual](#) or [SUDAS Design Manual](#), as applicable.

Federal regulations require approval of design exceptions for any new construction, reconstruction or 3R project on the NHS, regardless of funding source. LPAs should review the design of all such projects and submit design exception requests to the Iowa DOT [Administering Bureau](#), as applicable. Routine maintenance activities on NHS routes do not require review or approval by the Iowa DOT.

For more information on the design exception process for road or bridge projects, refer to [I.M. 3.250](#), Economic Analysis (Benefit-to-Cost Ratio) and [I.M. 3.260](#), Design Exception Process.

### 5.2.2. Bicycle and Pedestrian Facilities

Project designs that do not meet the guidelines listed in Section 5.1.2 require a written justification. If an LPA receives any type of funding assistance from the Iowa DOT or the project is let through the Iowa DOT; and if an LPA determines that a pedestrian facility cannot be made fully compliant because the accessibility improvements are structurally impracticable, technically infeasible, or there are safety issues, as defined in Section 12A-2 of the [Design Manual](#), it shall provide the Iowa DOT Administering Bureau with an Accessibility Exceptions Certification ([Form 517118](#)). Refer to [I.M. 1.080](#), ADA Requirements, for the applicable design guidelines.

### 5.3. Plans and Specifications

There are several points during project development at which plans must be submitted to the Iowa DOT. These submittals are a key part of the project review and provide much of the information required by the Iowa DOT. Each submittal shall be made through TPMS and accompanied by an e-mail through the TPMS system; other documents shall be submitted as required. The content of each submittal is summarized in [I.M. 3.010](#), Project Development Submittal Dates and Information.

#### 5.3.1. Preliminary Plans

Preliminary Plans for non-Federal-aid projects are only required for projects on the [Primary Highway System](#), [Interstate System](#) or [National Highway System](#). The Preliminary Plans are used by the Iowa DOT to evaluate the proposed project design, right-of-way needs, and possible environmental impacts. For more information, refer to [I.M. 3.400](#), Preliminary Plans. If the project involves a bridge or culvert, refer also to [I.M. 3.500](#), Bridge or Culvert Plans.

#### 5.3.2. Check and Final Plans

Some non-Federal-aid transportation projects must be let by the Iowa DOT; some non-Federal-aid projects may be let locally. Refer to [I.M. 1.000](#), Iowa DOT Oversight of LPA Projects, for additional information on which types of projects must be let at the Iowa DOT. To be let at the Iowa DOT, the plans and specifications must conform to the Iowa DOT letting process. For example, the Iowa DOT [Standard Specifications](#) and the accompanying list of [standard bid items](#) shall be used when appropriate. In addition, use of Iowa DOT [Standard Road Plans](#) and [Road Design Details](#) (includes standard tabulations, notes, details, and typical sections) are also strongly encouraged. Use of these standards promotes consistency and uniformity among all projects let by the Iowa DOT. In turn, plan consistency helps reduce the project cost, because bidder uncertainties associated with different specifications or plan formats are reduced.

The Check Plan submittal serves as a precursor to the Final Plans. Even so, Check Plans should be 100% complete. This allows the [Administering Bureau](#) to review all the required elements of the plans and provide enough time to make any changes that may be needed. If the Check Plans are not complete, the project letting may be delayed.

For detailed information about the plan requirements for letting at the Iowa DOT, refer to [I.M. 3.700](#), Check and Final Plans. If the project involves a bridge or culvert, refer also to [I.M. 3.500](#), Bridge or Culvert Plans.

## 6 Right-of-Way, Utilities, and Railroads

### 6.1. Right-of-Way

For some transportation projects, it is necessary to acquire some type of property rights in order to construct the project. As used in the Guide and the I.M.s, the term, "right-of-way" includes the acquisition of any type of property rights. These property rights may be temporary, such as a temporary construction easement; or they may be permanent, such as an easement or title to a property.

The Federal and State right-of-way laws and regulations always apply, regardless of the project's funding source. There are numerous Federal and State laws and regulations concerning the acquisition of real property for transportation projects. The primary Federal law is the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended. The Federal regulations that implement the Uniform Act are found in Part 24 of Title 49 of the Code of Federal Regulations (49 CFR 24). There are also a number of State laws that pertain to transportation projects, including Iowa Code Section [6A](#) and [6B](#). The rules that implement the requirements of these laws are found in 761 Iowa Administrative Code, Chapter 111, Real Property Acquisition and Relocation Assistance ([761 IAC 111](#)).

These laws and regulations are lengthy and complex, and in many cases, will require the use of specially trained staff or consultants to ensure they are followed properly. For more information about right-of-way acquisition procedures, refer to [I.M. 3.600](#), Right-of-Way Acquisition.

## 6.2. Utility Accommodation and Coordination

Early coordination with utilities that may be impacted by a transportation project is critical. Even though, in many cases, the utility company is obligated to move its facilities if required by a transportation project, failure to communicate by either the LPA or the utility can cause project delays and added expense.

All utility relocations required by a project shall comply with the applicable utility accommodation policy. For projects located on non-primary, [Federal-aid highways](#), refer to the [Policy for Accommodating Utilities on the County and City Non-Primary Federal-aid Road System](#). For projects located on primary highways, refer to [761 Iowa Administrative Code, Chapter 115 Utility Accommodation](#). For more information, refer to [I.M. 3.640](#), Utility Accommodation and Coordination.

## 6.3. Railroad Coordination

When a transportation project requires the use of railroad property, even for minor maintenance-type work of limited duration, advance notification and approval by the railroad will be required. Projects that require access to the railroad right-of-way or modifications to railroad facilities will require an agreement with the railroad.

Therefore, as is the case with utilities, early coordination with the affected railroad(s) is critical. The LPA should contact all railroad companies that have tracks inside or adjacent to the project work area to determine what type of approvals or agreements will be required. The Iowa DOT has developed a process for coordinating with railroads, including specific procedures and specifications that shall be used for all projects let by the Iowa DOT. For more information, refer to [I.M. 3.670](#), Work on Railroad Right-of-Way.

# 7 Letting and Contract Award

## 7.1. Iowa DOT Letting Procedures

Competitive bidding has been a long-standing requirement for the Federal-aid and Non-Federal-aid transportation programs, with a few exceptions. As a result, there are many Federal and State laws and regulations that pertain to the construction contracting process. Because of the complexity of these requirements, the Iowa DOT requires that most Federal-aid, Federal-aid Swap, and FM projects be let at the Iowa DOT. This enables the Iowa DOT to better ensure compliance with these laws and regulations by conducting and directly monitoring the letting process. The Iowa DOT letting process is described in detail by [I.M. 5.030](#), Iowa DOT Letting Process. If an LPA would like to utilize innovative contracting methods, refer to [I.M. 3.730](#), Innovative Contracting Procedures. However, some important aspects of this process are highlighted in the subsections below:

### 7.1.1. Project Clearances

Before letting may proceed, the project should have all of the necessary clearances. These clearances are documented by the LPA and reviewed by the Iowa DOT using the Project Development Certification ([Form 730002](#)). This form should be submitted with the Final Plans. For more information, refer to [I.M. 3.710](#), Project Development Certification Instructions.

Without the required clearances, projects are normally not allowed to enter the Iowa DOT letting process. However, under special circumstances, a project may begin the letting process without all of the necessary clearances provided the LPA requests and the [Administering Bureau](#) approves a Public Interest Finding.

The LPA's request must document the reasons why it is in the public's best interest to deviate from the standard procedures. For additional guidance on this process, as well as other conditions that require a Public Interest Finding, refer to [I.M. 3.720](#), Public Interest Findings.

### 7.1.2. Iowa DOT Concurrence in Award

After bids are opened, the Iowa DOT determines the lowest responsive and responsible bidder and provides the LPA with tabulation of bids received and the unexecuted contract documents. Within 30 days of the letting, the LPA must either accept the low bid or reject all bidders. If the low bid is accepted, the LPA shall utilize Doc Express for the execution of the Contract.

Instructions for Contract Signing in Doc Express are linked [here](#). If the Contract is acceptable, the Iowa DOT indicates its concurrence on the contract documents and transitions the contract documents via Doc Express, and the contract documents are marked completed. *Work shall not begin and the preconstruction meeting shall not be held prior to Iowa DOT concurrence in the award.* If the LPA elects to reject all bids, it shall notify the Iowa DOT Contracts and Specifications Bureau of its decision. For additional information and items for LPA consideration, refer to [I.M. 5.030](#), Iowa DOT Letting Process.

## 7.2. Local Letting Procedures

While most Swap and FM projects must be let at the Iowa DOT, there are a few non-Federal-aid programs for which lettings may be held locally.

Even though projects funded by these programs may be let locally, the applicable Federal and State competitive bidding requirements must still be satisfied, as well as several other State requirements. To assist in meeting these requirements, the Iowa DOT has developed procedures and standardized bidding documents for use with locally let non-Federal-aid projects. Before advertising for bids, the LPA must submit the proposed bidding documents for review and approval by the Iowa DOT.

For more information on the types of non-Federal-aid programs and projects that may be let locally, refer to [I.M. 1.000](#), Iowa DOT Oversight of LPA Projects. For the procedures to conduct a local letting, refer to [I.M. 5.100](#), Local Letting Process -- State or Local Funded.

# 8 Construction

## 8.1. Contract Administration and Inspection

Unless specified otherwise in the funding agreement, the LPA will be responsible for all aspects of administration and inspection of the construction contract. This includes providing daily, on-site inspection of the contractor's work activities and processing all the paperwork associated with the construction contract, including any change orders. All change orders shall have approval of the appropriate governing authority, such as the city council or county board of supervisors. Change Orders must also have Iowa DOT concurrence.

If the LPA does not have adequate staff to perform this work, it may hire a consultant or enter into an agreement with another governmental agency to provide these services. If the LPA elects to hire a consultant, the consultant staff shall be competent in construction inspection and perform this work under the direct supervision of a registered professional engineer or architect licensed in the State of Iowa.

However, use of a consultant does not relieve the LPA of ultimate responsibility for the proper administration and inspection of the construction contract. If a consultant is used to provide the inspection services, an LPA employee shall oversee the consultant's work, referred to in [Section 2.6](#) as the Person in Responsible Charge.

For additional information about the construction inspection procedures, including the required forms and paperwork, refer to [I.M. 6.000](#), Construction Inspection.

## 8.2. Iowa DOT Reviews

The Iowa DOT may conduct a field review of selected LPA projects during construction. Selected projects will be reviewed by the [Administering Bureau](#). If selected, the LPA may be notified when the field review will be conducted, or the review may be conducted unannounced. The purpose of the field review is to spot check the LPA's construction inspection documentation and provide assistance to the LPA if any deficiencies are identified.

## 8.3. Participation in Construction by LPA Forces

In some cases, construction of part or all of a project may be accomplished by LPA forces.

The work accomplished by LPA forces must comply with State bidding laws that limit the amount of work that can be performed by LPA forces. In general, work associated with construction, reconstruction, or

improvements must be obtained either by bids or competitive quotes if the estimated cost of such work exceeds the thresholds specified by the Iowa Code. These thresholds are summarized on the [Local Systems Bureau](#) web page titled, [Bid Thresholds for Iowa Cities and Counties](#).

## 9 Project Close-out and Audits

### 9.1. Completion of the Construction Contract

The LPA is responsible for ensuring that all project construction has been completed and providing all of the necessary paperwork as required by the construction contract. This involves conducting a pre-audit of all contract items and associated paperwork; refer to [I.M. 6.110, Attachment E](#) for a checklist of items. When both the LPA and the [Administering Bureau](#) accept the field work as complete, the LPA's project engineer shall certify that the project was constructed in accordance with the plans and specifications and request a final audit of the construction contract.

### 9.2. Final Audits

After receipt of the request for a final audit, the [Administering Bureau](#) may elect to conduct a final audit of the construction contract documentation. This will include a review of the final pay quantities for the construction contract, including material certifications, test results, and other documentation.

If the final audits or reviews find that the LPA has been over-reimbursed, the LPA shall reimburse the Iowa DOT for the amount identified by the final audit or review. Otherwise, the Iowa DOT will make the final reimbursement to the LPA, taking into account any adjustments required by the final audit or review.

### 9.3. Closing the Project and Records Retention

The LPA shall retain project records for at least 3 years from the date of the Department's signature of the Department's Final Payment Form or the bottom part of the Certificate of Completion and Final Acceptance of Agreement Work.

For more detailed information concerning the entire project close-out process, refer to [I.M. 6.110](#), Final Review, Audit, and Close-out Procedures for Federal-aid, Federal-aid Swap, and Farm-to-Market Projects, and [I.M. 6.130](#), Interest Payment Procedures.

## 10 Federal Requirements

This section addresses those Federal requirements that do not correspond to Federal funding being used, nor do they correspond to a particular part of the project development process but are nonetheless very important Federal requirements to follow for any LPA.

### 10.1. Nondiscrimination

#### 10.1.1. Title VI

Title VI of the Civil Rights Act of 1964 (Title VI) is a foundational piece of legislation that forms the basis for a wide array of other laws and regulations that prohibit discrimination on the basis of race, color, national origin, disability, gender, and age. Title VI has a very broad application. It prohibits discrimination in all programs or activities of any LPA that is a recipient of any Federal-aid financial assistance; even those programs or activities that do not directly benefit from such assistance. For additional guidance, refer to [I.M. 1.070](#), Title VI and Nondiscrimination Requirements.

#### 10.1.2. Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (ADA) is another piece of legislation aimed at prohibiting discrimination. Title II of the ADA applies to State and local governments, and its requirements affect the design, construction, and maintenance of all transportation projects, regardless of the funding sources.

The ADA requires that all new construction, reconstruction, and alterations to existing pedestrian facilities be made accessible to persons with disabilities. In addition, for those existing facilities

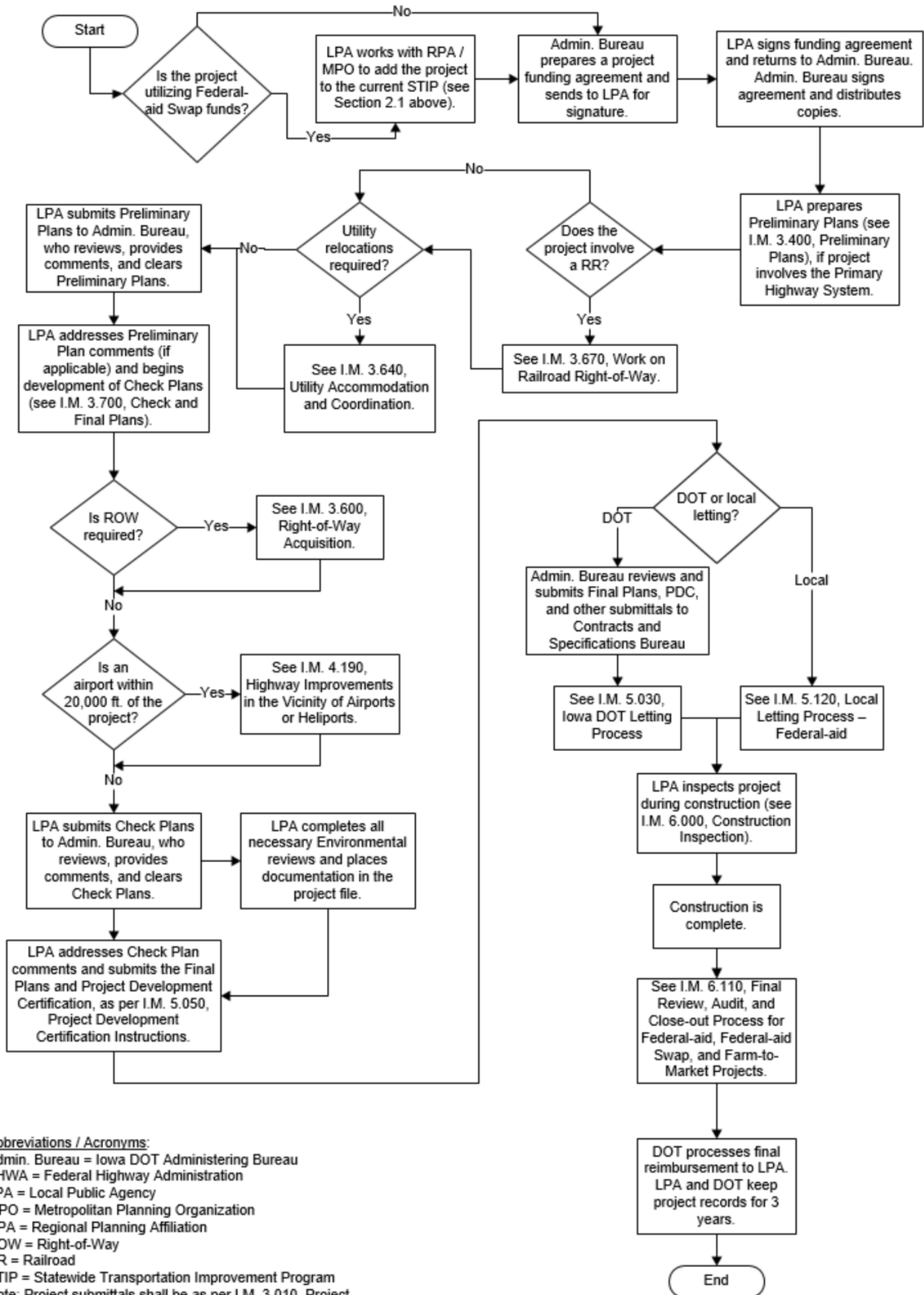
that are not accessible, a transition plan must be prepared and implemented to bring those facilities into compliance.

For more information on ADA requirements related to transportation projects and facilities, refer to [I.M. 1.080](#), ADA Requirements.

## **10.2. Bridge Inspections**

LPA's with highway bridges under their jurisdiction must comply with the National Bridge Inspection Standards (NBIS). The NBIS requires regular inspections, bridge ratings, posting where appropriate, and qualified personnel to perform and supervise inspections. For more information, refer to [I.M. 7.020](#), Bridge Inspections.

### Appendix A – Project Development Flow Chart



**Abbreviations / Acronyms:**

- Admin. Bureau = Iowa DOT Administering Bureau
  - FHWA = Federal Highway Administration
  - LPA = Local Public Agency
  - MPO = Metropolitan Planning Organization
  - RPA = Regional Planning Affiliation
  - ROW = Right-of-Way
  - RR = Railroad
  - STIP = Statewide Transportation Improvement Program
- Note:** Project submittals shall be as per I.M. 3.010, Project Development Submittal Dates and Information.



## Appendix B – Glossary of Terms

Below is an alphabetical listing of terms and phrases used in the Guide. Following each term or phrase is a brief definition.

**Administering Bureau:** Refer to [I.M. 1.000](#), Iowa DOT Oversight of LPA Projects, for information on which Bureau will Administer the project.

**Federal-aid highways:** All roads except those with a [Federal Functional Classification](#) of Rural Minor Collector or Local.

**Interstate System:** Those highways that are part of the Dwight D. Eisenhower National System of Interstate and Defense Highways.

**National Highway System (NHS):** Those highways that are important to the nation's economy, defense, and mobility. The NHS is made up of several subsystems, including the Interstate System, other principal arterials (as shown on the [Federal Functional Classification](#) maps), the Strategic Highway Network (roads of importance to strategic defense and emergency response), Major Strategic Highway Connectors (access roads to major military installations) and Intermodal Connectors (roads that provide access between major intermodal facilities and the other four subsystems previously listed). For current maps of the NHS, see FHWA's [NHS in Iowa web page](#).

**Primary Highway System:** Those highways that are under the jurisdiction of the Iowa DOT.