

## Local Agency Program & Florida Highway Administration Certification & Recertification Computer Based Training

### Module 5 Part 4 – Other Program Requirements

Transportation Enhancements (TE) are transportation-related activities that are designed to strengthen the cultural, aesthetic, and environmental aspects of the Nation's intermodal transportation system. The TE program provides an opportunity to implement a wide variety of non-traditional projects. Eligible projects range from the restoration of historic transportation facilities, to bike and pedestrian facilities, to landscaping and scenic beautification, and to the mitigation of water pollution from highway runoff.

Mr. Ptak's November 12, 1996 memo provides flexibility for TE projects that are not located on the highway right-of-way. Such projects are not considered to be highway construction projects, and therefore, the FHWA's construction contracting requirements generally do not apply.

Davis-Bacon applies when the Transportation Enhancement project is tied to a covered Federal-aid project.

Davis-Bacon does not apply when the Transportation Enhancement project is located on local road or rural minor collector.

Recognizing that widespread natural disasters can place an unexpected burden on the resources of an STA, Congress has established an emergency fund for the repair or reconstruction of highways, roads, and trails that have suffered serious damage as the result of:

- A natural disaster over a wide area such as a flood, hurricane, tidal wave, earthquake, unusually severe storm or landslide; or
- A catastrophic failure from any external cause such as the sudden collapse of a bridge after being struck by a barge or ship.

Emergency Relief or ER Projects are for Federal aid highways or a Federal road. \$100 million available nationwide per year. 100% participation for the first 180 days for "emergency repairs". Those repairs include restoring essential travel; minimizing damage and protecting remaining facilities.

ER funding is intended to supplement the resources provided by a State, its political subdivisions, or other Federal agencies in repairing damage that is beyond that normally performed by the STA during ordinary and occasional heavy maintenance.

ER funding can be used for

- Performing "Emergency repairs" by negotiated contract, solicited contract, or public agency force account.
- Permanent Work: Use Competitive bidding unless another method is cost effective (23 CFR 635.204)

- Emergency Work: Public agency force account may be used without formal finding (23 CFR 635.204b)
- There is a minimum \$700,000 per damage event statewide.

Time is of the essence when it comes to emergency work under the ER Program. Quick action helps to minimize damage; protect adjacent facilities and restore essential traffic.

#### Review Questions

A bridge is reconstructed after a tropical storm. The county seeks to use federal funds through the Emergency Relief program for the repair. Does the county have to be LAP certified?

The answer is yes, an agency must be LAP certified by FDOT to use Emergency Relief funds for permanent repair projects.

Hurricane Trinity causes widespread devastation throughout north central Florida. The town of Crawfordville plans to use their maintenance staff to repair and replace lighting along various local roads 3 days after the storm. Will the township have to analyze the cost effectiveness of this approach and submit it to FDOT?

The answer is yes, lighting is considered permanent repair. The analysis is used to compare the cost of the town's employees completing the repairs versus hiring a contractor to complete the repairs.

# LINKS

LAP Website

<http://www.dot.state.fl.us/projectmanagementoffice/LAP/default.shtm>

Florida Statutes

<http://www.leg.state.fl.us/statutes/>

Wage Tables and related info

<http://www.dot.state.fl.us/construction/wage.htm>

Federal Statutes and Regulations

<http://www.fhwa.dot.gov/programadmin/contracts/core02.cfm#s2A02>

Environmental Process Acronyms

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

FHWA 1273

<http://ecfr.gpoaccess.gov/cgi/t/text/textidx?c=ecfr&rgn=div6&view=text&node=23:1.0.1.7.22.1&idno=23>

Civil Rights Act of 1964

[http://www.fhwa.dot.gov/environment/title\\_vi.htm](http://www.fhwa.dot.gov/environment/title_vi.htm)

Section II.1 EEO

<http://www.fhwa.dot.gov/programadmin/contracts/core02.cfm#s2A02>

Davis Bacon Act

<http://www.gpo.gov/davisbacon/>

Federal aid policy guide 6011.10 has additional information:

<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>

“Guidelines on Preparing Engineer's Estimate, Bid Reviews and Evaluation”

<http://www.fhwa.dot.gov/programadmin/contracts/ta508046.cfm>