Introduction

The Florida Department of Transportation's (FDOT) program to contract with qualified local agencies for the administration of federally funded transportation projects is known as the Local Agency Program (LAP). The FDOT appoints a Project Manager (PM) for each LAP project. The LAP PM should review the appropriate chapters from this handbook for guidance on how to manage a project in accordance with FDOT procedures.

The LAP Process

Per the ***Stewardship and Oversight Agreement***, in enacting ***23 United States Code (USC) 106(c)*** Congress recognized the need to give states more authority to carry out Federal-Aid Highway Program project responsibilities traditionally handled by the Federal Highway Administration (FHWA). Under this assignation of responsibilities, the Florida Department of Transportation (FDOT) may permit local agencies to carry out the FDOT's assumed responsibilities on locally administered projects. The FDOT is responsible for Local Agency compliance with all applicable Federal laws and requirements.

This process is described in detail in Procedure No. 525-010-300, ***Local Agency Program (LAP) Manual***. It is important that LAP PMs become familiar with this manual, which contains all administrative requirements of the program. The ***Local Agency Program*** website contains additional information concerning this program.

The State Local Program Administrator in Central Office is responsible for the administration and oversight of the program. Each district has a Local Program Administrator, who is responsible for project-level direction and oversight through the offices of planning, environmental management, design, right of way and construction.

Programming LAP Projects

Local agencies submit their "Priorities Request" to the local Metropolitan Planning Organization (MPO) or county commission in the absence of an MPO. This process should start early in the state's fiscal year (July 1 to June 30) to assure state and federal funds are committed in the years for which the project is programmed. Once projects are identified by the transportation planning process, they are entered into the work program like any other FDOT project. A project is programmed for delivery in LAP depending on a number of factors in the decision-making process. Once the project is programmed as LAP in the Department's Five-Year Work Program (reference Work Program Instructions Part III, Chapter 18) the local agency works with the District Local Program Administrator.

A LAP Agreement between the local agency and the FDOT is prepared for each federally funded project that covers all phases of work involved in the project. Its purpose is to ensure that the federal funds in the agreed-upon amount are spent in accordance with all applicable state and federal laws and regulations. This agreement also specifies the procedures for payment and reimbursement on the project. The LAP Agreement does not constitute approval of federal funds.

Range of Possible LAP Projects

LAP can include a wide range of projects, from very simple enhancement projects to complex projects for developing and building major transportation facilities. Federal funds may be authorized for the following project phases:

- Planning

- PD&E Studies
- Preliminary Engineering
- Design
- Right of Way
- Construction
- Construction Engineering and Inspection (CEI)

FDOT may delegate some authority for project development and delivery of federally funded projects to qualified local agencies under its LAP Certification process. A certified local agency may develop phases of a federally funded project for which it qualifies using the procedures permitted under the ***LAP Manual***. The local agency must maintain sufficient staff and other resources for project administration to ensure all applicable state and federal requirements are met.

The FDOT PM and FHWA retain responsibility for the following actions:

- Project Selection
- Authorization of funds
- Determination of National Environmental Policy Act (NEPA) environmental class of action
- Right of way certification
- Approval of final plans, specifications and estimates (PS&E) for all projects
- Final inspection
- Equal Employment Opportunity Contract Compliance Program

The receipt of federal funds to deliver a LAP project, including Congressional earmarks, “federalizes” the project and requires that all phases of project development be completed or retrofitted to comply with applicable federal rules and regulations including NEPA and Buy America requirements.

Federal regulations do not allow FDOT to delegate the certification of right of way or the determination of environmental class of action. Local agencies must be pre-qualified on a project-by-project basis by FDOT to acquire right of way or perform PD&E phases. The local agency must obtain authorization from FDOT to proceed with right of way activities after qualification and prior to beginning any right of way activities on the project. Any funds expended or costs incurred prior to authorization will not be reimbursed.

Each federally funded phase must be specifically authorized per the Work Program Instructions. The benefits of using federal funds on a phase of a project should be considered when developing a project. However, the requirements of using federal funds may include additional work or activities in prior work phases or require certain commitments or compliance in subsequent work phases. In order to ensure success of LAP projects, it is critical to work with the appropriate District staff through each phase of the project.