

## CHAPTER 2 – LOCAL PROGRAMS OVERVIEW

### 2.1 LOCAL PROGRAMS OVERVIEW

The LP units in Central Office and the Districts are in the Office of Program Management, within the Department's division of Engineering and Operations. LP staff manage various State and Federal financial assistance programs that are assigned to LP by the Department's executive team. Financial assistance programs are created by Florida law or the Federal Infrastructure Investment and Jobs Act (IIJA), also known as Bipartisan Infrastructure Law, but the list of programs managed by LP units may change when State or Federal programs are created or sunset.

The Office of Policy Planning publishes [Partnering with FDOT: A Resource Guide for Local Governments](#). The guide provides information on partnering with the Department, an overview of the transportation planning and programming, insight on how the Department can assist with advancing and completing local project priorities, and descriptions of FDOT funding programs and eligible project types. LAs interested in applying for financial assistance from the Department are encouraged to review this guide. It also includes timelines for development of the annual Work Program and submission to the Governor.

All financial assistance programs listed in this chapter are reimbursement programs. Recipients and subrecipients of State and Federal financial assistance must have available funds to pay for all project costs when the grant disbursement agreement is executed with the Department. See **Chapter 5** for additional information on financial management of the grants.

The Florida Grant Application Process ("GAP") system is the authorized platform for the submission and receipt of applications for the various financial assistance programs; and is also used for project management. Required project documents, which include design plans, reports and invoices, performance monitoring, and compliance documentation are stored and maintained in GAP. See **Chapter 4** for additional information.

#### 2.1.1 STATE PROGRAMS OVERVIEW

State financial assistance programs are authorized by F.S. or the Laws of Florida. The programs provide state financial assistance for local infrastructure improvement projects. The following programs are generally assigned to LP units:

- County Incentive Grant Program (CIGP)
- Local Transportation Projects (LTP), awarded by General Appropriations Act, Specific Appropriation or Proviso
- Economic Development Transportation Fund (EDTF)
- Florida Job Growth Grant Fund (FJGG)
- Small County Outreach Program (SCOP)
- Small County Outreach Program for Municipalities within Rural Areas of Opportunity and Communities (SCOP-M)
- Small County Road Assistance Program (SCRAP)
- Transportation Regional Incentive Program (TRIP)

Other financial assistance programs are managed by the Office of Planning or Modal Development for project prioritization and award, but projects may be passed to the LP units in the Districts for project management. These projects include:

- Shared Use Nonmotorized Trail Network (SUN)

### **2.1.2 FEDERAL-AID HIGHWAY PROGRAMS OVERVIEW**

Per the ***Stewardship and Oversight Agreement (FDOT Topic No. 700-000-005)***, in enacting ***23 United States Code (USC) 106(c)*** Congress recognized the need to give states more authority to carry out project responsibilities traditionally handled by the FHWA. Under this assignment of responsibilities, the Department may allow LAs to carry out the Department's assumed responsibilities on locally administered projects. The Department is responsible for LA compliance with all applicable State and Federal laws and requirements.

Various programs provide Federal financial assistance for local infrastructure improvement projects and are collectively known as the FAHP. The FAHP is authorized by the current transportation funding bill passed by Congress and the funds are transmitted to the Department by the FHWA. The IIJA also provides funding through competitive grant programs. Some of the awards may be administered through the LAP. Most awards pass directly to the LA, in which case, the FHWA administers the project.

The following FAHP financial assistance programs are administered by Central Office with project management generally assigned to the LP units in the Districts:

- FHWA Emergency Relief Program (ER)
- Local Agency Program (LAP)
- Non-Traditional Federal-Aid awards (may also be managed by other offices at the

District level if appropriate)

Other financial assistance programs are managed by the Offices of Traffic Operations, Planning, and Safety for project prioritization and award, but the projects may be passed to the LP units in the Districts for project management. These projects are funded under some of the following FAHP programs (subject to change):

- Bridge Investment Program (local roads)
- Federal Lands Access Program (FLAP)
- Ferry Boat and Ferry Terminal Facilities Program
- Highway Safety Improvement Program (HSIP)
- National Electric Vehicle Infrastructure Program (NEVI)
- Recreational Trails Program (RTP)\*
- Safe Routes to School (SRTS) program
- Transportation Alternatives (TA) program

*\*In compliance with 260.016 F.S. and the 62S-2, Florida Administrative Code (F.A.C.), administration of the Recreational Trails Program (RTP) is by the Department of Environmental Protection (DEP), Division of State Lands. For more information contact the DEP Land and Recreation Grants staff at 850-245-2501 or visit: <https://floridadep.gov/Grants>.*

This section details each State program listed in **Section 2.1.1** and provides references to authorities, rules, and requirements that drive the Department's administration of each program.

## **2.2 COUNTY INCENTIVE GRANT PROGRAM**

CIGP was created by [s. 339.2817, F.S.](#), to provide state financial assistance to counties for the improvement of transportation facilities located on the State Highway System (SHS), or that relieve congestion on the SHS. The program is funded with 80% of the local option fuel tax revenues which are deposited into the State Transportation Trust Fund pursuant to *section 5, Chapter 2000-257, Laws of Florida*. CIGP funds are allocated to the Districts by the statutory formula based on equal parts population and motor fuel tax collections.

### **2.2.1 PROJECT ELIGIBILITY**

- 1) The project must be consistent to the maximum extent practicable with the Florida Transportation Plan, metropolitan planning organization plans, and local government comprehensive plans.
  - a. Counties may seek funding for projects that are not currently included in the above-referenced plan(s); however, if the projects are selected for funding, the applicable plan(s) must be amended within six months to include the approved CIGP project. Supporting documentation must be provided to the Department.
- 2) Projects that include resurfacing and paving of local dirt roads are eligible if the LA demonstrates how paving the dirt road relieves congestion on the SHS.
- 3) Transit projects that meet the statutory requirements are eligible.
- 4) Municipalities may apply to the county in which the municipality is located for consideration by the county for funding of any project phase that meets the statutory requirements. The county must evaluate all municipal applications in accordance with **s. 339.2817(3), F.S.**
  - a. If the municipality's proposed project is rejected by the county for funding, or if the county's proposed project adversely affects a municipality within the county, the municipality may request mediation to resolve any concerns of the municipality and the county.
  - b. The municipality and county are required to enter into a tri-party grant disbursement agreement with the Department for the disbursement of the

authorized funds (**Chapter 5**).

- 5) A 50% local match of funds is required. The LA may satisfy its funding obligation with local funds, in-kind services necessary for the successful completion of the project, right of way contributions necessary for the project or a combination of any of the afore-mentioned options. Detailed information on matching funds and how to program the projects is found in the ***FDOT Work Program Instructions, Part III- Chapter 7***.
- a. Rural counties qualifying under the Rural Economic Development Initiative (REDI) program may apply for a waiver or reduction of the required 50% match.
  - b. The value of donated land is determined by the current market value, as supported by documentation.
  - c. For in-kind services, a detailed report must be provided to the District that substantiates the actual project related costs incurred by the LA as recorded in the LA's cost accounting system. The Department may conduct random audits of supporting documentation.

## **2.2.1 PROJECT EVALUATION CRITERIA**

The Department must consider, but is not limited to, the following criteria for evaluation of projects:

- A. The extent to which the project will encourage, enhance, or create economic benefits.
- B. The likelihood that assistance would enable the project to proceed at an earlier date than the project could otherwise proceed.
- C. The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment.
- D. The extent to which the project uses new technologies, including ITS, which enhance the efficiency of the project.
- E. The extent to which the project helps to maintain or protect the environment.
- F. The extent to which the project includes transportation benefits for improving intermodalism and safety.

## **2.2.2 PROJECT APPLICATIONS**

Districts solicit for project applications and prioritize the projects based on the project evaluation criteria. Projects must be included in the Adopted Work Program annually.

## **2.3 LOCAL TRANSPORTATION PROJECTS / EARMARKS / PROVISIO FUNDS**

The Florida Legislature uses specific appropriations, proviso, and items on General Appropriations Act (GAA) Conference Committee spreadsheets to direct the Department to fund projects that are not included in the 5-year work program or advance an existing project to another fiscal year. The earmarked projects and the funding recipient are specifically named in the GAA.

In 2017 the Legislature adopted Joint Rule 2 which created the procedure it currently uses when adding earmarks to the GAA. The procedure requires the Florida Senate and the Florida House to consider and adopt each Appropriations Project and Local Funding Initiatives request as individual pieces of legislation with an assigned bill number. After adoption, the Senate and House bills can be considered for incorporation into the GAA by reference. The GAA, which authorizes spending of public money for specific uses, is effective for one state fiscal year only.

“Local Transportation Projects (088862)” is a GAA Appropriation Category created within Department’s budget that is used to earmark projects that are not linked to a state financial assistance program or activity authorized by F.S. Projects may also be earmarked in categories that support Department programs or activities authorized by F.S.

The Department plans and implements the five-year capital plan of transportation investments as approved by the Governor and the Legislature via the GAA. Following each Legislative Session, policies and specific appropriations are incorporated along with projects to maintain and operate the existing system, local and State priorities, capacity improvements, and multi-modal project investments. The final plan, the Adopted Work Program, is funded by the amount remaining after the earmarked funding awards, which reduces the amount available for the maintenance and operation of Florida’s Transportation System. As the number and size of member projects increases, projects in the plan must be deferred or deleted to achieve financial stability.

### **2.3.1 PROJECT REQUIREMENTS**

- 1) The project specific requirements/restrictions are those provided by the Legislature as delineated in the GAA and any documents incorporated by reference. A review of the specific appropriation, proviso, or items on GAA Conference Committee spreadsheets; and the referenced Senate and House bills is required to understand the Legislature’s intent regarding the use of the earmarked funding

and draft the required written agreement.

- 2) A contract for the disbursement of the earmarked funding must be executed before the authority provided by the GAA expires at close of business on June 30<sup>th</sup> of the fiscal year.
- 3) Local contribution is required when the earmark is placed in the appropriation category for a program with a statutory contribution requirement, and the contribution requirement was not supplanted by the GAA or other applicable law. Local Transportation Projects do not have a statutory contribution requirement and a local contribution cannot be required without a clear legislative authorization. The required authorization must be clearly noted in the GAA or documents it incorporates by reference. Examples of when to impose and when not to impose local contributions are provided in **Part III, Chapter 8** of the **Work Program Instructions**.
- 4) **Section 339.135(5)(a), F.S.**, requires the inclusion of all Department projects in the adopted work program. This requirement includes projects identified in the GAA by specific appropriation, proviso, or item on GAA Conference Committee spreadsheets. **Section 339.135(5)(a), F.S.** further notes that transportation projects identified by specific appropriation in the GAA shall be deducted from the funds annually distributed to the respective district(s). In accordance with this requirement, the earmarked projects must be programmed from the funds distributed to the district each year. Additional funding cannot be provided.
- 5) **Section 216.179 F.S.** prohibits implementation, in any manner, of any project or program authorized by a specific appropriation vetoed by the Governor. This prohibition includes the expenditure of federal, state, or local funds on any aspect of the vetoed project or program during the year of the vetoed appropriation.

### 2.3.2 PROJECT APPLICATIONS

Project applications are submitted directly to the Legislature.

The Florida House of Representatives:

<https://www.myfloridahouse.gov/Sections/Appropriations/projects.aspx>.

The Florida Senate: <https://www.flsenate.gov/Session/Appropriations/2022>.

## 2.4 ECONOMIC DEVELOPMENT TRANSPORTATION FUND

See the [Work Program Instructions, Part III, Chapter 9](#). This program is managed jointly between the Department and Enterprise Florida, Inc. (EFI). Funding was last appropriated in FY 2018 and is appropriated by the Legislature under **s. 339.2821 F.S.**

## 2.5 FLORIDA JOB GROWTH GRANT FUND

This program is managed jointly between the Department of Economic Opportunity (DEO) and EFI. Proposals for public infrastructure and workforce training within the state are reviewed by the partner agencies and chosen by the Governor to meet the demand for workforce or infrastructure needs in the community they are awarded to. Selected projects that are linked to existing Department programs or activities may be assigned for project management. Current agreements are managed by the LP unit in Central Office. Additional information is provided here: <https://floridajobs.org/jobgrowth>.

## 2.6 SMALL COUNTY OUTREACH PROGRAM

SCOP was created pursuant to [s. 339.2818, F.S.](#), to provide small counties with state financial assistance for the improvement of eligible county roads (eligible activities are listed in **Section 2.6.1**). The program is funded through a combination of local option fuel tax revenues, documentary stamp taxes, and motor vehicle fees. SCOP funds are allocated to the districts by formula based on the number of eligible counties located in the district.

By statute, “small county” means any county that has a population of 200,000 or less as determined by the most recent official estimate as defined in **s. 186.901, F.S. Table 1** lists the counties that current meet the statutory definition of small county.

**Table 1: Eligible Counties**

District 1	District 2	District 3	District 4	District 5	District 6	District 7
Charlotte	Baker	Bay	Indian River	Flagler	Monroe	Citrus
DeSoto	Bradford	Calhoun	Martin	Sumter		Hernando
Glades	Columbia	Franklin				
Hardee	Dixie	Gadsden				
Hendry	Gilchrist	Gulf				



Highlands	Hamilton	Holmes				
Okeechobee	Lafayette	Jackson				
	Levy	Jefferson				
	Madison	Liberty				
	Nassau	Santa Rosa				
	Putnam	Wakulla				
	Suwannee	Walton				
	Taylor	Washington				
	Union					

### 2.6.1 PROJECT ELIGIBILITY

- 1) The project must be on the county road system.
- 2) Projects are limited by statute to the following activities:
  - a. repairing or rehabilitating county bridges
  - b. paving unpaved roads
  - c. addressing road-related drainage improvements
  - d. resurfacing or reconstructing county roads
  - e. constructing capacity improvements
  - f. constructing safety improvements
- 3) The Department may consider whether the county has attempted to keep the county roads in satisfactory condition, which may be evidenced through an established pavement management plan.
- 4) The physical condition of the roadway as measured by the Department.
- 5) A 25% local match of funds is required. Detailed information on matching funds and how to program the projects is found in the ***FDOT Work Program Instructions, Part III- Chapter 31***. Rural counties qualifying under the REDI program may apply for a waiver or reduction of the required 25% match.

### 2.6.2 PROJECT EVALUATION CRITERIA

The Department must consider, but is not limited to, the following criteria for evaluation of projects:

- A. Whether a road is used as an evacuation route.
- B. Whether a road has high levels of agricultural traffic.
- C. Whether a road is considered a major arterial route.
- D. Whether a road is considered a feeder road.
- E. Information as evidenced to the Department through an established pavement management plan.
- F. Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the Department.

### 2.6.3 PROJECT APPLICATIONS

The “rural programs” projects including SCOP, are solicited annually between December and March. Districts solicit for project applications and prioritize the projects based on the project evaluation criteria. Selected projects must be included in the Adopted Work Program annually. Applications are collected in **GAP**.

## 2.7 SMALL COUNTY OUTREACH PROGRAM FOR RURAL AREAS OF OPPORTUNITY (RAO)

*This program is commonly referred to as “SCOP-M” or SCOP for Municipalities within the Department.*

A municipality within a RAO or a community designated under **s. 288.0656(7)(a), F.S.**, is eligible to compete for financial assistance from an annual appropriation of at least \$9 million pursuant to [s. 339.2818\(7\), F.S.](#) Funding awards are for eligible municipality or community road improvement projects (eligible activities are listed in **Section 2.7.1**). Capacity improvements are not eligible for consideration. SCOP-M funds are managed by the Office of Program Management, LP unit. The Department funds up to 100% of the project costs; no match is required.

RAOs are defined by the DEO as rural communities, or a region composed of rural communities, that have been adversely affected by extraordinary economic events or natural disasters. The Governor by executive order designates up to three RAOs, which establishes them as a priority assignment for REDI agencies. More information on RAOs

is found on the DEO webpage here: <https://floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity>. Eligible RAOs are listed on the next page in **Tables 2** and **3**.

**Table 2: South Central RAO by County- Districts 1 and 4 areas**

DeSoto County	Glades County	Hardee County	Hendry County	Highlands County
Arcadia	Moore Haven	Bowling Green	Clewiston	Avon Park
		Wauchula	LaBelle	Lake Placid
		Zolfo Springs		Sebring
Okeechobee County	Collier County Communities	Palm Beach County Communities		
Okeechobee	Immokalee	Belle Glade		
		Pahokee		
		South Bay		

**Table 3: North Central RAO by County- Districts 2 & 3 areas**

Baker County	Bradford County	Columbia County	Dixie County	Gilchrist County
Glen St. Mary	Brooker	Fort White	Cross City	Bell
Macclenny	Hampton	Lake City	Horseshoe Beach	Fanning Springs (part)
	Lawtey			Trenton
	Starke			
Hamilton County	Jefferson County	Lafayette County	Levy County	Madison County
Jasper	Monticello	Mayo	Bronson	Greenville
Jennings			Cedar Key	Lee
White Springs			Chiefland	Madison
			Fanning Springs (part)	
			Inglis	
			Otter Creek	
			Williston	
			Yankeetown	

Putnam County	Suwannee County	Taylor County	Union County
Crescent City	Branford	Perry	Lake Butler
Interlachen	Live Oak		Raiford
Palatka			Worthington Springs
Pomona Park			
Welaka			

**Table 4: Northwest RAO by County- District 3 areas**

Calhoun County	Franklin County	Gadsden County	Gulf County	Holmes County
Altha	Apalachicola	Chattahoochee	Port St. Joe	Bonifay
Blountstown	Carrabelle	Greensboro	Wewahitchka	Esto
		Gretna		Noma
		Havana		Ponce de Leon
		Midway		Westville
		Quincy		
Jackson County	Liberty County	Wakulla County	Washington County	Walton County Communities
Alford	Bristol	St. Marks	Caryville	Defuniak Springs
Bascom		Sopchoppy	Chipley	Freeport
Campbellton			Ebro	Paxton
Cottondale			Vernon	
Graceville			Wausau	
Grand Ridge				
Greenwood				
Jacob City				
Malone				
Marianna				
Sneads				

### 2.7.1 PROJECT ELIGIBILITY

- 1) The road must be within the RAO municipality or community.
- 2) The road must be publicly owned and maintained.

- 3) The physical condition of the roadway as measured by the Department.
- 4) Projects are limited by statute to the following activities:
  - a. repairing or rehabilitating bridges
  - b. paving unpaved roads
  - c. addressing road-related drainage improvements
  - d. resurfacing or reconstructing roads
  - e. constructing safety improvements
- 5) As applicable, projects adhere to the long-range transportation plan of the local metropolitan planning organization and/or local comprehensive plan.
- 6) No local match of funds is required. All RAOs qualify for REDI waivers.

### **2.7.2 PROJECT EVALUATION CRITERIA**

The Department must consider, but is not limited to, the following criteria for evaluation of projects:

- G. Whether a road is used as an evacuation route.
- H. Whether a road has high levels of agricultural traffic.
- I. Whether a road is considered a major arterial route.
- J. Whether a road is considered a feeder road.
- K. Information as evidenced to the Department through an established pavement management plan.
- L. Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the Department.

### **2.7.3 PROJECT APPLICATIONS**

The “rural programs” projects including SCOP-M, are solicited annually between December and March. Office of Program Management solicits, reviews, and prioritizes project applications in collaboration with the Districts based on the project evaluation criteria. Selected projects must be included in the Adopted Work Program annually. Applications are collected in **GAP**.

A County may deliver a SCOP-M project on behalf of the RAO, but the RAO must submit the application to the Department, and both parties must sign the application. Counties may submit applications on behalf of unincorporated RAOs where the County owns and/or maintains the eligible roadways.

## 2.8 SMALL COUNTY ROAD ASSISTANCE PROGRAM

SCRAP was created pursuant to [s. 339.2816, F.S.](#), to provide small counties with state financial assistance for improvements to eligible county roads (eligible activities are listed in **Section 2.8.1**). The program is funded from the State Transportation Trust Fund. SCRAP funds are allocated to the districts by formula based on the number of eligible counties located in the district.

By statute, small county means any county that had a population of 75,000 or less as reported by the 1990 U.S. Census. **Table 5** lists the eligible counties.

**Table 5: Eligible Counties by District**

District 1	District 2	District 3	District 5
DeSoto	Baker	Calhoun	Flagler
Glades	Bradford	Franklin	Sumter
Hardee	Columbia	Gadsden	
Hendry	Dixie	Gulf	
Highlands	Gilchrist	Holmes	
Okeechobee	Hamilton	Jackson	
	Lafayette	Jefferson	
	Levy	Liberty	
	Madison	Wakulla	
	Nassau	Walton	
	Putnam	Washington	
	Suwannee		
	Taylor		
	Union		

### 2.8.1 PROJECT ELIGIBILITY

- 1) The road must be included in the county road system as of **June 10, 1995**.
- 2) The county must enact the maximum rate of the local option fuel tax authorized by

**s. 336.025(1), F.S.**

- 3) Projects are limited by statute to resurfacing or reconstructing county roads.
  - a. Capacity improvements are not allowed, unless the Department determines a safety issue exists. Widening existing lanes to current Florida Greenbook standards as part of a resurfacing or reconstruction project is allowed.
- 4) The Department may consider whether the county has attempted to keep the county roads in satisfactory condition, which may be evidenced through an established pavement management plan.
- 5) The physical condition of the roadway as measured by the Department.
- 6) No local match of funds is required.

**2.8.2 PROJECT EVALUATION CRITERIA**

The Department must consider, but is not limited to, the following criteria for evaluation of projects:

- A. Whether a road is used as an evacuation route.
- B. Whether a road has high levels of agricultural traffic.
- C. Whether a road is considered a major arterial route.
- D. Whether a road is considered a feeder road.
- E. Information as evidenced to the Department through an established pavement management plan.
- F. Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the Department.

**2.8.3 PROJECT APPLICATIONS**

The “rural programs” projects including SCRAP, are solicited annually between December and March. Districts solicit for project applications and prioritize the projects based on the project evaluation criteria. Selected projects must be included in the Adopted Work Program annually. Applications are collected in **GAP**.

**2.9 TRANSPORTATION REGIONAL INCENTIVE PROGRAM**

TRIP was created pursuant to [s. 339.2819, F.S.](#), to provide funds to improve regionally significant transportation facilities in regional transportation areas created pursuant to [s.](#)

[339.155\(4\), F.S.](#) The program is funded from two revenue sources, the Documentary Stamp Tax and the Motor Vehicle Registration transactions. It is important to note that the first \$60 million generated from the Documentary Stamp Tax is allocated to the Florida Rail Enterprise. TRIP funds are allocated to the districts via statutory formula based on a factor derived from equal parts of population and motor fuel collections for eligible counties in regional transportation areas.

### **2.9.1 PROJECT ELIGIBILITY**

- 1) Projects must be located in the boundaries of a regional transportation area and be included on the prioritized list of regionally significant transportation projects for that area per **s. 339.155(4), F.S.**
- 2) Projects must serve national, statewide, or regional needs and function as part of an integrated regional transportation system.
- 3) Must be identified in the capital improvements element of a comprehensive plan in compliance with Chapter 163, Part II, F.S., after July 1, 2005; and be in compliance with local government comprehensive plan policies relative to corridor management.
- 4) Must be consistent with the Strategic Intermodal System Plan (SIS) developed under **s. 339.64, F.S.**
- 5) Must be adopted in the Department's Work Program.
- 6) A 50% or greater local, regional, or private matching funds is required. Rural counties qualifying under the REDI program may apply for a waiver or reduction of the required match. Only that geographic portion of the project falling within the qualified rural area is eligible for the waiver. Detailed information on matching funds and how to program the projects is found in the ***FDOT Work Program Instructions, Part III- Chapter 39.***

### **2.9.2 PROJECT EVALUATION CRITERIA**

The Department must give priority to projects that:

- A. Provide connectivity to the SIS.
- B. Support economic development and the movement of goods in RAOs.
- C. Are subject to a local ordinance that establishes corridor management techniques, including access management strategies, right of way acquisition and protection



measures, appropriate land use strategies, zoning, and setback requirements for adjacent land uses.

- D. Improve connectivity between military installations and the Strategic Highway Network or the Strategic Rail Corridor Network.
- E. The extent to which local matching funds are available to be committed to the project.

### **2.9.3 PROJECT APPLICATIONS**

TRIP projects are solicited annually during the Department's Work Program development cycle. Districts solicit for project applications and prioritize the projects based on the project evaluation criteria. Selected projects must be included in the Adopted Work Program annually. Applications are collected in **GAP**.

This section details Federal programs listed in **Section 2.1.2** that are administered by the Office of Program Management, LP unit and provides references to authorities, rules, and requirements that drive the Department's administration of each program.

## 2.10 FEDERAL-AID PROGRAM DETERMINATIONS

LAP is the primary delivery mechanism for subrecipients of FAHP funding administered by LAs per the ***FHWA/FDOT Stewardship and Oversight Agreement***. The Department has established FAHP oversight policies and procedures via the LAP that ensure compliance with the required Federal provisions and related Federal requirements throughout the duration of the project. Any LA delivering FAHP construction projects or construction-related phases of work that include activities specifically identified in the definition of "construction" in **23 USC 101(a)(4)** requires the LA to be LAP certified with the Department (**Chapter 7**) and enter into a **LAP Agreement (Form No. 525-010-40)** with the Department.

When applicable, the Department determines which FA program or method of delivery best matches the scope and funding of the FA project. Exceptions to the LAP project delivery mechanism occur under very limited circumstances, including:

- Emergency repair work that is approved by FHWA and the Department utilizes the ***Local Government Emergency Repair Agreement (Form No. 350-000-15)***.
- Non-traditional Federal-aid awards utilize the ***Federal Highway Funds Subrecipient Grant Agreement (Form No. 525-010-70)***.

## 2.11 LOCAL AGENCY PROGRAM (LAP)

Per the [\*\*\*FHWA/FDOT Stewardship & Oversight Agreement\*\*\*](#), **Section V**:

*The Department may permit well-qualified and suitably equipped local public agencies (LPAs) to carry out the State DOT's assumed responsibilities on locally administered projects. The State DOT is responsible and accountable for LPA compliance with all applicable Federal laws and requirements.*

*LAP is a project delivery process where local towns, cities and counties develop, design, and construct transportation facilities with FAHP funds. FDOT is the steward of the federal funds and is responsible for oversight of funded projects on behalf of the FHWA. LAP agencies prioritize and fund local projects (through their respective MPO or governing board) and are then eligible for reimbursement for the services provided to the traveling*

*public through compliance with applicable Federal statutes, rules, and regulations.*

*LAP is administered in each transportation District by a District L[A]P Administrator or Coordinator who provides project level support and oversight for the LAs. Functional area support for the program is provided through the District Offices of Planning, Environmental Management, Design, Right-of-Way, Policy Planning, Design, Construction, Contracts Administration, Financial Services, and Program Management. The Central Office Statewide L[A]P Administrator in turn provides statewide program oversight and policy implementation and guidance through adaptation of program standards based on State and Federal requirements, rules, laws, and statutes.*

*Eligibility to participate in LAP is determined via a certification process to determine staff resources and capabilities in transportation projects as well as assess familiarity with federally funded programs. Further discussion of FDOT oversight of Locally Administered Projects is discussed in Section XI.B.*

The LAP project delivery process is defined within this Manual.

### **2.11.1 PROJECT ELIGIBILITY**

Project eligibility varies by FAHP. Specific program information may be found on FHWA's website: <https://highways.dot.gov/>. Projects are prioritized, funded, and programmed per the Department's Work Program Instructions and other policies and procedures administered by the Office of Policy Planning.

The Department by policy "soft matches" all Federal funds that are eligible for soft matching with toll credits and would otherwise require matching funds from a non-Federal source. When eligible, the Department will match FA awards with a soft match. When not eligible, the LA must provide a match as specified in the award, program, or funding guidelines, or at the current share of 18.07%. Detailed information on matching funds and how to program the projects is found in the ***FDOT Work Program Instructions, Part III-Chapter 12 and Part IV***.

### **2.11.2 PROJECT EVALUATION CRITERIA**

The Department and Metropolitan Planning Organizations (MPOS) follow evaluation criteria as specified in FHWA guidelines, rules, and laws. The Office of Policy Planning publishes the [Partnering with FDOT: A Resource Guide for Local Governments](#).

### 2.11.3 PROJECT APPLICATIONS

Project applications may be submitted to the Department, MPO, regional transportation authority or other governmental agency participating in the selection and award process for each FAHP grant. For Department administered application cycles, GAP is the authorized platform for the submission and receipt of applications for LP grant funding.

## 2.12 FHWA EMERGENCY RELIEF PROGRAM

In ***Title 23, USC, Section 125***, Congress authorized a special program from the ***Highway Trust Fund*** for the repair or reconstruction of FA highways and roads. These roads must have suffered serious damage as a result of (1) natural disasters or (2) catastrophic failures from an external cause. This program is commonly referred to as the FHWA Emergency Relief (ER) Program. It supplements the commitment of resources by States, their political subdivisions, or other Federal agencies to help in the repair of facilities damaged by eligible events. The ER program funds two types of emergency projects—emergency repairs and permanent repairs. Emergency repairs do not require the LA to meet the full LAP requirements, but Federal requirements apply. Permanent repair projects are required to conform to LAP. See ***Chapter 13*** for full program details and descriptions. Information on how to program the projects is found in the ***FDOT Work Program Instructions, Part III- Chapter 10: Emergencies/Disasters***.

Emergency repairs to restore essential traffic accomplished within the first 270 days of landfall are eligible for 100 percent federal funding. ER permanent repair projects require a hard match of funds from the LA. The current total Federal share for Florida is 81.93%. Detailed information on matching funds is found in ***Chapter 13.4***.

## 2.13 NON-TRADITIONAL FEDERAL-AID AWARDS

Non-traditional FA awards are passed through the Department and delivered by LAs via the ***Federal Highway Funds Subrecipient Grant Agreement (Form No. 525-010-70)***, which ensures that purchase orders and contracts acquired for project delivery conforms to Federal laws, rules and executive orders including ***2 CFR 200***.

The Department by policy “soft matches” all Federal funds that are eligible for soft matching with toll credits and would otherwise require matching funds from a non-Federal source. When eligible, the Department will match non-traditional FA awards with a soft match. When not eligible, the LA must provide a match as specified in the award, program, or funding guidelines, or at the current share of 18.07%. Detailed information

on matching funds and how to program the projects is found in the ***FDOT Work Program Instructions, Part III- Chapter 12 and Part IV.***

Locally administered non-traditional FA awards are generally assigned to District LP or Transit offices but are not to be administered via the ***LAP Agreement*** nor a ***Public Transportation Grant Agreement (FDOT Form No. 725-000-03)***. See ***Chapter 5*** for additional information on funding agreements.

### **2.13.1 PROJECT ELIGIBILITY**

The work associated with these projects does not meet the definition of construction in ***23 USC 101(a)(4)***. LA project awards that do not lead to or meet the definition of construction are limited. Examples of non-traditional Federal projects currently administered by the Department are:

- Planning studies not incorporated into the MPO/TPO Unified Planning Work Program (UPWP).
- Planning related work delivered by universities such as:
  - statewide data collection and analysis
  - education curriculum development and delivery related to transportation and safety (bike safe/walk safe programs).
- Work delivered by a public utility or railroad associated with a LAP project.
- Ferry boat operations; leasing of equipment or services.
- [Intelligent Transportation Systems \(ITS\) operations activities.](#)
- The cost of equipment purchased with Federal-Aid funds, including ITS and traffic control devices, when limited to the replacement of existing components or a new model/version of the existing component and installation is provided by LA forces.

Planning, ITS operations activities, and equipment purchases are the most commonly occurring LA delivered activities that allows a Department grant manager to move forward with the ***Federal Highway Funds Subrecipient Grant Agreement.***

Equipment purchases require further analysis by the grant manager who must make the determination if the LAP delivery method is required when equipment is purchased with FA funds and installed by a LA. Considerations include:

- Procurement method used for the equipment purchased with FA funds.
- Forces that perform the installation of equipment purchased with FA funds.
- Funding source (federal, state, local) used to pay for the labor/forces related to installation of the equipment purchased with FA funds.

Six (6) scenarios for determining which contract and program requirements apply- **LAP Agreement** or the **Federal Highway Funds Agreement**- are identified in **Table 6: Federal-Aid Equipment Purchases Delivery Method Determination Matrix** on the next page.

### 2.13.2 PROJECT EVALUATION CRITERIA

FHWA evaluates its traditional and discretionary programs based on published guidelines or Notice of Funding Opportunity (NOFO) found on their webpages: <https://www.fhwa.dot.gov/specialfunding/index.cfm#fa> and <https://www.grants.gov>.

### 2.13.3 PROJECT APPLICATIONS

Project applications for special or discretionary FA programs are generally submitted directly to FHWA by the LA. Other FA projects that are designated as non-traditional by definition are prioritized and adopted in the Department's Work Program per the **FDOT Work Program Instructions Part IV**.

**Table 6: Federal-Aid Equipment Purchases and Eligible Project Delivery Methods**

Transaction	Forces (Labor) to Install Equipment		Funding Source to Pay for Forces (Labor) to Install Equipment		LAP Certification Required (Yes/No)	Agreement Type	Federal Requirements
	Local Agency Forces Install	Contractor Hired to Install	Federal-Aid Funds	Local Agency Funds			
FDOT GIVES EQUIPMENT TO LOCAL	X			X	No	Federal Highway Funds	<p>Cost-effectiveness Finding required for LA force account installation work</p> <p>Build America, Buy America (BABA), NEPA, Uniform Act apply</p> <p>FDOT Form No. 525-010-42 (Final Inspection and Acceptance of Federal-Aid project) submitted by LA</p> <p>FDOT provides Final Project Acceptance by signing FDOT Form No. 525-010-42</p>
FDOT GIVES EQUIPMENT TO LOCAL		X		X	Yes	LAP	All LAP requirements apply.
FDOT REIMBURSES LOCAL FOR EQUIPMENT (in-kind replacement, no new design)	X			X	No	Federal Highway Funds	<p>Cost-effectiveness Finding required for LA force account installation work</p> <p>BABA, NEPA, Uniform Act apply</p> <p>FDOT Form No. 525-010-42 (Final Inspection and Acceptance of Federal-Aid project) submitted by LA</p> <p>FDOT approves work by signing FDOT Form No. 525-010-42</p>

**Table 6: Federal-Aid Equipment Purchases and Eligible Project Delivery Methods**

Transaction	Forces (Labor) to Install Equipment		Funding Source to Pay for Forces (Labor) to Install Equipment		LAP Certification Required (Yes/No)	Agreement Type	Federal Requirements
	Local Agency Forces Install	Contractor Hired to Install	Federal-Aid Funds	Local Agency Funds			
							FDOT holds 5% retainage until Final Inspection Form is approved by FDOT.
FDOT REIMBURSES LOCAL FOR EQUIPMENT (upgrade of existing components/new design)	X		X		Yes	LAP	Cost-effectiveness Finding required for LA force account installation work.  All LAP requirements apply, triggered by upgrade of existing components and/or new design required.
FDOT REIMBURSES LOCAL FOR EQUIPMENT AND INSTALLATION	X		X		Yes	LAP	Cost-effectiveness Finding required for LA force account installation work.  All LAP requirements apply.
FDOT REIMBURSES LOCAL FOR EQUIPMENT AND INSTALLATION		X	X		Yes	LAP	All LAP requirements apply.



Notes to **Table 6**: All equipment purchased with Federal-Aid Highway Program funding. The type of FA funds used to purchase the equipment or used to fund the installation of the equipment may result in additional requirements not included here. Equipment purchased by LA, or the Department must be competitively bid. Service contracts are subject to Buy America and other Federal requirements as indicated here: <https://www.fhwa.dot.gov/construction/contracts/provisions.cfm>.

## 2.14 RESOURCES

[Partnering with FDOT: A Resource Guide for Local Governments](#)

[FDOT Work Program Instructions](#)

[FHWA/FDOT Stewardship & Oversight Agreement](#)

FHWA webpage: <https://highways.dot.gov/>

FHWA Special Funding webpage:  
<https://www.fhwa.dot.gov/specialfunding/index.cfm#fa>

[Defining and Managing Emergency Relief Repair Activities Eligible for 100% Federal Funding - ER - Federal-aid Programs - Federal-aid Programs and Special Funding - Federal Highway Administration \(dot.gov\)](#)

FHWA ITS Operations Memo issued September 25, 2019:  
<https://ops.fhwa.dot.gov/plan4ops/resources/memorandum/itsprocurementmemo092519.htm>

FDOT Office of Policy Planning: <https://www.fdot.gov/planning/policy>

FDOT Local Programs: <https://www.fdot.gov/programmanagement/LP>

US Government webpage: <https://www.grants.gov>