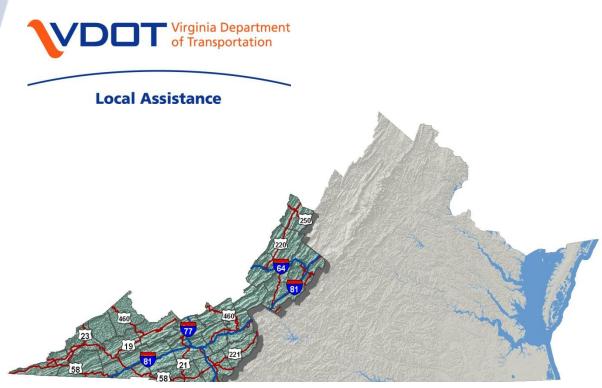
A Guide for the

APPALACHIAN REGIONAL COMMISSION LOCAL ACCESS ROAD PROGRAM



Member counties: Alleghany, Bath, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Grayson, Henry, Highland, Lee, Montgomery, Patrick, Pulaski, Rockbridge, Russell, Scott, Tazewell, Washington, Wise, and Wythe.

Member cities: Bristol, Buena Vista, Covington, Galax, Lexington, Martinsville, Norton, and Radford

Appalachian Regional Commission Local Access Road Program Guide

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Appalachian Regional Commission Local Access Road Program Guide

I. PURPOSE

The Appalachian Regional Commission (ARC) is an independent Federal agency created through the Appalachian Regional Development Act (ARDA) of 1965. ARC's Local Access Road Program aims to better link the Region's businesses, communities, and residents to the Appalachian Development Highway System (ADHS) and to other key parts of the Region's transportation network.

Because the cost of building highways through Appalachia's mountainous terrain was high, the nation's interstate highway system had largely bypassed the Appalachian Region, going through the Region's rugged terrain as cost-effectively as possible.

As a key to economic development, Congress authorized the construction of the ADHS. The ADHS was designed to generate economic development in previously isolated areas, supplement the interstate system, connect Appalachia to the interstate system, and provide access to areas within the Region as well as to markets in the rest of the nation. The program offers a flexible approach to meet local needs and provide a financing mechanism to support a variety of economic development opportunities throughout the Region. As such, a portion of the ADHS funds is allowed to be used for local access roads under the discretion of the governor's appointed alternate who oversees Virginia's ARC program and serves as the state–level contact for those seeking ARC assistance.

Most of the information in this Guide is from the guidelines the ARC Commission had published. This guide is intended to serve as a reference document with many of the key provisions being used by localities and VDOT staff involved in coordinating these projects. Please keep in mind that the ARC makes all decisions regarding these funds.

II. DEFINITIONS

The following terms when used in this guide, shall have the following meanings, unless the context clearly indicates otherwise:

Appalachian Development Highway System (ADHS) - a highway system authorized by Congress to generate economic development in previously isolated areas, supplement the interstate system, connect Appalachia to the interstate system and provide access to areas within the Region as well as to markets in the rest of the nation.

Appalachian Regional Commission (ARC) – an independent Federal Agency created through the Appalachian Regional Development Act (ARDA) of 1965.

ARC State Alternate – a person appointed by the governor overseeing the state's ARC program and serving as the state level contact. In Virginia this program is managed by the Department of Housing and Community Development (DHCD). There is also an **ARC Program Manager**, designated by the State Alternate to manage ARC program/grants in the state.

Data Universal Numbering System (DUNS) – a system that allows the federal government to track the "family trees" of corporations and agencies applying for and receiving federal funds and to confirm their addresses and points of contacts.

Eligible Project – a project that meets the goals and criteria established by the ARC, VDOT, and the Federal-aid Highway Program.

Memorandum of Agreement – an agreement that primarily addresses the provision of matching funds, ineligible project costs, or eligible projects costs in excess of the ARC Access allocation prior to any work beginning on the project. This is for VDOT administered projects.

Request to Administer (RtA) Form – a form that initiates the standard project administration agreement process and requires approval by VDOT's Chief Engineer. The RtA is prepared by the locality and submitted to the VDOT Residency for its concurrence prior to transmittal to VDOT's Local Assistance Division.

Six Year Improvement Program (SYIP) – a VDOT program that provides elected officials as well as the general public a plan of specific highway improvements and is used by VDOT staff to assign all federal and state funding available as well as facilitate project development.

Standard Project Administration Agreement - a standard agreement between VDOT and the locality that has been approved by the Office of the Attorney General of Virginia used to identify responsibilities for locally administered projects.

Statewide Transportation Improvement Program (STIP) – a federally mandated document that lists the transportation projects and programs to be federally funded statewide.

VDOT Manager – the VDOT person responsible for the administration of the ARC projects, in most cases, the VDOT Residency Administrator (unless otherwise indicated). A separate project manager (for VDOT administered projects) or project coordinator (for locality administered projects) may also be assigned.

III. FUNDING

No new funds are authorized for the ADHS Program. Virginia is authorized to use for local access roads up to \$3,000,000 annually from balances of funds that have been allocated to it for the Appalachian Development Highway Program, except funds specifically designated by Congress for Corridor construction.

The Federal-aid Highway Program is a reimbursable program; and thus project recipients only receive reimbursement for the federal share of the cost actually incurred. The Federal share for a project to construct a highway or access road on the ADHS with ADHS Program funds that the State received in FY12 or a previous year, or funds received during fiscal years 2012 through 2021 for a specific ADHS project, route, or corridor shall be funded at 100 percent.

ARC County Economic Classification

The ARC uses an economic classification system for each federal fiscal year to allow targeted localities in need of economic assistance to receive federal participation of local access road projects. The system classifies localities into five economic status designations: distressed, atrisk, transitional, competitive, and attainment. These designations are based on a comparison of county and national averages for three economic indicators: three-year average unemployment rate, per capita market income, and poverty rate. Localities in an attainment area are not eligible for ARC local access road funds. Additional information on Virginia localities' classifications is available on the ARC website.

IV. ELIGIBLE WORK

The basic eligibility criteria for local access road projects are contained in the ARC Code. The ARC may approve local access road projects which serve industrial and commercial areas, residential developments, recreational areas, and educational areas.

ARC Local Access Road (LAR) funds are available for the initial construction of local access road projects. These funds may be used for preliminary engineering, right-of-way or construction. Local access road funding is not allowed for resurfacing/rehabilitation; upgrading and/or safety improvements on roads previously built or improved with ARC local access road funds.

Specific items that may be included in construction projects include:

- Clearing and grubbing
- Grading
- Drainage
- Erosion & settlement control
- Relocation of utilities if required by the construction
- Base Course
- Pavement
- Traffic control devices
- Highway lighting

- Materials testing
- Project management/inspection

Specific items that may **not** be included in construction projects include:

- Utilities to serve residences or businesses
- Fire hydrants

Specific items that may be included in right-of-way projects include:

- Appraisal
- Acquisition
- Condemnation cost
- Relocation assistance

Specific items that may be included in preliminary engineering projects include:

- Surveys
- Design
- Environmental assessments/clearance
- Permits
- Project management

V. STANDARDS

Appalachian access road projects are to be designed, constructed and maintained in accordance with the provisions of Title 23 of the U. S. Code. Section 109 of Title 23 allows road projects, such as ARC access roads, that are not on the National Highway System, to be designed and constructed in accordance with the applicable State Standards. ARC access roads are to be designed to accommodate the type and volumes of traffic that are anticipated for the 20-year period following construction. For this reason the ARC recommends that 12-foot lanes, 4-foot shoulders and 2-1/2 foot ditches be used in open sections and a 36-foot roadway be provided in curb and gutter sections. Horizontal and vertical curves, including cul-de-sac radii, serving industrial parks are to be designed to accommodate a WB-50 design vehicle.

Proposed local access road projects into industrial parks, ports, landfills, and schools are to include acceleration, deceleration, and turning lanes on the main road/highway leading into the local access road project, provided traffic analysis justifies the need.

VI. APPLICATION

The locality must coordinate with the ARC State office (DHCD) when considering the use of ARC funds. The State ARC Program Manager will assist with determining if a project is a good candidate for ARC funding.

ARC Form 2 – Local Access Road Project Applications must be submitted to the State ARC Program Manager. Applications will be reviewed and approved on the merit of the project as they are received.

Applicants are encouraged to visit the ARC website at: www.arc.gov. This site contains numerous data sets, research reports, and links to other sources of information.

Project applications should demonstrate how the project meets one or more of the objectives listed in the ARC LAR Project Guidelines located on the ARC website. **Local access road project submissions must include:**

- ARC Form 2 (Local Access Road Project Application) No Form 1 (Construction Project Application) is required. Applicants should contact the State ARC Program Manager to request a pre-application package.
- The roadway typical section(s), pavement structure, and design criteria.
- Itemized cost estimate (roadway related).
- A letter from VDOT stating that:
 - They have reviewed the project and the proposed design criteria meet their design standards.
 - VDOT will make the necessary funds available from their ADHS account along with the obligational authority available for this project when the project is ready to be advanced / advertised.
 - VDOT will administer the project (design, right-of-way and/or construction) or enter an agreement with the locality that ensures the locality commits to administer in accordance with applicable requirements.
- If the project is for an existing road, a statement should be submitted with the application indicating ARC local road access funds were not used previously in building or improving the road.

Applicants for federal grants must also use a Data Universal Numbering System (DUNS) number on applications (which began October 1, 2003). The DUNS number allows the federal government to track the "family trees" of corporations and agencies applying for and receiving federal funds and to confirm their addresses and points of contact.

Applicants should first confirm that your agency has a DUNS number (individuals are exempt from this requirement). If you need a DUNS number, you can get one by calling toll-free DUNS Number request line at 1-866-705-5711 or by visiting http://fedgov.dnb.com/webform.

VII. COORDINATION WITH VDOT

Under the FHWA partnership with Virginia, VDOT takes the lead in the planning, design, and construction of highway projects and all federal highway funding flows through VDOT. This means that federally funded highway projects must also meet VDOT requirements. Therefore, close coordination with VDOT is essential.

To ensure that adequate funding and obligational authority is available, the Governor's ARC Alternate should notify VDOT of their intention to submit a local access road project to the ARC and to use a portion of their State's ADHS funds for local access road projects. On an annual basis, one million dollars is usually identified for funding of ARC Local Access Road projects in the Six Year Improvement Program (SYIP). As projects are identified and set up, funding will be allocated to the project, at which point the State Transportation Improvement Program (STIP) will be amended to include the individual project, which will permit processing of a federal authorization.

All federal actions, including funding of local access road projects that affect the human environment must comply with the provisions of the National Environmental Policy Act (NEPA). All projects impacting wetlands and other aquatic resources are also subject to Section 404 of the Clean Water Act. Projects impacting historical or archaeological resources must also comply with Section 106 of the National Historic Preservation Act and projects impacting park or recreational areas are subject to the provisions of Section 4(f), 23 USC 138. These as well as up to 65 various other state and federal environmental laws, regulations and Executive Orders may apply, depending on the scope of the project. Completing the NEPA process on a project can take from one week to 3 years, depending on specific requirements for NEPA documentation from FHWA. As the compliance process is so varied and dependent upon the project scope, the applicants will need to be in close consultation with the VDOT project manager or project coordinator. The project manager or project coordinator will work closely with VDOT's Environmental Manager who will provide the NEPA process guidance necessary to assist in a successful environmental process. (For further detail pertaining to Federal-Aid Project Environmental Requirements, please see Appendix G of the "Guide for Local Administration of Virginia Department of Transportation Projects".)

VIII. APPROVAL PROCESS

The ARC may approve local access road projects that meet the ARC goals and basic project eligibility criteria. Projects must be approved by the ARC on a project by project basis. Projects can only be submitted to the ARC by the ARC State Alternate.

ARC's Transportation staff review submissions and make recommendations to the ARC's Federal Co-Chair. Approval by ARC's Federal Co-Chair signifies concurrence that the proposed project meets the goals of the ARC and the State's Local Access Road program and approval for the State to use a portion of their ADHS funds to complete the project. It should be noted that the ARC's Co-Chair's approval is for a specified dollar amount (as opposed to a cost to complete the project). ARC's approval of the project does not guarantee the availability of funding nor does it obligate federal funding for the project.

ARC's Project Approval vs FHWA's Obligation of Funds

The FHWA's obligation of local access road project funds only occurs when VDOT has reviewed the project, certified that the project meets all of the administrative and legal requirements, and requested FHWA's concurrence in using a portion of their funds and obligational authority

to finance the project. Obligation of federal funds is a legal agreement between the federal government (FHWA) and VDOT, which commits the federal government to reimburse VDOT for the federal share of the eligible project cost incurred on that local access road project.

No work proposed for reimbursement should begin until notification that the funds have been obligated and that FHWA has provided authorization to spend the funds. In addition, if the project is locally administered, a standard project administration agreement needs to be executed prior to work beginning.

If a local access road project has not been advanced within 18 months after the ARC's approval of the project, the ARC reserves the right to withdraw their approval of the local access road project.

IX. IMPLEMENTATION / ADMINISTRATION

Upon ARC and FHWA approval of a project, development of the individual project begins. The state matching funds for the approved project are reserved and the project account is set up.

If VDOT is not going to administer the project, the submission must include a statement of concurrence from VDOT. The concurrence will include VDOT's determination that the project will meet applicable design standards and that VDOT will enter into a project agreement with the locality that specifies the locality's responsibility in order to meet federal requirements. Once ARC and FHWA have approved a project the locality must complete a Request to Administer (RtA) form if they want to administer the project. Once the RtA is approved a Standard Project Administration Agreement is drafted and executed. Any project administered by the locality must follow the "Guide for Local Administration of Virginia Department of Transportation Projects". See Appendix A of the "Guide for Local Administration of Virginia Department of Transportation Projects" for examples of these documents. Appendix E of the "Locally Administered Project Smanual" provides a Locally Administered Project Checklist which may be helpful.

The process for VDOT administered projects and locally administered projects follows:

A. VDOT ADMINISTERED PROJECTS

- 1. When funding is approved by the ARC and FHWA, the project is deemed viable. However, it is subject to the same rules of design, right of way acquisition, environmental review, scheduling for advertisement, bidding, and construction as other projects administered by VDOT.
- 2. A Memorandum of Agreement is between the locality and VDOT and must be executed prior to any work beginning on the project. The Memorandum of Agreement primarily addresses the provisions of matching funds, ineligible project costs, or eligible project costs in excess of the ARC allocation. After funds have been obligated to a project, and the Statewide Transportation Improvement

- Program (STIP) has been finalized, VDOT (Local Assistance Division) will forward a Memorandum of Agreement to the locality for review and execution.
- 3. The locality will provide payment to the VDOT manager for any required matching funds, ineligible project costs, or eligible projects costs in excess of the ARC Local Access Road allocation at the time the Memorandum of Agreement is executed by the locality. The VDOT Manager will forward this payment to the Local Assistance Division, which will ensure that it is credited to the project.
- 4. The expenditure of funds for the project may be authorized by VDOT only after any contingencies of the ARC and FHWA have been met and federal authorization received.
- 5. A VDOT administered project must be authorized with all necessary funding in place before the project begins.
- 6. Once a project is authorized, the VDOT manager will coordinate all aspects of the construction of VDOT administered projects.

B. LOCALLY ADMINISTERED PROJECTS

- When funding is approved by the ARC and FHWA, the project is deemed viable.
 However, it is subject to the same rules of design, right of way acquisition,
 environmental review, scheduling for advertisement, bidding, and construction as
 described in the "Guide for Local Administration of Virginia Department of
 Transportation Projects".
- 2. The locality will submit a Request to Administer (RtA) form to the VDOT Manager for approval. Once the RtA has been approved by the Chief Engineer, VDOT (Local Assistance Division) will prepare a Standard Project Administration Agreement between the locality and VDOT. This agreement requires that the locality follow state and federal procurement regulations in the administration of the project's construction, and specifies responsibilities, and payment of costs. The agreement is a contract that authorizes the locality to perform any work that can be reimbursed from VDOT funds and must be executed prior to beginning work. Any cost incurred or contract executed by a local governing body or its agent before an agreement is signed by all parties is the responsibility of the local governing body.
- The expenditure of funds for the project may be authorized by VDOT only after any contingencies of the ARC and FHWA have been met and federal authorization received.
- 4. A locally administered project must be authorized before VDOT will reimburse a locality for eligible costs attributed to any phase of the project. For federally funded projects, separate authorization is required for the preliminary engineering (PE), Right of Way and Utility(R/W) and Construction (CN) phases of the project.

Appropriate documentation of costs and billing information must be provided by the locality. Timely billings are important to demonstrate that the project is active and progressing.

5. The VDOT Manager will monitor the project and will notify the Local Assistance Division when the project begins and has been completed.

Additional VDOT charges may be needed to perform various tasks. Please keep this in mind when preparing the cost analysis on a project. See Appendix A of the Standard Agreement for guidance on identifying VDOT charges for a project.

X. REIMBURSEMENT

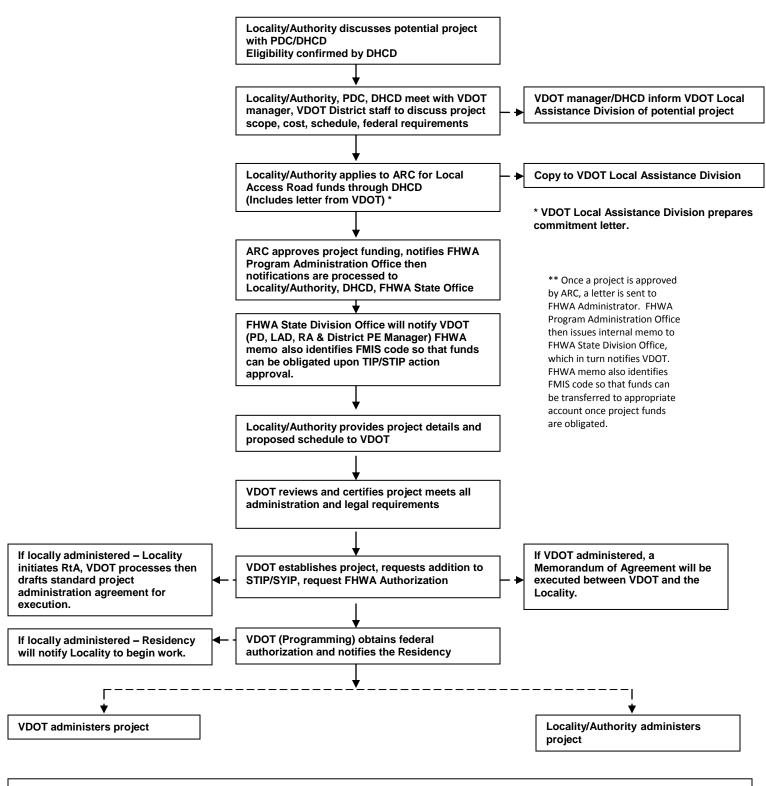
The Federal-aid Highway Program is designed to share with states the costs associated with federal-aid highways. The program funding is provided on a cost reimbursable basis. Therefore, eligible project cost must be incurred before funds may be received from FHWA. Once a project begins, an invoice, accompanied by supporting documentation, should be submitted to the VDOT Manager no more frequently than monthly and no less frequently than 90 days. The supporting documentation should include copies of invoices paid by the locality and to-date project summary schedule tracking payment requests and any adjustments. After all work is completed the locality makes a final billing to VDOT for its share of the actual eligible costs incurred. Any project costs over the costs identified in the standard project administration agreement will be the responsibility of the locality. A sample invoice cover sheet is attached, see Appendix C.

XI. APPENDICES

- A. ARC/VA Process Chart
- B. Sample letter from VDOT to ARC
- C. Sample Invoice Cover Sheet
- D. ARC Contacts
- E. Planning District Commissions
- F. VDOT Residencies
- G. VDOT Central Office Contacts

Appendix A

Appalachian Regional Commission Local Access Road Projects Virginia Process



ARC: Appalachian Regional Commission FHWA: Federal Highway Administration VDOT: Virginia Department of Transportation PD: Programming Division

DHCD: Virginia Department of Housing & Community Development

PDC: Planning District Commission LAD: Local Assistance Division RA: Residency Administrator

Appendix B

Sample letter from VDOT to the ARC State Alternate, DHCD

Date_	
Mr. W	Villiam C. Shelton, ARC State Alternate, DHCD
Main	Street Center
600 E	ast Main Street, Suite 300
Richm	nond, Virginia 23219
Dear	Mr. Shelton:
[Local	irginia Department of Transportation (VDOT) has received an indication that
	staff has reviewed the proposed project and proposed typical section, pavement section, and n criteria meet VDOT standards. We will provide a final plan review once plans are complete.
adver with t	the ARC approves the application submitted by the county and the project is ready to be tised for construction, VDOT will pursue the necessary steps to make the \$ available the necessary obligation authority to use these funds. The funding will come from the ADHS Access funds, unobligated balance.
accore [The aware will re	Virginia Department of Transportation will administer the project for (name of applicant) in dance with federal-aid highway procedures.] -or-applicant will administer this project. VDOT will ensure that the applicant, (name of applicant), is that the project must be administered in accordance with federal-aid highway procedures and eview the project/records to ensure those requirements are being met before processing ents.]
If you 786-7	have additional questions, please contact Ciara Williams of the Local Assistance Division at 804-399.
Since	rely,
 Jennif	fer Debruhl
	Assistance Division Director
Cc:	Denise Ambrose, DHCD Program Manager
	Chris Thompson, DHCD Policy Analyst
	Locality
Bcc:	DA & RA
	Deborah Grant, Programming Division Federal Programs Manger
	Jennifer Debruhl, Local Assistance Division Director Julie Brown, Assistant Division Director
	Henry W. Chenault, LAD Section Manager
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Appendix C

SAMPLE INVOICE COVER SHEET

(Must be submitted on Locality Letterhead)

Date:		
Virginia Department of Transportation Attn: (VDOT Resident Administrator) Residency Current Address		
RE: Reimbursement for ARC Local Access Road Program f Project Number: UPC Number:	or	
Dear Resident Administrator:		
In accordance with the Local/State Agreement dated Road Program funds for the above mentioned project, the in performing tasks in the approved application.		
Enclosed is a copy of the invoice that the Locality recentle work.	y paid, in the amount of	\$, for eligible
TOTAL FEDERAL ALLOCATION:		
PAYMENT REQUEST NUMBER:		
INVOICE PERIOD: to		
	EXPENDITURE TO DATE	ES CURRENT <u>EXPENDITURES</u>
1. TOTAL EXPENSES	\$	\$
2. REIMBURSEMENT REQUESTED FROM VDOT	\$	\$
I certify that reimbursement of these funds has not previ	ously been requested.	
Signature	Title	Date

Attachments

Appendix D

ARC State Office (DHCD) Contact List

The Appalachian Regional Commission programs, other than the ARC Highway System program, are administered in the Commonwealth of Virginia by the Virginia Department of Housing and Community Development. The Virginia ARC Program is managed by:

William C. Shelton

Director
ARC State Alternate
Bill.Shelton@dhcd.virginia.gov

Denise Ambrose

Program Manager (804) 371-7029 denise.ambrose@dhcd.virginia.gov

Chris Thompson

Policy Analyst (804) 371-7056 chris.thompson@dhcd.virginia.gov

Resource List

www.arc.gov

Appendix E

Virginia Department of Transportation Residency Offices

<u>County</u>	<u>District</u>	<u>Residency</u>	<u>Phone Number</u>
Alleghany	Staunton	Lexington	(540) 463-3108
Bath	Staunton	Lexington	(540) 463-3108
Bland	Bristol	Wytheville	(276) 228-2153
Botetourt	Salem	Salem	(540) 387-5488
Buchanan	Bristol	Lebanon	(276) 889-7600
Carroll	Salem	Martinsville	(276) 629-2581
Craig	Salem	Salem	(540) 387-5488
Dickenson	Bristol	Wise	(276) 328-9331
Floyd	Salem	Christiansburg	(540) 381-7200
Giles	Salem	Christiansburg	(540) 381-7200
Grayson	Bristol	Wytheville	(276) 228-2153
Henry	Salem	Martinsville	(540) 463-3108
Highland	Staunton	Lexington	(540) 463-3108
Lee	Bristol	Wise	(276) 328-9331
Montgomery	Salem	Christiansburg	(540) 381-7200
Patrick	Salem	Martinsville	(540) 463-3108
Pulaski	Salem	Christiansburg	(540) 381-7200
Rockbridge	Staunton	Lexington	(540) 463-3108
Russell	Bristol	Lebanon	(276) 889-7600
Scott	Bristol	Wise	(276) 328-9331
Smyth	Bristol	Wytheville	(276) 228-2153
Tazewell	Bristol	Lebanon	(276) 889-7600
Washington	Bristol	Lebanon	(276) 889-7600
Wise	Bristol	Wise	(276) 328-9331
Wythe	Bristol	Wytheville	(276) 228-2153

<u>City</u>	<u>District</u>	Phone Number
Bristol	Bristol	(276) 669-6151
Buena Vista	Staunton	(540) 332-9075
Covington	Staunton	(540) 332-9075
Galax	Salem	(540) 387-5320
Lexington	Staunton	(540) 332-9075
Martinsville	Salem	(540) 387-5320
Norton	Bristol	(276) 669-6151
Radford	Salem	(540) 387-5320

Appendix F

Planning District Commissions (PDC's)

LENOWISCO PDC

Mr. Glen A. "Skip" Skinner P. O. Box 366 Duffield, Virginia 24244 Phone: (276) 431-2206

Mount Rogers PDC

Mr. Michael Armbrister, AICP 1021 Terrace Drive Marion, Virginia 24354 Phone: (276) 783-5103

Roanoke Valley-Alleghany PDC

Mr. Wayne G. Strickland P. O. Box 2569 Roanoke, Virginia 24010 Phone: (540) 343-4417

Cumberland Plateau PDC

Mr. James Baldwin P. O. Box 548 Lebanon, Virginia 24266 Phone: (276) 889-1778

New River Valley PDC

Mr. Kevin Byrd, AICP P. O. Box 21 6580 Valley Center Drive Radford, Virginia 24141 Phone: (540) 639-9313

Central Shenandoah PDC

Ms. Bonnie Riedesel 11112 MacTanly Place Staunton, Virginia 24401-2373

Phone: (540) 885-5174

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Appendix G

VDOT Central Office Contact List

Local Assistance Division

Jennifer DeBruhl

Director (804) 786-0334 Jennifer.Debruhl@VDOT.Virginia.gov

H.W. "Winky" Chenault

Program Supervisor (804) 786-2264

H.Chenault@VDOT.Virginia.gov

Ciara Williams

Program Manager (804) 786-7399 Ciara.Williams@VDOT.Virginia.gov

Environmental Division

Chip Ray

(804) 371-2605 Alfred.Ray@VDOT.virginia.gov

Scheduling & Contract Division

Richard Britton

(804) 786-1262

Richard.Britton@VDOT.virginia.gov

Resource List for Local Assistance Division

www.vdot.virginia.gov/business/local-assistance.asp