

*Expires – Upon Issuance of LPP*

## Authorization of Non-Infrastructure Federal-aid Projects

### I. BACKGROUND

Non-infrastructure (NI) projects are those transportation related projects that will NOT involve engineering design, right of way acquisition, and the eventual physical construction of transportation facilities. Examples of non-infrastructure projects include public awareness campaigns and outreach, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, freeway service patrol, ridesharing activities, and purchase of vehicles.

Federal-aid highway funds have primarily been used on highway construction projects. Recent Highway Acts have authorized the use of federal-aid highway funds for non-construction projects. For example, SAFETEA-LU mandates an allocation of 10-30% of the Safe Route to School Program (SRTS) funds to be used for non-infrastructure (NI) related activities. Other federal-aid funding programs that have been used for non-infrastructure projects are Transportation Enhancement (TE) and Congestion Mitigation and Air Quality (CMAQ) programs.

The eligibility of non-infrastructure projects for federal participation is governed by the various federal funding program guidelines, such as SRTS-NI, TE, and CMAQ Programs. The purpose of this Office Bulletin (OB) is to establish procedures to follow when requesting federal authorization to proceed for NI projects.

### II. POLICY

While it is clear that projects receiving funding from the SRTS-NI program should be processed as NI projects, project sponsors receiving funding from other federal-aid programs are advised to consult their Caltrans District Local Assistance Engineer to see if their projects can be processed as NI projects.

For typical federal-aid highway construction projects, authorizations to proceed for federal-aid projects are granted to one of the project delivery phases, i.e. Preliminary Engineering (PE), Right of Way (R/W) /Utility Relocation, or Construction (CON). NI projects do not neatly fit under any of the above traditional project phases. Due to various considerations, such as the “PE over 10 years rule” and FTIP programming issues, federal authorization to proceed for NI projects will be processed under the “Construction” phase. Attachment 1 - “Exhibit 3-Q Request for Authorization to Proceed with Non-Infrastructure Project” should be used for NI projects.

***FTIP/FSTIP:*** Most NI projects are programmed in the FTIP/FSTIP as “Grouped” projects, also known as “Lump-sum” projects. As such, they are traditionally programmed in the “Construction” phase. NI projects that are individually listed in the FTIP/FSTIP shall also be programmed under Construction.

***Environmental Review:*** Even though NI projects do not involve the traditional engineering design, right of way, and ground disturbance during construction, environmental reviews are still required to ensure that the project will not have negative impacts on the environment. A full scale preliminary environmental study (PES), however, may not be required for NI projects. Instead, the Preliminary Environmental Screening Form for Non-Infrastructure Projects (PES-NI) may be used to streamline the environmental reviews of NI projects. The approval of the PES-NI will result in a Categorical Exclusion (CE) as the NEPA determination.



**Right of Way:** Since NI projects will not involve right of way acquisition or utility relocation, FHWA has agreed with Caltrans that Right of Way Certifications will NOT be required.

**III. PROCEDURE**

The following documents shall be provided by the NI project sponsor when requesting authorization to proceed with NI projects:

- FTIP/FSTIP programming document
- Exhibit 3-Q- Request for Authorization to Proceed with Non-Infrastructure Projects (Attachment 1)
- A copy of the project application for SRTS-NI, or TE projects
- Local agency signed finance letter
- NEPA document - Preliminary Environmental Screening Form for Non-Infrastructure Projects (PES-NI) and Categorical Exclusion (CE)
- NI project work plan, in lieu of the traditional PS&E. The work plan needs to contain sufficient details on project tasks, schedule, activities, deliverables, and budgets/costs. **Attachment 2 provides a sample work plan.**

Caltrans Internal FADS Processing of Request for Authorization for NI Projects: As mentioned previously, NI projects will be authorized under the “Construction” phase. To by-pass FADS system’s checking for a required RW Cert approval date, please use the following process in FADS:

- On “Fund Sum” Screen, choose “ALL- REQUESTING ALL THREE PHASES” for “Request Reason”;
- On “Fund Sum” Screen, type “NON-INFRASTRUCTURE” in the “FOR” Area;
- Skip the “RW” screen;
- Complete all other FADS screens the normal fashion.

<b>Resp Agency:</b> 6065 <input type="button" value="Select"/> <b>*Project Type:</b> C - CONVENTIONAL PROJECT <b>*Project Oversight:</b> N - HIGH PROFILE/FULL OVERSIGHT (NHS) <b>Design/Build:</b> <input checked="" type="radio"/> Yes <input type="radio"/> No <b>RW Stage 1:</b> <input type="radio"/> Yes <input checked="" type="radio"/> No <b>*Standard Place Code:</b> 44000 <input type="button" value="Select"/> <b>DLA Locator:</b> 07-LA-10/I110-MTA <b>Inventory Rte No:</b> 000000001001 <b>Beg Mile Point:</b> 17.1 <b>End Mile Point:</b> 32.6 <b>State Route:</b> <input type="button" value="Add/Edit"/> <b>*Project Location:</b> ON I-10 FROM ALAMEDA ST. TO I-605 AND ON I-110 FROM 182ND ST. TO ADAMS BLVD. <b>*Type Of Work:</b> EXPRESS LANES-CONVERSION OF HOV LANES TO HOT LAN <b>*Request Reason:</b> ALL - REQUESTING ALL THREE PHASES (PRE, RW, CON) <b>For:</b> NON-INFRASTRUCTURE <input type="checkbox"/> For Info. Only (no FMIS transmit)	<b>Funding Summary</b> <table border="1"> <thead> <tr> <th>Phase</th> <th>Project Cost</th> <th>Federal Funds</th> </tr> </thead> <tbody> <tr> <td>PE Prev Oblg</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>    This Request</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>ROW Prev Oblg</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>    This Request</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>CON Prev Oblg</td> <td>\$113,287,818.00</td> <td>\$67,000,000.00</td> </tr> <tr> <td>    This Request</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>\$113,287,818.00</b></td> <td><b>\$67,000,000.00</b></td> </tr> </tbody> </table>	Phase	Project Cost	Federal Funds	PE Prev Oblg	\$0.00	\$0.00	This Request	\$0.00	\$0.00	ROW Prev Oblg	\$0.00	\$0.00	This Request	\$0.00	\$0.00	CON Prev Oblg	\$113,287,818.00	\$67,000,000.00	This Request	\$0.00	\$0.00	<b>TOTAL</b>	<b>\$113,287,818.00</b>	<b>\$67,000,000.00</b>
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**IV. APPLICABILITY/IMPACTS**

This will impact all non-infrastructure federal-aid projects administered by local agencies. This policy is effective immediately.

Approved: Original Signed By \_\_\_\_\_ 6/24/11  
Ray Zhang, Chief \_\_\_\_\_ Date  
Office of Project Implementation South

Approved: Original Signed By \_\_\_\_\_ 6/24/11  
Bill Sandoval, Chief \_\_\_\_\_ Date  
Office of Project Implementation North

Attachments:

- 1) Attachment 1 – Exhibit 3-Q Request for Authorization to Proceed with Non-Infrastructure Project
- 2) Attachment 2 – Non-Infrastructure Project Work Plan (Sample)

Superseded by  
LPP 12-01