

CHAPTER ONE

1-1.0 CHAPTER ONE OVERVIEW

It is critically important that all communications include the Local Public Agency's designated [Employee in Responsible Charge \(ERC\)](#).

It is also critical that the appropriate Indiana Department of Transportation (INDOT) and Metropolitan Planning Organization (MPO) staff are notified regarding documents, plans, submittals and other communications.

Each chapter indicates appropriate contacts that shall be included in all communications and submissions within a given topic or set of project development activities.

Chapter One provides an overview of the Local Public Agency (LPA) Project Development Program, including:

- **Roles and Responsibilities**
- **Employee in Responsible Charge (ERC)**
- **Local Public Agency (LPA) Project Development Training**
- **LPA Documentation Requirements**

Chapter One explains the [LPA Certification Requirements](#) for the Local Public Agency's "[Employee in Responsible Charge](#)" (ERC) and for the Consultant Project Manager. This certification is a requirement to be eligible to apply for and to manage a federal-aid project.

Any questions or issues related to this guidance document, discrepancy or disagreement between procedures and requirements listed in other resource manuals or materials, or the LPA Certification Training, may be directed to the LPA Policy and Procedures Leadership Team by contacting the LPAQuestions@indot.in.gov.

Acronyms used in this Chapter

ERC – Employee in Responsible Charge
FHWA – Federal Highway Administration
FMIS – Fiscal Management Information System
INDOT – Indiana Department of Transportation
LPA – Local Public Agency
LTAP – Local Technical Assistance Program
NEPA – National Environmental Policy Act
MPA – Metropolitan Planning Area
MPO – Metropolitan Planning Organization
RFP – Request for Proposal
SRTS – Safe Routes to School
TIP – Transportation Improvement Program
USEPA – United States Environmental Protection Agency

1-2.0 ROLES AND RESPONSIBILITIES

1-2.01 Federal Highway Administration (FHWA)

FHWA is responsible for ensuring adequate and proper delivery of federal-aid projects.

1-2.02 *Indiana Department of Transportation (INDOT)*

INDOT is available to provide technical assistance to LPAs as requested and as needed.

The INDOT is the agency responsible for planning, building, maintaining, and operating Indiana's state and interstate highway system. INDOT is accountable to FHWA to ensure all project elements comply with federal law and regulations. INDOT is required to administer federal transportation funds provided by the U.S. Department of Transportation through its various divisions according to all federal and State laws and as defined by the [FHWA/INDOT Stewardship and Oversight Agreement](#).

INDOT ensures that local projects utilizing federal funds made available by INDOT are appropriately utilized in a timely manner and in compliance with all federal and state regulations.

One of INDOT's primary roles is to provide technical assistance to the LPA and their Designer during the project development process and throughout construction.

The [District Local Program Coordinator](#) is the initial point-of-contact for all local federal-aid projects.

The designated [District Local Project Manager](#) is the individual responsible for assisting the LPA with project development, schedule changes, and general project support.

1-2.03 *Local Public Agency (LPA)*

All LPA projects approved for funding on or after April 29, 2009 will be under this INDOT LPA Process Guidance Document.

A LPA is any agency that receives federal transportation funds. The LPA is responsible for managing all aspects of their federal-aid project(s). These responsibilities include financial management of the project(s), and understanding all federal regulations required to construct any local federal-aid project.

The LPA is aware of and accepts their responsibility for ensuring each local federal-aid project complies with all federal laws and regulations. Failure to comply puts the LPA at risk of being required to refund all or a portion of the federal funds expended on the project.

The LPA is also responsible to ensure projects are delivered on time and within approved budget and scope.

Project Sponsor – The project sponsor is the owner of a project, typically a LPA that seeks to use federal-aid funds.

The responsibilities of the LPA will be outlined in the Indiana Department of Transportation – Local Public Agency Project Coordination Contract ([INDOT-LPA Contract](#)) executed between INDOT and the participating LPA for each project.

Each INDOT-LPA Contract includes the LPA's commitment for:

- The appropriate and legal expenditure of federal-aid transportation funds
- Following all federal, state, and local laws, regulations, and policies applicable to the legal completion of federal-aid projects in Indiana.

Any local money expended by the LPA prior to INDOT’s Notice to Proceed for a phase of a project will not be eligible for federal-aid reimbursement, nor will that local money be eligible to be counted as the local match for future federal money utilized on the project.

Each agency that receives federal-aid funds shall designate an employee with the responsibility for ensuring the compliance of all State and Federal-aid regulations related to the project development and construction of locally administrated projects. This individual is referred to as the “Employee in Responsible Charge” (ERC).

Federally funded transportation projects must conform to federal laws, regulations, and Indiana Design Standards in order to remain eligible for federal funding participation.

The ERC acts on the behalf of the LPA as the primary point of contact for the project. The ERC serves as a liaison for the LPA and its Board or administrative body in regards to financial and managerial decisions that affect the project, or be the fiduciary representative of the LPA’s board or administrative body.

Before a LPA can apply for a federal-aid project, the LPA’s designated ERC must attend LPA Project Development Training to meet [LPA Certification](#) requirements.

1-2.03 (1) Quarterly Reports and Tracking Meetings

The ERC is responsible for attending Quarterly Tracking Meetings and submitting required [Quarterly Reports](#) detailing up-to-date cost estimates and schedules through project construction.

For projects located in a [Metropolitan Planning Area \(MPA\)](#) of a MPO, quarterly tracking meetings and quarterly reports will be coordinated through the applicable MPO’s process and forms.

Projects outside of the MPA will be coordinated through INDOT using the INDOT District’s process and forms.

A MPO may coordinate additional projects with the concurrence of the LPA and the appropriate INDOT District. Any projects coordinated through a MPO will follow the MPO’s process and forms.

For more information on MPO Project Coordination see [Chapter Six](#) of this Guidance Document.

1-2.04 Other Roles and Responsibilities

1-2.04 (1) Consultants

Consultants are often utilized by LPAs to provide architectural and engineering services to develop their projects. Consultants are responsible for keeping all parties (local and state) involved and informed of project status and costs through frequent communication. Consultants are also responsible for delivering high quality, timely work, on or below budget.

The Consultant, along with the LPA, shall be held accountable for failure to meet any federal and state regulations, deadlines, and cost overruns.

It is the responsibility of the LPA to manage its consultant's performance.

1-2.04 (2) Metropolitan Planning Organizations (MPO)

MPOs are responsible for coordinating transportation planning within their defined MPA. MPOs are responsible for managing a fiscally constrained program and air quality conformity for their regions. MPOs are responsible for performing Air Quality Conformity Modeling for air quality non-attainment areas as required by the United States Environmental Protection Agency (USEPA) for compliance with the [Federal Clean Air Act](#).

All MPO projects that seek to use federal-aid funding must be included in the MPO's [Transportation Improvement Program \(TIP\)](#).

Please refer to [Chapter Six](#) for more information on MPO - LPA Coordination and Process.

1-3.0 EMPLOYEE IN RESPONSIBLE CHARGE (ERC)

The LPA shall designate an ERC for each project. This employee serves as a liaison for the LPA and its Board or administrative body in regards to financial and managerial decisions that affect the project, or is a fiduciary representative of the LPA's board or administrative body.

The LPA must maintain the status of the ERC at all times throughout the project as designated in the project's application and confirmed at the [Early Coordination Meeting](#). Any changes in the designated ERC must be updated in the in the LPA's Quarterly Report.

The LPA must maintain the status of the ERC at all times throughout the project as designated in the project's application and confirmed at the Early Coordination Meeting. Any changes in the designated ERC must be updated in the in LPA's Quarterly Report.

The ERC must be certified by attending the [LPA Project Development Training](#) prior to the LPA applying for a federal-aid project. It is acceptable and recommended that multiple individuals attend the training to meet certification requirements.

All LPA's with active federal-aid projects or seeking approval for new federal-aid projects are required to have at least one certified ERC. If the ERC leaves the organization for any reason, the LPA must designate a new ERC and ensure they successfully complete LPA Project Development Training at the next scheduled training session.

LPAs without a certified ERC will not be eligible for new or additional federal funds. Failure to maintain an ERC could result in the loss of funding or delays in project development.

State agencies acting as a local project sponsor for a Transportation Alternative Project are also required to have a certified ERC, for example, the Indiana Department of Natural Resources.

A certified ERC is also required for all local projects advanced by a MPO.

See [Chapter Six](#) for more guidelines on LPA projects within MPO planning areas.

The only local project type that does not require an ERC is:

- Safe Routes to School (SRTS) - Non-infrastructure Project

However, as with all federally funded local projects, project sponsors of SRTS Non-infrastructure projects are required to complete and submit Quarterly Reports and are subject to required attendance at quarterly tracking meetings as directed by INDOT, the project sponsor, and/or the MPO (if applicable).

1-3.01 Selecting the ERC

The ERC role cannot be filled by a consultant or a contract employee hired by the LPA. The ERC must be an employee of the LPA. However, because many smaller LPAs do not maintain full time staff, the ERC is not required to be a full time employee.

The ERC does not need to be a technical expert but rather someone who can be fully engaged in a project. The ERC is the designated employee responsible for driving completion of the project. The ERC will work closely with their consultant to develop their project and can reach out to other governmental agencies and metropolitan or regional planning agencies for assistance.

The skills and attributes needed to be an effective ERC include:

- Ability to undertake the basic project management tasks including ensuring projects meet deadlines and budgets
- Ability to manage numerous documents with time sensitive submissions and specific requirements
- Communication and relationship building skills

1-3.02 Responsibilities of the ERC

The responsibilities of the ERC include but are not limited to:

- Aid in the preparation of the project application and submit the application as required
- Request the Early Coordination Meeting
- Ensure the INDOT-LPA Contract is signed by the LPA and returned to INDOT
- Work with INDOT District to secure purchase order and submit LPA Voucher Reimbursement Claims for cost incurred after notification of federal authorization
- Prepare Request for Proposal (RFP) to select a consultant
- Ensure and validate that the [Consultant Selection Process](#) was followed correctly
- Negotiate fees with the consultant
- Ensure the [LPA-Consulting Contract](#) is executed by the LPA and consultant
- Assure work does not proceed on a project phase prior to INDOT and FHWA approval
- Help coordinate and attend the [Public Hearing](#) if one is required
- Coordinate the completion of the [Environmental Document](#) with consultant
- Request INDOT initiate federal project authorization through the [Federal Management Information System \(FMIS\)](#) from FHWA for the Right-of-Way Phase of project development. This approval cannot and shall not be requested prior to the approval and certification of the Environmental Document.
- Request and submit the LPA's matching funds at the appropriate time to prevent delay in project construction
- Maintain their LPA Project Development Certification
- Affirm that [Design Documentation](#) meets INDOT Design Manual Standards
- Oversee [Utility and Railroad Relocation](#) work
- Ensure the Constitutional Rights of land owners are not violated (compliance with the [Uniform Acquisition and Relocation Act](#) and associated regulations)
- Certify the [Land Acquisition Package](#)
- Certify the completeness of [Final Tracings Package Submission](#)

- Ensure project meets **ALL** State and federal laws
- Develop and retain all project documentation
- Complete the INDOT or MPO Quarterly Project Reports as required, and attend Quarterly Tracking Meetings

1-4.0 LPA PROJECT DEVELOPMENT TRAINING

1-4.01 LPA - Employee in Responsible Charge (ERC)

To apply for and/or manage a project that will use federal-aid funds, the LPA must designate a certified ERC.

Once a project is approved, the LPA's ERC of that project must maintain their Certification throughout the life of the project or risk losing federal-aid funding.

1-4.02 Consultant Project Manager

The Consultant Project Manager for the primary consultant must be certified and maintain their certification throughout the life of the LPA project. If the Consultant Project Manager changes during project development, the new project manager must also be LPA Certified.

If a certified Project Manager is not maintained throughout the project, project development could be stopped and/or all or a part of project funding could be removed.

Consultants that do not require LPA Certification are:

- Consultants providing only [Construction Inspection Services/Construction Engineering Services](#).
- Sub Consultants

For additional information on the requirements for Consultant Inspection Services see [Chapter 7](#) and [Chapter 14](#).

1-4.03 LPA Certification Process

Changed Requirements

The training requirement for LPA Certification has been changed to improve project delivery. New classes are being designed to offer more topical "hands-on" learning, focused on topics most requested and needed.

We encourage your feedback on the new training requirements and classes. Please forward any comments or class ideas to:

LPAQuestions@indot.in.gov

To become a LPA Certified ERC or LPA Consultant Project Manager, LPAs and Consultants must attend a full day of training that must include the LPA Basic Training Class (3 Professional Development Hours (PDH)/3 Continuing Education Credits (CEU credits) and additional LPA Training classes to equal or exceed a total of 6 PDH/CEU credits.

Failure to keep adequate documentation may also result in relinquishment of any and all unused federal funds. Lack of proper documentation may also be considered during future applications for federal-aid programs.

Documentation that shall be maintained by the LPA related to Chapter One includes:

- Proof of ERC Certification prior to project application
- Copy of initial Quarterly Report

1-6.0 CHAPTER CHECK LIST

1-6.01 *Critical Elements*



Critical Elements are any review item used to verify that Federal and State laws, regulations and directives have been met. Critical Elements are most often identified through reviews scheduled at specific stages of the project development process.

Critical Elements in Chapter One include:

- LPA has designated an ERC
- ERC has successfully completed LPA Project Development Training and is current in their certification.
- Consultant Project Manager for the primary consultant has successfully completed the LPA Project Development Training and is current in their certification.
- LPA has created and maintains a document management system to be maintained at least 5 years after project close-out and final audit has been completed to ensure compliance to all stated regulations. This documentation system includes providing ready access to INDOT and FHWA upon request.

1-6.02 *Fatal Flaws*



A Fatal Flaw is any problem with a critical project element that has not been, or cannot be resolved. Fatal flaws also include violations of any state or federal law, and any action that compromises safety or the rights of property owners. Fatal flaws may be identified at any stage of the project development process.

Once a fatal flaw has been identified the Project Sponsor shall stop all affected project activity until the fatal flaw is resolved. Unresolved fatal flaws can negatively impact the project schedule, funding, and the project budget. Fatal Flaws may also impact project scope. Unresolved fatal flaws will prevent the project from proceeding to the next stage of project development, including advertisement and letting. Subsequent chapters will list possible fatal flaws related to the topic presented.

Once certified, to maintain ERC or Consultant Project Manager certification status, all ERCs and Consultants must attend a variety of offered classes to equal or exceed six (6) PDH/CEU credits each subsequent year following initial certification.

If your certification has expired, you will be required to attend the LPA Basic Training Class and additional classes to equal or exceed 6 PDH/CEU credits to become recertified.

Each year INDOT will offer a variety of classes in central locations throughout the State to ensure full compliance to the new certification requirements.

For more information on the current class schedule or to register for the LPA Certification Training, contact [Indiana LTAP](#).

1-4.03 (1) ERC for County Bridge Inspection



All Indiana Counties are now required to designate and maintain a certified ERC to manage their Bridge Inspection Program. This ERC must be an employee of the LPA and can be the same ERC who manages the LPA's other transportation projects. However, the ERC will need to attend the INDOT Introduction to Bridge Inspection ERC Class and maintain LPA certification as described below.

ERCs for Bridge Inspection must fulfill all ERC Certification Requirements as described in [1-4.03](#), **and** attend the INDOT Introduction to Bridge Inspection ERC Class.

To maintain certification, the ERC for County Bridge Inspection must take a variety of classes to equal or exceed six (6) PDH/CEU credits each subsequent year following initial certification, of which at least one class must be related specifically to Bridge Inspection.

1-5.0 DOCUMENTATION REQUIREMENTS

The time between the end of construction and project close-out can be lengthy.

A project is not considered closed out until the final audit is complete and the contractor has received final payment.

The LPA is required to maintain complete documentation of all project activities through project development and construction. It is imperative the LPA maintain complete documentation of all required actions as proof of compliance. Failure to maintain complete records may result in the loss and/or repayment of part or all federal-aid spent on the project.

Each chapter in this Guidance document provides a basic list of documentation the LPA is required to maintain.

These records must be made readily available to INDOT and/or FHWA upon request. In addition, documentation must be maintained for a minimum of five-years following the project close out and final audit of the construction phase.

Failure to keep adequate documentation that provides documentable proof of compliance with federal and State requirements puts the LPA at risk of being required to pay back all or a portion of the federal funds expended on the project.

CHAPTER ONE APPENDIX

1-7.0 GLOSSARY

Local Public Agency – Any city, county, municipality, or other political subdivision that may be empowered to cooperate with the State transportation department in highway matters. Typically serves as the project sponsor for a non State funded project.

1-8.0 REFERENCES TO GUIDANCE MATERIAL

Links

The FHWA created the [Local Technical Assistance Program \(LTAP\)](#) in 1982 to provide local agencies with information and training programs to address the maintenance of local roadway and bridges.

[LPA and MPO Webpage](#)

[LPA Certification Training Dates and Information](#)

[Indiana Local Technical Assistance Program \(LTAP\)](#)

[Consultant Prequalification](#)

[INDOT – LPA Contract](#)

Forms

[Quarterly Report](#)

1-9.0 IDENTIFICATION OF RESOURCE PEOPLE

The [District Local Program Coordinator](#) is the initial point-of-contact for all local federal-aid projects.

The designated [District Local Project Manager](#) is the individual responsible for assisting the LPA with project development, schedule changes, and general project support. The District Project Manager will act as facilitator for the preconstruction development of projects and are responsible for assisting the LPAs in technical problem solving and coordination with stakeholders, as well as facilitating the required reviews during project development and at [Final Tracings Package Submission](#).