Federal Lands Access Program
Program Decision Committee Charter
State of Utah

Purpose

The purpose of this Statewide Agreement is to establish the procedures to be used in implementing the Federal Lands Access Program (Access Program) in the State of Utah pursuant to the provisions of 23 U.S.C §§ 201, 204 and 217.

Parties to the Agreement

The Programming Decisions Committee (PDC) within each State is comprised by a representative of the Federal Highway Administration; a representative of the State Department of Transportation; and a representative of any appropriate political subdivision of the State.

The PDC for the State of Utah includes:

- Federal Highway Administration (FHWA): Mr. Ryan Tyler, Planning & Programs Manager, FHWA – CFLHD or designated representative;
- State Department of Transportation (*UDOT*): Mr. Bill Lawrence, Program Finance Director, UDOT, or designated representative; and
- State Political subdivision: Ms. Claudia Jarrett, County Commissioner, Sanpete County, representative for the Utah Joint Highway Committee on behalf of rural counties, or designated representative.

Use of Access Program Funds

In accordance with 23 U.S.C. § 204 (a) (1), funds made available under the Federal Lands Access Program shall be used by the Secretary of Transportation and the Secretary of the appropriate Federal Land Management Agencies (FLMAs) for:

(A) Transportation planning, research, engineering, preventive maintenance, rehabilitation, restoration, construction, and reconstruction of Federal lands access transportation facilities located on or adjacent to, or that provide access to, Federal land, and
  i. adjacent vehicular parking areas;
  ii. acquisition of necessary scenic easements and scenic or historic sites;
  iii. provisions for pedestrians and bicycles;
  iv. environmental mitigation in or adjacent to Federal land to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity;
  v. construction and reconstruction of roadside rest areas, including sanitary and water facilities; and
  vi. other appropriate public road facilities, as determined by the Secretary;

(B) Operation and maintenance of transit facilities; and

(C) Any transportation project eligible for assistance under this title that is within or adjacent to, or that provides access to, Federal land.

The Access Program funds are allocated to the State by formula in accordance with 23 U.S.C. § 204. (b) (1).

Borrow/Loan funding transfers, both between states and programs, may be necessary to ensure the allocated amount will facilitate the approved program of projects and a high program obligation rate. FHWA, on behalf of the PDC, will coordinate and execute the Borrow/Loans.

Program of Projects, Project Solicitation and Project-Level Consultation with FLMAs

Programming decisions shall be made within each State by the PDC, which is required to cooperate with applicable FLMAs before any joint discussion or any final programming decision.

FLMAs include, but are not limited to:

(a) The National Park Service
(b) The Forest Service
(c) The United States Fish and Wildlife Service
(d) The Bureau of Land Management
(e) The United States Army Corps of Engineers
(f) Other Federal agencies such as the Department of Energy, Department of Defense, etc.

Accordingly, the PDC will solicit for Access Program proposals, develop selection criteria, a ranking system and evaluation process, select projects for award within the limit of available funding and develop a multi-year program of projects. While the PDC will administer the project selection process, the PDC will also cooperate with the applicable FLMA's during this process. Projects eligible for Federal Lands Access Program funding must be those projects or activities that are within, adjacent to or provide access to Federal land.

The PDC will generally meet annually. The meeting may be held face to face, via video, web or telephone conference as deemed appropriate by the Committee. The objective of the meeting will be to develop a five to seven year program of projects that can be accomplished with the amount of funding that may reasonably be expected based upon current and past appropriations. After the program of projects has been approved by the PDC, the FHWA will assemble the approved program and provide copies to the FMLAs and PDC.

Projects programmed with Federal Lands Access Program dollars, where appropriate, will be included in the required Federal programming and planning documents.

Transportation Planning / Management Systems

Statewide transportation planning will be performed concurrently in a manner consistent with, and not separate from, planning processes required under 134 and 135 of Title 23, namely the statewide and MPO planning processes. The PDC will establish a vision for statewide Access Program that is consistent with these planning efforts. In collaboration with FLMAs, the PDC will prioritize a system of statewide Access Program transportation facilities, thereby influencing the long-term direction of the Access Program in Utah.

Project Agreements

A project agreement shall be entered into between the FHWA and the other appropriate entities responsible for the facility. Responsible parties may include: UDOT, FLMAs, or other governmental or local governing agencies. The purpose of the project agreement will be to document specific project responsibilities and commitments. A project agreement will be entered into between the FHWA and a public agency on every project.

Non-Federal Share

For projects carried out under the Federal Lands Access Program, the non-federal share shall be determined in accordance with 23 U.S.C.§120. The non-Federal share of each project will be identified during the project solicitation process and documented in the project agreement. The FHWA and UDOT will coordinate with the project sponsor to determine the process, timing and non-federal match requirements.

Development of Projects

A signed project agreement will be required for all projects selected for award by the PDC. The project agreement will establish a scope of work for a programmed project, roles and responsibilities of all parties involved in the delivery of a project award, and establish a commitment for ongoing and long-term maintenance of the completed project.

All projects shall be delivered in accordance with FHWA procedures; commitments for ROW acquisition and utility relocation contribute to the matching requirement and must be documented in the project agreement. Where appropriate, design exceptions should be documented.

Project delivery will generally be provided by the Federal Highway Administration - Central Federal Lands Highway Division or others. The FHWA maintains strong relationships with Federal, State, local, and tribal partners. The FHWA provides program stewardship and transportation engineering services for planning, design, construction, and rehabilitation of transportation facilities on and providing access to Federal and tribal lands.

A Project Development and Design Manual (PDDM), developed by FHWA serves as a guide for administrators, public officials within and outside FHWA who are responsible for advancing projects through the project development process. Please see: www.flh.fhwa.dot.gov/resources/manuals/pddm/archives/2008.htm.

Please see: www.fhwa.dot.gov/federal-aidessentials for information and additional guidance for the project development and delivery process under Title 23.

If it becomes evident during the development of the project, that the scope of the project or the anticipated construction cost needs to be changed, the agency administering the project should initiate a request for PDC action to approve the change. It shall be FHWA's responsibility to receive requests and coordinate the convening of the PDC.

Maintenance

After construction of a project, the public authority with jurisdiction over the facility will operate and maintain, or cause to be maintained, the facility at their expense in accordance with 23 U.S.C. Section 116 and 23 CFR Section 660.115.

The project shall be accepted by the jurisdictional agency for operation and maintenance when all construction work has been completed in substantial conformity with the approved plans and specifications and the project has been inspected by the jurisdictional agency and accepted. Any environmental commitments noted in the contract will be carried out and maintained or monitored by the public authority with jurisdiction over the road. After construction, the jurisdictional agency shall not install, or permit to be installed, any signs, signals, or markings not in conformance with the Utah Department of Transportation Sign Manual (UDOT Sign Manual).

Performance Metrics

Outcomes identified in the applicant's proposal may be measured against goals established by the PDC, appropriate FLMAs or the FHWA. Accordingly, the PDC may submit relevant information for review by others, or perform an analysis of outcomes to gauge success of Access Program activities.

Stewardship and Oversight

FHWA has Stewardship and Oversight responsibility and will conduct periodic program reviews. Information on individual projects, project performance and/or management may be provided to a stewardship and oversight committee for their review.

Modifications

Any modifications to the Charter must be made in writing and agreed to by all parties. Such authorizations are not binding unless they are in writing and signed by personnel authorized to bind each of the agencies.

Signatures

Utah Department of Transportation

Name: Mr. Bill Lawrence

Title: Program Finance Director

Signature: William J Lawrence

Date: 3/25/2013

Utah Joint Highway Committee Representative

Name: Ms. Claudia Jarrett

Title: County Commissioner, Sanpete County

Signature: Claudia Jarrett

Date: 3/27/13

Federal Highway Administration
Central Federal Lands Highway Division

Name: Mr. Ryan Tyler, PE

Title: Planning and Programming Manager

Signature:

Date: 3/13/13

Addendum 1: Definitions

(a) ***Cooperator*** *means a non-Federal public authority which has jurisdiction and maintenance responsibility for an Access Program road or facility.*

(b) ***Federal Lands Access Transportation Facility (Access Facility)*** *means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands, for which title or maintenance responsibility of such facility is vested in a State, county, town, township, Tribal, municipal, or local government.*

(c) ***Jurisdiction*** *means the legal right or authority to control, operate, regulate use of, maintain, or cause to be maintained, a transportation facility, through ownership or delegated authority. The authority to construct or maintain such a facility may be derived from fee title, easement, written authorization, or permit from a Federal agency, or some similar method.*

(d) ***Long-Range Statewide Transportation Plan*** *means the official statewide multimodal transportation plan covering a period of no less than 20 years developed through the statewide transportation planning process, pursuant to the provisions of 23 U.S.C. 135 and 23 CFR Part 450, Subpart B.*

(e) ***Metropolitan Planning Organization (MPO)*** *means the policy board of an organization created and designated to carry-out the metropolitan transportation planning process, pursuant to the provisions of 23 U.S.C. 134 and 23 CFR Part 450, subpart C.*

(f) ***Metropolitan Transportation Plan*** *means the official multimodal transportation plan addressing no less than a 20 year planning horizon that is developed, adopted, and updated through the metropolitan transportation planning process.*

(g) ***Open to public travel*** *means except during scheduled periods, extreme weather conditions, or emergencies, open to the general public for use with a standard passenger auto, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.*

(h) ***Public road*** *means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.*

(i) ***Statewide Transportation Improvement Program (STIP)*** *means a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and transportation improvement programs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C., Chapter 53.*

(j) ***Transportation Improvement Program (TIP)*** *means a prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range transportation plan and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C, Chapter*