FAQs FOR OTHER DISCRETIONARY PROGRAMS

Q. What are Discretionary Programs?
A. Discretionary programs represent special funding categories where Federal Highway Administration (FHWA) solicits for candidates and selects projects for funding based on applications received. Each program has its own eligibility and selection criteria that are established by law, by regulation, or administratively.

Q. What is the difference between an earmark projects from a grant project?
A. An earmark project is set forth in federal legislation, either in an Annual Transportation Appropriations Act or Multi-Year Surface Transportation Authorization Act that authorizes funds for a specific scope and location and can only be changes by an act of Congress, while a grant project is chosen by Caltrans and FHWA through a competitive application process.

Q. When does FHWA solicit for these programs?
A. In general, FHWA solicits once year after the federal budget has been passed. However, solicitations can come out any time of year. They usually occur between November and February.

Q. Who can apply for Discretionary Program funding?
A. Local agencies, Tribes, and the State DOT.

Q. Can funds be moved to another project?
A. No, funds can only be used for a project that fits within the legislated description.
Q. How long are funds available?

A. It varies from program to program. Some programs’ funds are available for 3 years plus the year of award, and others are available until expended.

Q. How long does it take for funds to be allocated?

A. When a local agency is ready to obligate funds, they must request the allocation from the district local assistance engineer (DLAE). The DLAE will request the allocation from the HQ Discretionary program coordinator. The HQ Discretionary program coordinator submits a formal request to FHWA. FHWA will generally allocate the funds in 30-60 days.

Q. Can a local agency obligate Discretionary Program funds under Advance Construction (AC)?

A. Yes, the district has an option to request the FHWA to authorize the spending of funds for this project, with the anticipation of receiving Congressional approval with President’s signature of the Continuing Resolution (CR) or similar law, for the actual funds. However, if the district decides to proceed with the use of AC there must be adequate state budget authority and the funds may not be converted to the real funds until the CR is made law.

Q. What happens if funds are not obligated by the end of the FFY?

A. Funds that are not obligated by the end of the FFY must be de-allocated in August of that year. OA will be lost if funds are not de-allocated during the August Redistribution.

Q. What is the standard process for all federal funds that have gone beyond the initial 4-year obligation period?

A. Once funds were de-obligated, to comply with FHWA’s “Inactive Projects” requirements, the funds should be re-obligated prior to the end of the FFY in which they were de-obligated, otherwise the funds will lapse.
FAQs FOR THE FOREST HIGHWAYS PROGRAM

Q. What is the Forest Highway Program?

A. The Forest Highways Program provides funding to resurface, restore, rehabilitate, or reconstruct (4R) designated public roads that provide access to, or are within a National Forest or Grassland. Funding is provided for the planning, design, construction, reconstruction, or improvement of designated Forest Highways—including bridges—that provide access to, or are within a unit of the National Forest System. Funds can also be used to purchase transit vehicles and design, operate, and maintain public transit facilities on public lands.

Q. Who are eligible for the FH program funds?

A. Roads that are designated as Forest Highways.

Q. What are Forest Highways?

A. Forest highways are public roads that are owned by State or local agencies and serve the National Forest system. They should not be confused with forest development roads which are owned by the Forest Service. Forest highways are designated by FHWA’s Federal Lands Highway Division Engineers in consultation with State departments of transportation, local agencies, and the Forest Service.

Q. What is the FH Program Tri-Agency?

A. The Tri-Agency is made up of representatives from FHWA Central Federal Land Division, Caltrans, and the US Forest Service (USFS). The Tri-Agency solicits for and selects projects for award.

Q. Are county roads within national parks eligible for rehabilitation funding under this program, or is there another program for these roads?

A. It is eligible if the road is designated as FH. These roads may also qualify under the Public Lands Highways Program.

Q. Can the FH funds be used on a county bridge project on a forest highway where the county will be the lead on the project, has other fundings, but needs additional funding?

A. Yes
Q. Is there any map that shows highway or roadways which qualify for these funds?
A. Yes, refer to Long Range Transportation Plan at:
   http://www.cflhd.gov/LRTP/documents/CA/CA_FH_LRTP_FINAL.pdf

Q. Should the roadway be under functional classification?
A. To qualify for program funds, the road has only to be designated as a forest highway.

Q. Is Caltrans the lead for NEPA?
A. For local agency projects, if the local agency agrees, Central Federal Lands Highway Division (CLFHD) will act as lead for the entire project including Preliminary Engineering and Compliance, and Construction.

Q. Are submission of applications limited to Caltrans and counties?
A. No, USFS may also put in applications and any agency with designated FH.

Q. Are there a maximum number of projects per applicant?
A. No

Q. Is there a maximum dollar amount per project?
A. No

Q. Will CLFHD use Caltrans standards for the design or AASHTO?
A. Once a project is selected, a determination of design standards will be part of drafting the project agreement.

Q. Can Tribes submit an application, or do they need to be sponsored by a county?
A. Tribes can apply, and their applications should be submitted directly to Caltrans. However, coordination and support from the county and CLFHD is essential to move the project forward.
Q. Where does the DLAE sign on the signature page?

A. **On the **Authorized Signature** second block in the FH Application Signature Page:**

- the director of Public Works or authorized signatories will be the signatory for projects to be maintained by the local agencies.
- the DLAEs will be the signatory for projects to be maintained by Caltrans on the local side, and the Project Manager for the Capital side.

On the **Tri-Agency Certification** block, the HQ Discretionary program coordinator will sign off.

Q. What is the reimbursement rate for the FH Program?

A. Projects can be 100 percent funded including R/W and utilities.

Q. Who funds the California Environmental Quality Act (CEQA) work?

A. Program funds are used to clear all necessary environmental requirements.

Q. Does CEQA apply to every project?

A. Yes

Q. Who is responsible to clear CEQA and NEPA?

A. If CFLHD performs the design and construction, they will also clear CEQA and NEPA.

Q. Do all applicants need to get a letter of concurrence from the USFS?

A. Yes

Q. Is there a template for the letter of concurrence and who can we get it from?

A. No, there is no special format. It is required to show USFS concurrence for the proposed project, as submitted by the public road agency with jurisdiction of the CLFHD. Depending on the proposal, it may not align with a forest's land management plan direction, the letter documents the concurrence. A letter, prepared by the USFS engineer, reviewed by the district ranger, and signed by the forest supervisor would be appropriate.
Q. Who can I contact for questions about the solicitation for FH program?

Forest Highway Program Manager
Central Federal Lands Highway Division
12300 West Dakota Ave.
Lakewood, CO 80228
Phone: (720) 963-3626

Additional information on Forest Highway program is located at:

http://www.cflhd.gov/LRTP/index.cfm