Request for Risk Vote Guidance

OVERVIEW:

The Risk Vote request process has been updated to:

- Modify definitions, clarify roles and responsibilities and assist the District Project Managers in the communication of project vote constraints.
- Assume advertisement at the earliest opportunity within the limits of the approved constraints, and as legal and policy requirements are met.
- Include a new form with a checklist to facilitate the correct identification of potential constraints that could affect timely award.

DEFINITIONS:

Risk Vote - is a California Transportation Commission (CTC) action requested by the District Director to vote (allocate) funds on Capital on System projects with outstanding constraints that create a risk of contract award within six months of vote. Approval of the Risk Vote is contingent on signed concurrences from functional authorities who concur that the risks are acceptable and the California Department of Transportation supports the vote action.

WHEN IS A RISK VOTE APPROVAL NEEDED?

Risk Vote approval is needed to proceed with CTC action if you have identified **one or more** of the following constraints for your project at least seventeen (17) working days prior to the CTC meeting. Only unresolved constraints identified below will require concurrences:

Constraint	Concurrence By
❑ Draft Contract Comments (DCC)	DES OE
❑ District Response (DR)	District OE
❑ Environmental Permits	District Environmental
❑ Environmental Cert	Headquarters (HQ) Environmental
❑ Right of Way (R/W) Cert 1 or Cert 2	District R/W
❑ Right of Way (R/W) Cert 3 or Cert 3W	HQ R/W
❑ Cooperative Agreement	HQ Design
❑ FSTIP	HQ Programming
❑ FHWA PS&E Submittal (E-76)	District PPM

Check only the constraints that apply to the project.

If your constraint is not listed above, contact the Office of CTC Liaison at (916) 654-2503.

NOTES ON THESE CONSTRAINTS:

DCC* concurrence – Requires HQ Office Engineer, Office PS&E Chief signature or email. The expectation is that the DES Office of PS&E is working with the district and the scheduled Ready to Least (RTL) target date is achievable.

DR* concurrence – Requires District Office Chief over the Office Engineer function's signature or email. The expectation is that the district is working with the DES Office of PS&E and that the scheduled RTL target date is achievable.

* It is understood that both the DCC and DR "constraints" are dynamic. It is important from the standpoint of those approving the Risk Votes that the responsible parties are communicating cooperatively to make sure the approximate RTL date is reasonable and achievable and will not jeopardize contract award within six months.

Environmental Permits concurrence – Requires District Environmental Division Chief (Deputy District Director) signature or email. District negotiates directly with regulatory agencies for these permits. It is appropriate that this risk vote constraint be signed by the District.

Environmental Certification concurrence – Requires HQ Environmental Division Chief signature. All projects require environmental certification. Permits are required to be approved before the certification can be approved. The certification addresses commitments from the National Environmental Policy Act (NEPA)/California Environmental Quality Act (CEQA) document as well as from permits. It is recommended that the HQ Environmental Coordinator for the district be contacted for assistance. The HQ Environmental Division Chief will consult with the coordinators on risk vote requests for any environmental certification issues.

R/W Cert 1 or R/W Cert 2 concurrence – Requires District Right of Way Division Chief signature or email. R/W certifications 1 and 2 are managed in the districts. It is appropriate that this risk vote constraint be signed by the district. Please attach the draft R/W cert to the submittal.

R/W Cert 3 or R/W Cert 3W concurrence – Requires HQ Right of Way Division Chief signature or email. Include the target date the R/W cert 3 will be upgraded. Please attach the draft R/W cert to the submittal.

Cooperative Agreement concurrence – Requires HQ Division of Design Division Chief signature or email. Any outstanding issues with agreements with partner agencies will automatically trigger a risk vote regardless of the status of RTL.

FSTIP concurrence – Requires HQ Division of Transportation Programming Division Chief signature or email. It is important to note that not only does the project need to be in the current FSTIP, but the project information (cost, programmed year) in the FSTIP needs to be consistent with the request submitted for CTC allocation.

FHWA PS&E Submittal (E-76) concurrence - Requires District Program Project Management Office Chief signature or email. The approval of E-76 by FHWA is not a constraint for vote. The expectation is that the mix of funds has been identified on the project, and if there are State-

Federal or Local-Federal funds on the project, the proper documentation has been submitted to HQ Budgets Federal Resources and/or HQ Local Assistance to begin the process of receiving federal approval. It is appropriate that this constraint be signed by the district.

REQUIREMENTS:

To facilitate timely approvals, the request for Risk Vote form must be submitted with the Funds Request, including all concurrences and signatures.

The Request for Risk Vote form is attached to the Request for Funds Form which can be found on the Division of Transportation Programming internet website under the Forms and Instructions section.

FACILITATORS:

Communication with facilitators is required to ensure timely processing of the Risk Vote Request. Contact the following divisions/offices as applicable for assistance:

- Division of Transportation Programming, Office of CTC Liaison
- District Program/Project Management Office
- HQ Project Management Coordinators
- HQ Environmental Coordinators
- Division of Transportation Programming, Office of Capital Improvement Program (OCIP), Programming Liaisons
- Division of Transportation Programming, State Highway Operation Protection Program (SHOPP), Programming Liaisons
- Division of Engineering Services, Office Engineer.
- HQ Budgets Federal Resources

The constraints and the responsible entity are listed on the Request for Risk Vote form. If your constraint is not listed, contact the Office of CTC Liaison directly at 916-654-2503.

District Project Manager is responsible for obtaining all necessary concurrence corresponding to the project constraints. Concurrence can be in the form of email or other written communication.

APPROVAL:

Chief Financial Officer will have to sign and approve the request form for a project seeking a risk vote. The Division of Transportation Programming, Office of CTC Liaison (OCTCL) will obtain necessary concurrence and signature from the Chief Financial Officer.

Prior to signature by the Chief Financial Officer, OCTCL will verify that Headquarters' Division of Budgets, Federal Resources, has received material for processing the E-76.

Projects with atypical requirements (Emergency limited bid, G-11 storm damage projects), please contact OCTCL to discuss project specifics.