

TO: Email Address
FROM: Niki Stinn, P.E.
SUBJECT: Converting Swap projects to Federal-aid - NEPA Logistics
DATE: May 9, 2022

Cities, Counties, and Consultants,

As you may be aware, the increase in new federal funds has impacted the Iowa DOT's ability to provide Swap funds for Local Public Agency (LPA) projects. In an effort to avoid having to push back lettings for projects, we have requested that Counties convert any possible Swap projects to Federal-aid. Previous guidance (see attached) was given to counties prior to submitting their County Five Year Programs (CFYPs). That guidance stated that all projects let in January of 2023 and later must be Federal-aid. This is still the case. We also strongly recommend converting projects in lettings prior to January 2023 as well.

For counties only: For projects that are being converted to Federal-aid and have already had check-plans submitted, the DOT will work with the LPA to convert the project to Federal-aid and to obtain a retroactive NEPA clearance (see below for further information). Please contact [Niki Stinn](#) in Local Systems if you have a project in this conversion situation in order to ensure that the project is programmed correctly.

For cities only: We plan to develop similar guidance for cities, but there are still more questions than answers at this point regarding the program(s) on which the limited Swap will be best utilized. Once we have nailed down some of that information, we will send updated guidance with an implementation date that provides time to submit concept statements for minor projects in accordance with [I.M. 3.010, Project Development Submittal Dates and Information](#).

For cities, counties and consultants:

Typically, when developing a Federal-aid project, NEPA clearance is required prior to starting final design. (Final design is considered to begin at check plan stage.) However, the Federal Highway Administration (FHWA) realizes that Swap projects did not begin project development as Federal-aid projects and that as Swap projects did not require a NEPA clearance. They also recognize that some projects scheduled for letting both before and after January 2023 may have already begun the final design phase.

Because most of these projects will result in a Programmatic Categorical Exclusion (PCE), and because most of the projects only have the 2 alternatives of either the preferred alternative or a no-build alternative, FHWA has determined that, for these routine projects, and in only this situation of converting Swap projects to Federal-aid, obtaining NEPA clearance after check-plan submittal will not violate the NEPA requirement. However, if rare/unique changes occur that would require changes to the project based on any discoveries found during the NEPA process, appropriate actions will need to be taken, which could possibly result in re-design.

As a refresher, Federal-aid projects require the following submittals:

- Project Development Submittal Dates and Information (refer to [I.M. 3.010](#))
- Concept Statement (refer to [I.M. 3.020](#)) - **as a reminder, a Concept Statement is required in order to obtain NEPA Clearance.**
- Preliminary Plans (refer to [I.M. 3.400](#))
- NEPA Clearance (refer to [I.M. 4.020](#))
- ROW Acquisition (refer to [I.M. 3.600](#))
- Check Plans (refer to [I.M. 3.700](#))
- Final Plans (refer to [I.M. 3.700](#))

This is not an all-inclusive list, and we strongly recommend reading the [Federal-aid Project Development Guide](#) as a refresher for the additional steps needed in developing Federal-aid projects.

Thank you for your patience as we work through this complicated process. We appreciate your flexibility for this situation.

Please contact Local Systems with questions/concerns. Our contact information can be found [here](#).

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