

# INSTRUCTIONAL MEMORANDUMS

## To Local Public Agencies



To: Counties and Cities	Date: November 27, 2019
From: Local Systems Bureau	I.M. No. 3.020
Subject: Concept Statement Instructions	

**Contents:** This Instructional Memorandum (I.M.) includes guidelines and procedures for the Local Public Agency (LPA) to prepare the Concept Statement for Local Public Agency (LPA) Federal-aid Projects (Concept Statement) form ([Form 517001](#)). This form is required for Federal-aid that will be let by the Iowa Department of Transportation (Iowa DOT). Non-Federal-aid projects do not require a Concept Statement. This I.M. also includes the following attachments:

[Attachment A](#) – Example Concept Statement (under construction)

### Submittal Procedures

The Concept Statement for LPA Federal-aid Projects ([Form 517001](#)) (Concept Statement) should be received by the Iowa Department of Transportation (Iowa DOT) Administering Bureau by the date listed in [I.M. 3.010](#), Project Development Submittal Dates and Information.

The Concept Statement shall be submitted through TPMS. Attach all of the required documents and information are attached to the TPMS e-mail. Acceptable file formats for e-mail attachments include: Microsoft Word (\*.docx), Adobe Acrobat (\*.pdf), Joint Photograph Experts Group (\*.jpg), Graphic Interchange Format (\*.gif), and Tag Image Format (\*.tif). Contact the Iowa County Engineers Association Service Bureau (ICEASB) for user access in the TPMS system. Contact the Administering Bureau for project access in the TPMS system.

Submit the Concept Statement with a cover letter or e-mail. Use the cover letter or e-mail to identify any unusual features of the project that are not adequately addressed by the information shown on the Concept Statement.

If it is known that the project will require a design exception, the design exception documentation should also be included with the Concept Statement submittal. If the need for a design exception becomes apparent later, submit the design exception as soon as possible, but no later than the preliminary plan submittal. Refer to [I.M. 3.260](#), Design Exception Process, for more information on design exception requests.

Include the following items in a Concept Statement submittal:

- A transmittal letter, memo, or e-mail. Include a description of any unique aspects of the project or other information that cannot be adequately explained on the Concept Statement form.
- A completed Concept Statement. Include a location map and any applicable environmental documents.
- Design Exception documentation, if the project design elements in number 25 below require a design exception. If the need for a design exception cannot be determined when the Concept Statement is submitted, submit the design exception request as soon as possible, but no later than the Check Plan submittal date.
- A completed Determination of Effect for Threatened and Endangered Species for Local Public Agencies form ([Form 760005](#)) and supporting documentation. Refer to [I.M. 4.110](#), Threatened and Endangered Species, for more information.
- An aerial map with project limits and right-of-way (ROW) and/or temporary construction easement (TCE) need lines, if ROW and/or TCE is required by the project.

Incomplete Concept Statement submittals will delay project reviews. All submittals shall include the Iowa DOT project number. Users of TPMS may request project numbers using this system; otherwise, contact the Administering Bureau to obtain a project number, have the project activated in TPMS, and request a Funding Agreement if not already executed.

### General Information

*County / City:* Enter the county and city in which the project is located. Leave the city space blank if the project is only in the county.

*Date Submitted:* Enter the date that the Concept Statement is submitted. Check “Original Submitted” or “Revised” as appropriate to indicate if the Concept Statement is being submitted for the first time or if it has been revised. This helps alert Iowa DOT reviewers that a change to the project concept has been made.

*Project Number:* Enter the project number assigned by the Iowa DOT. If a project number has not yet been assigned, request a number from the Iowa DOT. Users of Transportation Program Management System ([TPMS](#)) may request project numbers using this system. Otherwise, contact the Administering Bureau to obtain a project number. Include the project number on all project related correspondence.

*STIP Year:* Write the Federal fiscal year (FFY) or years that the project appears in the current Statewide Transportation Improvement Program (STIP). If the project is not in the current STIP, leave this field blank. If the project is not programmed for the FFY in which Federal funds will need to be authorized, contact the appropriate Regional Planning Affiliation (RPA) or Metropolitan Planning Organization (MPO) and request an amendment or revision to their Transportation Improvement Program (TIP). The FFY begins on October 1 and ends September 30.

*Estimated Letting Date:* Enter the estimated date that the project will be let. Check to make sure the proposed letting date is in conformance with the dates listed in [I.M. 3.010](#). In addition, the estimated letting date should fall within the FFY in which the Federal funds are programmed.

Exception: October lettings must have Federal funds programmed in the previous FFY. This is because the Federal funds are actually authorized approximately 1 month prior to letting.

If the Federal funds are not programmed consistent with the estimated letting date, contact the appropriate RPA or MPO to request an amendment or revision to their TIP.

*Contact Person, Phone Number, Title, Address, E-mail:* List the contact information for the Person in Responsible Charge (PIRC) for completing all project development activities. This information is needed to establish proper communication for the project.

## Items

- 1.a *Project Location(s):* For street and highway projects, enter the street name(s) and the beginning and ending points for the project. This description should match what is listed in the STIP. This can be more descriptive but cannot expand the project beyond the project limits established in the STIP. If the project limits or description shown in the STIP is incorrect, work with the appropriate RPA or MPO to amend the TIP and STIP. For non-highway projects such as restoration of historic buildings, enter the street address.

Attach a detailed location map that shows the beginning and ending points of the project. Include sufficient detail (i.e., major street names, landmarks, etc.) such that the project location can be easily determined.

- 1.b *Project Description:* For non-highway type projects, enter the project title or brief description. For example, “Phase I Depot Renovations.” For street and highway projects, this space may be left blank. Enter the Section, Township, and Range where the project is located, and enter the TPMS Identification Number.
2. *Type of Work:* Indicate the general type of work by checking all of the boxes that apply for the project. If the project does not fit one or more of these types of work, check “Other” and describe the general type of work in the blanks beside it.
3. *Project length:* Enter the length of the project to the nearest tenth of a mile. All roadway and trail projects require a project length. Historic restoration or bridge-only projects do not require a length.
4. *Existing Bridge Information:* Enter the information for any bridge or large culvert (total bridge opening greater than 20 feet) structures on the project. This information may be obtained from the LPAs bridge inspection records. If there is more than one structure on the project, attach a list of this information for each structure to the Concept Statement.
5. *Project Costs:* Check “Yes” for those costs for which Federal-aid reimbursement will be requested. Check “No” if Federal-aid reimbursement will not be requested, or if the cost item does not apply to the project. If

Federal-aid will be requested, enter the total estimated costs for each cost item shown. If the current estimate of total costs is significantly different than shown in the STIP, work with the appropriate RPA or MPO to amend the TIP and STIP.

**CAUTION:** Before proceeding with any work for which Federal-aid reimbursement will be requested, you must receive written notification from the appropriate Administering Office that FHWA authorization has been obtained for that work. Any costs for work done prior to FHWA authorization are not eligible for Federal-aid reimbursement.

Please Note: Checking “Yes” to any of these cost items does not constitute a formal request for Federal participation. For each cost item shown, refer to the appropriate [I.M.](#) noted for the procedures to request Federal participation.

If an in-kind contribution is proposed, include the estimated value of the in-kind contribution. Do not include this value in any of the cost items shown above. If the in-kind value can be determined at the time of the Concept Statement submittal, attach the in-kind request and supporting documentation. Otherwise, submit the in-kind request as soon as possible, but no later than the Check Plan submittal. For more information, refer to [I.M. 3.050](#), In-Kind Contributions.

6. *Total Federal-Aid (as shown in STIP):* Enter the amount of Federal-aid shown in the STIP for the project. If the project is funded by more than one Federal-aid program, enter the total of Federal-aid funding for all Federal-aid programs that apply. This amount should be the same as shown in the STIP. If the Federal-aid shown in the STIP is incorrect, work with the appropriate RPA/MPO to amend the TIP.
7. *Estimate of Land or Property Acquisition Impacts:* Before answering the questions in this section, consider the following:

First, if the project uses Federal-aid funding for any aspect of the work, the project must comply with all applicable Federal and State regulations for right-of-way acquisition, even if no Federal-aid will be used for right-of-way acquisition. For assistance, contact the Administering Bureau. The LPA should also refer to [I.M. 3.600](#), Right-of-Way Acquisition, as well as the Right-of-Way Bureau [Local Public Agency Manual](#) for more information on Federal and State right-of-way acquisition regulations and procedures.

Second, the LPA may not check “No” to these questions just because the needed project right-of-way has already been acquired as part of an earlier phase of the same project. When right-of-way will be acquired as part of an earlier non-Federally funded phase of a project, and Federal funds will be used for a later phase of the same project, the LPA should submit a Concept Statement before beginning work on any phase of the project and check “Yes” to the appropriate items listed here to indicate the right-of-way needs for the project as a whole.

- a-b. Check “Yes” if the LPA will need to obtain any type of temporary or permanent property rights (e.g., access, grading, use as storage, etc.) in order to construct the project. If yes, include an estimate of the number of acres to be acquired for temporary easements, permanent easements, or permanent fee title right-of-way. This estimate does not need to be precise. The purpose of this estimate is to assist the Iowa DOT in evaluating the magnitude of environmental impacts the project is likely to cause. Provide an aerial map with the project limits and ROW/TCE need lines.
- c. Check “Yes” if any borrow material will be required to construct the project. If yes, check as many boxes as appropriate to indicate the proposed source or sources of borrow material.

Check “New borrow area” if the contract documents will designate a site outside of the existing right-of-way for use by the contractor.

Check “Contractor furnished” if the contract documents will specify that the contractor shall furnish the borrow material from a site of their choosing. For contractor furnished borrow areas refer to Article [2102.03](#) of the Standard Specifications. The contractor shall be responsible for the necessary archaeological reviews.

Check “Existing borrow area” if the borrow material will be supplied from a borrow site or stockpile owned by the Local Public Agency (LPA). It is assumed that such a borrow site or stockpile location has been previously disturbed or received NEPA clearance under a previous project. If not, check “New borrow area” instead.

Check “Within existing right-of-way” if the borrow material will come from a location within the existing roadway right-of-way. Such borrow areas do not need an archaeological review because they are assumed to have been previously disturbed.

Check “Not yet determined” if the source of borrow material has not yet been identified. However, if checked, a revised Concept Statement shall be submitted as soon as the source of the borrow material is known. The project will not be granted NEPA Clearance until this information is supplied. Without NEPA Clearance, the project may not proceed with right-of-way acquisitions or to letting. If a new borrow area (i.e., undisturbed land) will be used, either as optional or mandatory, this area will need to be included in the archaeological reviews, as referenced in question 9.a.

NOTE: New or existing borrow areas may be designated as either optional or mandatory by the contract documents. If a mandatory borrow area is being considered, refer to [I.M. 5.060](#), Public Interest Findings.

- d. Check “Yes” if any properties will be totally acquired for construction of the project, even if later a portion of the property will be disposed of as excess right-of-way by the LPA. If yes, provide an estimate, even if only a very rough one, of the number of properties that will be totally acquired.
  - e. Check “Yes” if any residential or business relocations will be required for construction of the project. If yes, provide an estimate, even if only a very rough one, of the total number of relocations that are likely, including both residential and businesses.
  - f. Check “Yes” if the access for any property will be permanently changed and such change will result in a negative impact on the property, either in terms of ease of access or property value.
8. *Public Acceptance:* If public opposition is anticipated, check “Yes” and explain the nature and reasons of the opposition. If more space is needed, use the cover letter to explain instead. If public opposition is expected, public hearings or meetings should be held to get public input into the project development process. This question must also be answered.

### **Environmental Impacts:**

All Federal-aid projects must comply with the process prescribed by the National Environmental Protection Act ([NEPA](#)) and the associated environmental regulations. Many of these questions are designed to help identify which aspects of [NEPA](#) process or regulations are applicable to the project. Refer to [I.M. 4.020](#), NEPA Process, for additional information.

Several of the questions within this section use the term “proximity.” Except where noted otherwise, features or resources will be considered in proximity to the project if they are within or adjacent to the existing or proposed right-of-way, including temporary easements. In other words, a feature or resource is in proximity to the project if it is close enough that some type of impact or effect can be reasonably foreseen.

For some types of features or resources, an impact can occur even if the feature or resource is not physically impacted by the project. For example, a highway project may affect the view from a scenic overlook or historic landmark. In some cases, this could be considered a negative impact. Therefore, distance alone cannot always be used to determine if the feature or resource is in proximity to the project.

9. *Ground Disturbance:* In general, land is not considered disturbed unless it was the site of prior construction activity that disturbed the soil to such a depth that the probability of finding archaeological or historic artifacts is unlikely. Farming activities do not count as “ground disturbance”, as the activities may not disturb archaeological or historic artifacts that lie beneath the surface of the ground. Therefore, areas that have been farmed should generally be considered as undisturbed land.

To document that any areas to be acquired as permanent right-of-way, temporary easements, or new borrow areas for the project have been previously disturbed, attach photos, maps, plans, or drawings that show the location of the areas to be acquired. Also include a detailed description that identifies the nature of activities that caused the disturbance and the general timeframe in which they occurred.

For projects with ground disturbance, the LPA shall request review of the project by a Secretary of the Interior (SOI) Qualified Professional, and should provide as-built plans or an accurate existing cross section

November 27, 2019

(including known utilities) to the SOI Qualified Professional. The SOI Qualified Professional shall complete a Cultural Resources Evaluation (CRE). The purpose of the CRE is to evaluate whether field work is needed. The CRE shall review local environmental conditions, archival information (county history, historical atlases), other appropriate resources and known site information (I-Sites) and then provide a recommendation stating that either no survey is needed or that field work is needed. The LPA can work with an SOI Qualified Professional of their choosing including professionals from the private industry, the Iowa DOT, or the [University of Iowa Office of the State Archaeologist](mailto:blane-nansel@uiowa.edu) (Blane Nansel, 319.384.0729, [blane-nansel@uiowa.edu](mailto:blane-nansel@uiowa.edu)). As always, if there are questions the LPA can contact their assigned cultural resources manager with OLE.

For projects with non-ground disturbance, the LPA shall complete a Cultural Resources Assessment (CRA) form ([Form 231033](#)).

10. Check "Yes" if any recreational areas or wildlife or waterfowl refuges are in proximity to the project. If no, continue to Question 11. If yes, answer the additional questions according to the instructions below:
- a. Check "Yes" if the property has been officially designated as a recreational area or wildlife refuge by the agency having jurisdiction over the property; or if the agency having jurisdiction has determined that one of the property's primary uses or functions is for recreational or wildlife refuge purposes. To be considered a wildlife refuge, the primary function of the property must be to serve as a sanctuary for the protection of animal species.
  - b. Check "Yes" if a public agency possesses the deed to the property; or if the public agency has a permanent easement for use of the property.
  - c. Check "Yes" if the recreational area can be visited by the general public. The recreational area does not have to be open 24 hours a day to be considered open to the public. Check "No" if visitation is permitted for a select group only. This question is only applicable to recreational areas.
  - d. Check "Yes" if access will be permanently or temporarily impacted by the project. This would include things like closing an entrance temporarily, permanently, or moving an entrance.
  - e. Check "Yes" if the public agency who is in control of the property has been contacted (e.g., city park director or board, county conservation director or board, Iowa DNR, etc.). If the city public works department is designing the project, this does not mean the "city" has been notified. This question is more specific to the department directly working in the recreational area or wildlife refuge.
  - f. Description: Provide the name and location of the property. Locate the property by means of street addresses or intersections; section, township and range; or any other method that allows a person unfamiliar with the area to locate the property. Also include the name of the government agency with jurisdiction over the property (e.g., city park board, county conservation board, Iowa DNR, etc.).  
Total Property Area: Provide an estimate of the total size of the property in acres. This figure does not need to be exact.
  - g. Check "Yes" if any part of the identified properties will be acquired as permanent right-of-way. If "Yes," describe the anticipated impacts in as much detail as possible.
  - h. Check "Yes" if any part of the identified properties will be acquired as a temporary easement.
  - i. Check "Yes" if the identified property was originally acquired or developed for conservation or outdoor recreational purposes with Federal funds supplied by the Land and Water Conservation Fund Act. If yes, this constitutes Section 6(f) involvement. Section 6(f) is a reference to the section of this Act which protects land that was acquired with Land and Water Conservation Act funds from being used for purposes other than public outdoor recreation.

Conversion of any such properties from recreational to other purposes will require prior Federal and State approval. For assistance in obtaining the necessary approvals, refer to the contacts



listed on the Iowa Department of Natural Resources' [Land and Water Conservation Fund](#) web page.

- j. Check "Yes" if any part of the property will sustain permanent adverse physical impacts. This may include things like moving the outfield fence of the baseball field closer to home plate, eliminating a playground, etc.
- k. Check "Yes" if the property will suffer a permanent physical change. The change would be considered adverse if it affects the ability of the property to function as intended. For example, if a highway project uses a temporary easement to fill in part of a wetland area, after the temporary easement expires the impact on the wetland area will remain, decreasing the amount of habitat for the species present.

Check "No" if the physical impacts caused by the project are only temporary in duration. For example, access to an historic property may be temporarily limited by construction; but when construction is complete, full access is restored.

- l. Check "Yes" if work done in the permanent or temporary easement is such that the nature and magnitude of the resulting changes to the property are major. For example, the amount of work would be considered major if it alters the significant aspects of a recreational property. This may include things like moving the outfield fence of the baseball field closer to home plate, eliminating a playground, etc.

Check "No" if the work results in changes to the property that are minor in nature or magnitude. For example, if a temporary easement is needed to do some minor grading on a park property, but the functions of the park are basically unaffected by the grading, the work would be considered minor.

- 11. Follow the instructions in [I.M. 4.110](#), Threatened and Endangered Species, and complete the "Determination of Effect for Threatened and Endangered Species for Local Public Agencies form" ([Form 760005](#)). Submit the completed form and supporting documentation with the Concept Statement submittal.
- 12. Follow the instructions in [I.M. 4.130](#), 404 Permit Process. The term, "Waters of the United States" is defined in 33 CFR 328.3. In summary, it refers to any navigable body of water and all tributaries to a navigable body of water, even ones that flow intermittently.

Wetlands are also defined by this regulation as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

- 13. Check "Yes" if the project will disturb 1 or more acres of land. If Yes, a National Pollutant Discharge Elimination System (NPDES) permit will be required. Refer to [I.M. 4.140](#), Storm Water Permits, for more information.
- 14. Check "Yes" if any part of the project construction will be in the flood plain or floodway. Section 455B.261 of the Code of Iowa defines the term "flood plain" as, "the area adjoining a river or stream which has been or may be covered by flood water." This Code section also defines the term "floodway" as, "the channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of any river or stream." [I.M. 4.150](#) contains a detailed description of the Iowa DNR regulations that govern construction in the flood plain or floodway.
- 15. Check "Yes" if the project will meet the freeboard and backwater requirements shown in [I.M. 4.150](#).
- 16. Check "Yes" if the project is in an area where the 100-year flood water surface elevations have been determined by a Flood Insurance Rate Map (FIRM). Refer to [I.M. 3.500](#), Bridge or Culvert Plans, for more information.
- 17. Check "Yes" if any of the questions are applicable. Refer to [I.M. 4.170](#), Farmland Protection Policy Act, for more information.

18. Check “Yes” if the project will require the clean-up or removal of any hazardous materials, check “Yes” and list the materials in the space provided. Typical hazardous materials encountered in transportation projects may include, but are not limited to, contaminated soil and asbestos. Soil may be contaminated from leaking fuel tanks, surface fuel spills, industrial waste areas, etc. Asbestos may be encountered when removing or demolishing buildings or bridges (e.g., utility conduit insulation). Before removing or demolishing buildings or bridges, the structure should be inspected for possible asbestos containing materials. Refer to [I.M. 4.160](#), Asbestos Inspection, Removal and Notification Requirements, for additional information on asbestos removal.

19. Noise Impacts: Check “Yes” if the project will increase noise levels to the point that interference with adjacent lands uses may occur, for example, if the noise levels would interfere with sleeping in a campground area, or would detract from the enjoyment of an historic site where quiet is a feature that contributes to the site’s significance, this would be considered a noise impact.

Aesthetic Impacts: Check “Yes” if the project will substantially impair the visual or aesthetic features or attributes of the property, where such features or attributes are considered important contributing elements to the cultural, recreational, or environmental value of the property. For example, if a highway project will obstruct or eliminate the primary views of an architecturally significant historic property, or if it will substantially detract from the setting of a park or historic property that derives its value largely because of its setting, this would be considered an aesthetic impact.

Reduced Access: Check “Yes” if the project will permanently restrict or reduce access to a park, recreation area, or historic site, thereby limiting its usefulness.

Vibration: Check “Yes” if the project will cause vibration levels substantial enough to impair the use of or enjoyment of the property. For example, a highway overpass may produce vibrations that could affect the structural integrity or usefulness of an historic building.

Air Quality Non-Attainment Zone: Check “Yes” if the project is located in an Air Quality Non-Attainment Zone. <https://www3.epa.gov/airquality/greenbook/ancl.html>

20. Check “Yes” if the project is in a special landscape area of the Loess Hills. Refer to the Iowa DOT [Location and Environment Bureau website](#) for a map of the Loess Hills special landscape area.

21. Check “Yes” if the project is in the National Rivers Inventory.  
<https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm>

Check “Yes” if the project is within a 20,000 foot radius of a public airport. Certain construction activities may require notification of the Federal Aviation Administration (FAA) if the proposed construction, including construction equipment, is located within a defined area around an airport. Refer to [I.M. 4.190](#), Highway Improvements in the Vicinity of Airports and Heliports. Check “Yes” if the FAA needs to be notified.

22. Railroad Crossings: If the project involves a new railroad crossing, or requires modifications to the existing railroad crossing materials, underpass or overpass structures, or signals, an agreement between the LPA and the railroad will be required. It is critical to contact the appropriate railroad officials early in the project development process to determine what they will require. Processing and approving a railroad agreement can be an extremely lengthy process. If the project requires a railroad agreement, begin this process immediately. Refer to [I.M. 3.670](#), Work on Railroad Right-of-way and [I.M. 3.680](#), Federal-aid Projects Involving Railroads.

23. Check “Yes” if the distance from the railroad crossing at a side road is less than 100 feet. If so, the railroad crossing will need to be reviewed. Refer to [I.M. 3.680](#), Federal-aid Projects Involving Railroads, for additional information.

24. Intelligent Transportation Systems (ITS) elements typically include variable message signs, traffic monitoring devices, and remote traffic control and / or incident management centers. All ITS projects that receive Federal-aid are required to be based on systems engineering analysis. System engineering analysis insures consistency with a regional architecture or, in the absence of a regional architecture, consistency with the national architecture. If no regional architecture is in place at the beginning of the

project, the project may proceed with the completion of a project architecture at the time of the project design. A regional architecture is required to be in place within four years of the project beginning.

## 25. *Project Design Elements*

If the project contains more than one significantly different roadway section, use a separate page for each section. For example, separate pages should be used for rural (open ditch) vs. urban (curb and gutter) cross sections; 2-lane vs. 4-lane sections; or mainline vs. side road sections. In most cases, only one or two of these pages will be needed. Any unused pages may be discarded. Additional pages, as necessary, may be added.

Check to the appropriate [Federal Functional Classification Map](#) to determine the functional classification for each roadway section listed. For cities with a population of 5,000 or greater, refer to the urban area maps. For counties or cities less than 5,000 population, refer to the county maps. Check "N/A" if the facility is a trail or shared use path.

Existing traffic volume data for some city and county roads may be obtained from [Iowa DOT Average Annual Daily Traffic Maps](#).

For an explanation of each design element listed, refer to the design guidelines listed. The urban design guidelines are contained in Index No. 5 of the Packet. The rural design guidelines are contained in I.M.s [3.210](#) and [3.220](#). For urban roadways, refer to the [Iowa Statewide Urban Design Standards](#), Chapter 5 or the [Iowa DOT Design Manual, Chapter 1-c](#). For bicycle trails or shared use paths, refer to the [Iowa Statewide Urban Design Standards](#), Chapter 12 or [Iowa DOT Design Manual](#), Chapter 12.

Submit any design exception requests, explanations for using alternative (AASHTO or Acceptable) and 3R design criteria, and related safety review with the Concept Statement submittal.