



Highways & Local Programs Division

Serving the local agencies in Washington for over 70 years
Spring 2012

2012 WSDOT Supplemental Transportation Budget

The supplemental budget largely adjusts cash flow and is a barebones, hold-the-line budget. It adds \$14 million in new spending for the remainder of this biennium for operations, maintenance, and preservation. The revenue comes from several transportation revenue fee bills, including electric vehicle, drivers' license, and vehicle plate fees. Legislators identified \$60 million of the new revenues over the next three years to be used for developing new improvement projects, as well as a second, 144-car ferry. A summary of the uses of the new revenues is detailed below.

The approved fees bring in only nine percent of the additional funding needs for the operations, maintenance, and preservation of highways and ferries. This shortfall will cause us to make some difficult decisions as we begin developing our 2013-15 biennial budget.

Uses of Funds <i>(dollars in millions)</i>	2011-13 Biennium	2013-15 Biennium
Washington State Patrol	9.5	28.0
Highway Maintenance	3.5	10.0
Highway Preservation	3.5	10.0
Transit Operation Grants	9.0	26.0
Ferry Operations	7.0	35.0
Transportation Improvement Board	3.5	10.0
County Road Administration Board	3.5	10.0
2nd 144 Car Ferry (debt service)	6.5	20.5
Safe Routes to School	2.3	6.8
Freight Mobility State Investment Board	0.8	2.3
WSDOT Preliminary Design/Right of Way	8.0	25.0
Total	57.0	183.5

WSDOT received toll authorization on the viaduct-replacement tunnel in Seattle and the proposed Columbia River Crossing between Washington and Oregon. We also received direction to continue work on express toll lanes on I-405 between Bellevue and Lynnwood, and for an environmental review of tolling I-90 between I-5 and I-405. An additional twelve local projects were added to H&LP's budget utilizing state and federal funds.

A budget proviso was added for the Joint Transportation Committee to convene a study group to evaluate the effectiveness, transparency, and priorities by which WSDOT expends federal transportation funds. The group is to include representatives from the Office of Financial Management, FHWA Washington Division, and

WSDOT. The study group shall make recommendations on how to: make the process for programming federal funds more transparent; evaluate assumptions used to predict the availability of federal funds in future biennia and how those funds will be programmed between different federal funding programs; develop a process for linking statewide priorities to distributing federal funds from project savings and the redistribution of federal funds from other states; and develop a process for incorporating stakeholder feedback when developing federal grant and loan applications. A report of this evaluation is due to the House and Senate Transportation Committees by December 2012. (Section 204(8))

Federal Transportation

Authorization – On Thursday, March 29th, the Senate approved the House-passed 90-day "clean" surface transportation extension (H.R. 4281) by unanimous consent, clearing the measure for the President's signature. The "clean" extension continues programs at current funding levels with no policy changes through July 4th.

While Senate Democrats stated they didn't want to pass a 9th short-term extension, failure to pass an extension would have resulted in FHWA shutting down on Sunday. Failure to pass an extension would have also resulted in the federal gas tax immediately being reduced from 18.3 cents to 4.3 cents.

MAP – 21 (Moving Ahead for Progress in the 21st Century) – Last month, the Senate passed its surface transportation authorization bill, MAP-21 (S. 1813), by a bipartisan vote. It is a two-year, \$109 billion bill – but given the fact that we're already half way through FFY 2012 it's really an 18-month bill. MAP-21 consolidates the number of federal programs by two-thirds; from about 90 programs down to less than 30, in an attempt to focus resources on key national goals and reduce duplicative programs. This includes consolidating certain programs into a focused freight program to improve the movement of goods. MAP-21 continues to provide the majority of federal highway funds to the states through core programs. However, the core highway programs have been reduced from seven to five, as follows:

- National Highway Performance Program (New) – This program consolidates Interstate Maintenance (IM), National Highway System (NHS), and Bridge programs to create a single program to provide increased flexibility while guiding state and local investments to maintain and improve the conditions and performance of the NHS. This program provides flexibility to address the most vital needs for highways and bridges and holds states accountable for improving outcomes and using dollars efficiently.
- Transportation Mobility Program (New) – This program replaces the current Surface Transportation Program (STP), but retains the same structure, goals, and flexibility to allow states and metropolitan areas to invest in the projects that fit their unique needs and priorities. The eligibility for STP projects is broadened to include activities that previously received dedicated funding (e.g., scenic byway, recreational trails, etc.) in SAFETEA-LU.
- National Freight Network Program (New) – This program is to address the need to improve goods movement by providing funds to states by formula for projects to improve regional and national freight movements on highways, including freight intermodal connectors.

- Congestion Mitigation & Air Quality (CMAQ) Program (Existing) – Improves the existing program by including particulate matter as one of the pollutants addressed and requiring a performance plan in large metropolitan areas to ensure CMAQ funds are being used to improve air quality and congestion in those regions. It also reforms the enhancements program with more flexibility granted to states on the use of the funds within the program.
- Highway Safety Improvement Program (HSIP) (Existing) – This program builds on SAFETEA-LU and substantially increases the amount of funding available because of the strong results it has achieved in reducing fatalities.
- Projects of National & Regional Significance Program – Provides funds for major projects of national and regional significance which meet rigorous criteria and eligibility requirements.
- Performance Management –
 - Performance Measures & Targets in MAP-21 – establishes an outcome-driven approach that tracks performance and will hold states and metropolitan planning organizations accountable for improving the conditions and performance of their transportation assets.
 - State & Metropolitan Transportation Planning – improves statewide and metropolitan planning processes to incorporate a more comprehensive performance-based approach to decision making.

The final engrossed Senate bill, all 1,676 pages, is available at: <http://www.gpo.gov/fdsys/pkg/BILLS-112s1813es/pdf/BILLS-112s1813es.pdf>.

FHWA Discretionary Programs – In November 2011, FHWA announced it was soliciting applications for 12 discretionary grant programs with FFY 2012 funding, totaling an estimated \$200 million nationwide. FHWA had planned to award funding available for these programs under the six-month extension. However, the actual amount available for award is subject to pending congressional action. Also, in January 2012, USDOT announced the availability of \$500 million nationwide for TIGER IV. Final applications were due March 19, 2012.

Expectation for announcement of these awards is May/June 2012.

Statewide Transportation Improvement Program (STIP)

H&LP is scheduling STIP training for the weeks of May 7th-11th (eastside) and May 14th-18th (westside). The sessions are planned for half a day to provide updated information on the STIP system and its features, review areas of concern, and to answer questions. H&LP will be working through your respective Metropolitan Planning Organization (MPO) or Regional Transportation Planning Organization (RTPO) for scheduling.

Additional information on the STIP is located on the Highways & Local Programs webpage: <http://www.wsdot.wa.gov/localprograms/>.

NEW – Find a Local Project

H&LP has launched a new Local Project Search on our webpage: <http://www.wsdot.wa.gov/localprograms/>. Information displayed is real-time and updated as the project status changes. This represents approximately 1,000 local projects funded with Federal and State funds.

Find out about projects that are currently underway or completed. Projects that have been selected for funding but haven't started yet are not included. Projects and programs can be sorted by region, legislative district, congressional district, county and lead agency or any combination thereof.

Disadvantage Business Enterprise (DBE) Specifications

WSDOT is continuing to modify the DBE specifications in an attempt to address numerous issues. At this time, we anticipate that the specifications will receive approval and an interim update to the specifications should happen sometime in May 2012. The following items are being addressed in the specifications:

- Joint Check usage for Condition of Award DBE Subcontractor language will be added to address how the use of joint-checks are approved.
- Condition of Award DBE termination language will be added to provide direction on the documentation requirements for the Prime Contractors. Additional specifications outlining the requirements to count “trucking” toward DBE attainment is also continuing to be modified for clarity.

City Streets as State Highways Maintenance Agreement Update Underway

Over the last year, a workgroup has been working to develop a proposed update to the City Streets as State Highways Maintenance Agreement. This workgroup includes representatives of Association of Washington Cities (AWC), five cities, and WSDOT. Since the time that the current agreement was developed, there has been an increased emphasis on livability, stormwater treatment, pedestrian and bicycle safety, and mobility and installation of features not clearly described in the agreement. This has led to disagreements and required interpretation of the agreement, as well as the need for WSDOT to prepare maintenance agreements on a project-by-project basis. Some agencies are surprised when asked to pay for maintenance for installation of new features that appear to be a WSDOT responsibility from the agreement.

AWC is working to distribute the draft agreement to a larger audience for comment. We expect to complete update of the agreement late this spring. If you have concerns or comments please contact AWC (for cities) at 360.753.4137, or Aaron Butters at Aaron.Butters@wsdot.wa.gov.

Modifications to Right of Way Acquisition Oversight Coming

Over the last year, FHWA and WSDOT have completed a review of WSDOT's Right of Way Certification Process and oversight of the Local Agency Right of Way Acquisition Program. From this review, it was determined that there were areas that could be improved upon. As a result, we are implementing changes to the certification process that better identify issues and simplify documents. Also, additional spot checks will occur on large or complex projects prior to completion to reduce surprises that may occur late in the project and are intended to catch issues in time for the agency to apply corrective measures prior to requesting construction authorization.

Issues identified in early reviews are intended to provide opportunities for corrections and the identification of training needs. More information will be provided once the full details of the Plan are finalized.

Change on the Horizon for Agency Force Construction

Recently, FHWA published guidance on the use of agency forces for construction and cost effectiveness determinations on federal aid projects. Over the next several months, we will be working with FHWA on a plan for implementation and development of updated guidance and examples. The major changes impacting how we administer the program are related to cost estimate development. The new guidance requires that estimates for agency construction must include the agency overhead rate and that we can no longer take credit for savings in PS&E preparation and construction engineering.

Once updated, guidance is developed and an agreement on implementation timeframes is reached with FHWA, we will inform agencies of the new requirements. For additional information, please contact Aaron Butters at 360.705.7375 or Aaron.Butters@wsdot.wa.gov.

Access to Traffic Flow Data

WSDOT has recently negotiated a contract with Kirkland based INRIX, Inc. to provide access to statewide traffic flow data to include the use of their data storage and analysis tools for a period of 12 months. This purchase will include: Four years of historical speed and travel time data on all roads in the state that INRIX provides coverage (2009, 2010, 2011, and 2012).

The contract will allow local agencies to access available data and tools for no additional cost. Once WSDOT HQ and NWR staff have access and training and have examined and reviewed data access procedures and data alignment, and performed some other technical tasks, the data and one-year trial analysis tools will be made available to all WSDOT staff in the respective data, planning, programming, operations and systems analysis areas. These areas will be expected to test the data and assess data quality, viability and application options. In addition, other public transportation agencies and organizations within the state will receive access to the data and analysis tool on permission /subscription basis provided they are willing to provide feedback on the usefulness and adequacy of available data and tools.

The feedback received from the various WSDOT organization and external partners will be key in determining if a future contract extension is desired. We will be working cooperatively with INRIX on this deployment and the lessons learned associated with our applications.

Access Management Review Underway

We are working with FHWA to review how, as well as to what level access management of local roadways is being implemented within the State. Part of this effort is to identify best practices and barriers to implementation of access management on local roadways.

We recently distributed a survey to help us with this effort. Responses to the survey are due by April 11, 2012. The entire report is planned to be completed late this summer. For more information please contact Susan Bowe at 360.705.7380 or Susan.Bowe@wsdot.wa.gov.

Advertising and Awarding Construction Contracts Using Tied Bids

“Tied bids” is a method that combines two or more projects into a single construction contract. The individual projects could consist of a federal project and a non-federal project or two federal projects (otherwise separate contracts) that are advertised and bid together as a single contract. For the purposes of federal aid, a project is defined by the limits of the environmental (NEPA) document, not the portions of the project funded by federal or other funds. A project that contains work that is non-federal aid, and federal aid work that is documented in a single NEPA document, is not a Tied Bid project requiring any additional approval, but simply a federal aid project that includes ineligible work or work funded with other funds.

Depending on the projects involved, there can be benefits to the contracting agency in combining work into a single contract. These benefits can be potential cost savings due to the volume of work increasing (economy of scale), provided that the project does not create inefficiencies, such as turning two - one season contracts into a single - two season contract. The agency may realize a savings in contract preparation and administrative costs with a single contract. The impact to the public could be minimized due to having similar work in an area completed in less overall time than if the work was constructed in separate contracts sequentially. Also, the agency can benefit from having a single contractor responsible for all of the work within an area to avoid the potential of one contractor delaying the other if the work had been constructed in two concurrent contracts.

Federal regulations provide flexibility to allow a contracting agency to combine projects, where appropriate, into a single contract. 23 CFR 635.111 is the relevant statutory guidance. Prior to making the final decision to combine projects for bidding purposes, the agency must first obtain approval from WSDOT H&LP; see the Local Agency Guidelines Manual, Chapter 44 for details.

Your request must address how combining the projects into a single contract will provide increased public benefit. Examples of benefits include reduced cost, overall reduced traffic impacts, and early enjoyment of the benefits, such as reduced crash potential achieved earlier, or travel time savings.

The following requirements must be met to use a Tied Bid:

- Tied Bids are allowed, provided they do not increase the cost of the federal aid project and the two projects are distinctly separate. Bids must be evaluated to determine the federal aid project cost was not increased due to being a Tied Bid project.
- Bidders submit one bid and the agency must award either both projects or none at all, unless additive alternates are defined in the contract with the appropriate specifications incorporated.
- A separate bidding schedule for each project must be included in the contract documents.
- If federal aid and non-federal aid projects have Tied Bids, federal funds cannot be used for contract increases such as delay caused by the non-federal aid project, or for any costs associated with the non-federal aid project.

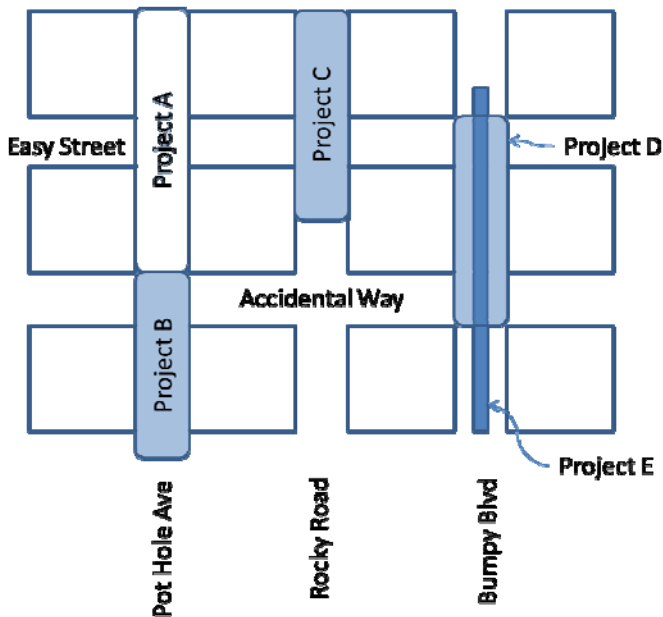
For each project included in the Tied Bid contract, the environmental documentation needs to show logical termini and independent utility. The non-federal aid project must not be required to gain public benefit/utility from the federal aid project. See examples below.

The right of way certification required prior to receiving construction authorization must address all right of way (RW) required for the federal aid project. Remember the federal aid project is defined by the limits, or coverage, of the NEPA document.

Other Requirements:

- If federal aid and non-federal aid projects have Tied Bids, federal aid requirements for PE and RW (such as NEPA approval and RW certification) do not apply to the non-federal aid project.
- If federal aid and non-federal aid projects have Tied Bids, all the construction requirements for a federal aid project apply to both projects. (It is one project under one set of specs. Therefore, the DBE, training, and federal wages, apply to all work.)
- Buy America Requirements apply to all work under the contract including utility relocation. Any materials incorporated into the project, including those materials provided to the contractor by the contracting agency or a utility, must meet this requirement.

Let's look at a couple of examples of how the Tied Bid requirements apply. The diagram below represents a typical mix of projects located in a developed area.



Project A – Reconstruction of the roadway and sidewalk improvements. This project is federally funded.

Project B – Reconstruction of the roadway and sidewalk improvements and intersection improvements at Accidental Way that are dependent on project A to function properly. This project is planned to be funded with local or other non-federal funds.

Project C – Reconstruction of the roadway and sidewalk improvements. This project is funded with local or other non-federal funds.

Project D - Reconstruction of the roadway and sidewalk improvements. This project is federally funded.

Project E – Replacement of deteriorated sewer and water lines, as well as other minor utility adjustments. Project is funded from non-federal funds. Work is being constructed at the same time as project D.

Example 1

Projects A and B are tied to take advantage of potential cost savings and to minimize impacts to the public.

Issues/Requirements

As projects A and B are continuous, of similar scope, and the improvements planned for Project B are dependent on Project A to function properly, all work would need to be addressed within the NEPA document that otherwise would have been completed for project A. There would not be logical termini between the two projects as both are required for the intersection improvements to function. The work within area B would simply be non-participating work included in the contract and a Tied Bid Request would not be necessary.

If not for the intersection improvements in Project B, which are dependent on Project A, each of the projects would have independent utility and separate environmental documents (NEPA & SEPA) creating a Tied Bid condition requiring approval.

Example 2

Projects A and C are tied to take advantage of potential cost savings and to minimize impacts to the public.

Issues/Requirements

As projects A and C are not continuous or interrelated, they have independent utility. Therefore, a logical terminus exists between the two projects and a Tied Bid request would need to be approved before advertisement.

Example 3

Projects D and E are tied to take advantage of potential cost savings and to minimize impacts to the public.

Issues/Requirements

As project D overlays project E, both need to be addressed within the NEPA document. The utility rehabilitation and relocation project is being constructed at the same time due to the convenience of constructing these projects concurrently. Therefore, all work would need to be addressed within the NEPA document that otherwise would have been completed for project D. The area E would simply be non-participating work included in the contract and a Tied Bid Request would not be necessary.

The concepts laid out in these examples can be applied to rural or less developed areas. The examples assume the combining of non-federal and federal projects into a single contract, if two federal aid projects (each with a separate NEPA document) are combined into a single contract, then a Tied Bid Request is required. For projects where non-federal aid work has clear independent utility and is not covered by the NEPA document, then a Tied Bid Request is also required. If all work within the contract is covered by the NEPA document, then a Tied Bid Request is not needed. The non-federal aid work needs to be identified on project authorization documents.

For additional information on Tied Bid Requests, see [Chapter 44 of the LAG manual](#). For additional information on logical termini and independent utility for NEPA, see [Chapter 24](#) and contact your region local programs engineer.

Environmental News

Regional Road Maintenance Program obtains ESA 4(d) Coverage from NMFS

The Regional Road Maintenance Program (RRMP) consists of WSDOT and twenty-nine local agencies in western Washington. In 2003, the National Marine Fisheries Service (NMFS) issued a Biological opinion on the RRMP granting members ESA coverage under Limit 10 of the Endangered Species Act (ESA) section 4(d) rule.

This past August, NMFS provided written clarification that actions covered under the RRMP have satisfied their ESA Section 7 responsibilities. FHWA funding and Corps permits are both examples of federal nexuses. The RRMP defines the scope of actions covered under the program. Projects that may be covered by the RRMP include culvert replacements, placement of riprap that does not expand the original footprint, and mitigation required by other agencies. The benefits of this new approach is that qualifying projects no longer need to consult with NMFS under Section 7 of the ESA, which results in significant time savings. As a part of the RRMP, the participating agencies have agreed to the following:

- Training staff in the selection and installation of BMPs.
- Application of appropriate BMPs on projects.
- Participate in the Regional Forum process.

For more information on the RRMP, please contact either Bill Leonard at 360.705.7344 Bill.Leonard@wsdot.wa.gov, or Gregor Myhr at 360.705.7853 Gregor.Myhr@wsdot.wa.gov.

Design Standards for Bicycle Facilities

The 2012 Legislature passed ESHB 1700 which aligns setting of standards for bicycle facilities to match requirements for all other local transportation infrastructure by assigning this responsibility to the city and county design standards committees. Previously, cities and counties were required to meet the standards as detailed in the WSDOT Design Manual. The design standards committee is required to adopt standards for bicycle projects by July 1 2012. All local agency projects which start construction after December 31, 2012 must meet the newly adopted standards. The committee is planning to meet in June of this year to determine the appropriate approach in moving forward. Options include adoption of the latest AASHTO Guide for the Design of Bicycle Facilities, continuing the WSDOT Design Manual as interim standards, or other approaches the committee may deem viable. Standards adopted by the committee will be included as an interim update to the LAG Manual after the June meeting.

Bridge Program

The Bridge Program announced a call for projects in November of 2011, in the amount of approximately \$40-\$70 million, based on the funds available from FHWA. The projects will include replacement, rehabilitation, scour, seismic, and paint, and will be funded at 80 percent federal funds with a 20 percent local match. The deadline for submitting the applications is May 4, 2012, with a final selection announced in December 2012. For more information and application materials visit:

<http://www.wsdot.wa.gov/LocalPrograms/Bridge/Funding.htm>.

Safety Program

The City Safety Program invitation was distributed to 50 qualifying cities around Washington. The program is focused on intersection safety. Efforts target specific intersections or corridors with higher numbers of fatal and serious injuries. In addition, cities with higher numbers of intersection-related fatalities and serious injuries also qualified for low-cost improvements. We received 95 project proposals for this \$50 million program. Selected projects will be announced in April 2012.

Pedestrian and Bicycle Program

A call for projects to Improve Conditions for Biking and Walking was announced in March 2012. The program is open to all public agencies in Washington, including Tribal Governments. The amount of funding available is estimated at \$8-\$10 million. Applications are due to WSDOT by June 29, 2012. Legislative approval of the selected projects is required and will occur as part of the budget process during the 2013 Legislative session. A webinar on the application process and review criteria is set for 1: - 3:00 pm, Tuesday, April 10th. Register online at <https://www1.gotomeeting.com/register/454934657>. For additional information including applications materials visit: <http://www.wsdot.wa.gov/bike/funding.htm>.

Safe Routes to School

In January a call for projects was announced for projects that increase the number of children walking and biking to school safely and reduce congestion by providing healthy alternatives for children being driven to school. Applications are due to WSDOT by May 4, 2012. Once application scoring is complete, we will conduct field reviews of the top scoring projects. For the 2013/2015 biennium, the level of funding available is estimated to be \$7M - \$11 million. Legislative approval of the selected projects is required and will occur as part of the budget process during the 2013 Legislative session. For additional information, including application materials, visit: <http://www.wsdot.wa.gov/LocalPrograms/SafeRoutes/funding.htm>.

For More Information

Highways & Local Programs Division Contacts

Director

Kathleen B. Davis
(360) 705-7871
davisk@wsdot.wa.gov

Northwest Region

Ed Conyers, PE
Local Programs Engineer
(206) 440-4734
conyere@wsdot.wa.gov

Olympic Region

Neal Campbell, PE
Local Programs Engineer
(360) 357-2666
campben@wsdot.wa.gov

Southwest Region

Ken Hash, PE
Local Programs Engineer
(360) 905-2215
hashk@wsdot.wa.gov

Eastern Region

Keith Martin, PE
Local Programs Engineer
(509) 324- 6080
martink@wsdot.wa.gov

South Central Region

Roger Arms, PE
Local Programs Engineer
(509) 577-1780
armsr@wsdot.wa.gov

North Central Region

Paul Mahre, PE
Local Programs Engineer
(509) 667-3090
mahrep@wsdot.wa.gov



Headquarters, Olympia

Aaron Butters, PE
Engineering Services Manager
(360) 705-7375
buttera@wsdot.wa.gov

Stephanie Tax
Manager, Program Management
(360) 705-7389
taxs@wsdot.wa.gov

Web Site

<http://www.wsdot.wa.gov/localprograms/>



**Washington State
Department of Transportation**