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Remarks and Instructions

Remarks:

1. If you have a LAG manual that **DOES NOT** receive updates and/or has revision dates **prior to July 1999** in it, please discard that manual, keeping the tabs and map. It is outdated and of little use. Consider ordering an updated hard copy, which **WILL** receive the updates at \$75 per manual. Or a current CD at no cost.
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5. If you have any questions with LAG manual content, please contact Ron Pate at paterd@wsdot.wa.gov or (306) 705-7383.

Instructions:

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This manual was published to provide local agencies with statewide policies and standards to follow when using Federal Highway Administration (FHWA) funds for transportation projects. Considerable effort has been made to provide guidance on how to accomplish the work and document the results, and to incorporate the flexibility options provided by the Transportation Equity Act for the 21st Century (TEA-21).

Numerous committees are involved in this manual, directly and indirectly. A special thanks to the City and County Design Standards and Local Agency Guidelines (LAG) Committee members, and active participation by the Consultant Engineers Council of Washington, the Washington State Department of Transportation (WSDOT) advisors, and the FHWA.

Updating the manual is a continuing process. The LAG Committee will periodically meet to consider changes and issue revisions. Questions, observations, and recommendations are invited. The document comment page is provided to encourage comments. Please use it to transmit comments, including marked copies of manual pages, to WSDOT Headquarters Highways and Local Programs.

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12.1 General Discussion

This chapter describes the distribution of Federal Highway Administration (FHWA) funds administered by the Washington State Department of Transportation's (WSDOT) Headquarters Highways and Local Programs, and presents the basic procedures for local agency participation.

FHWA funds may be used to pay project costs for general transportation planning, preliminary engineering, right-of-way acquisition, construction, and audit. FHWA funds may only be expended after authorization by WSDOT through FHWA. They cannot be used for lobbying efforts.

Donated lands may be used as part of the agencies' match to the project under certain conditions. See Section 25.08 for the conditions.

.11 FHWA Funding Programs. With the passage of the Transportation Equity Act for the 21st Century (TEA-21), roadways eligible for FHWA administered funds are:

- the National Highway System (NHS),
- the Interstate System, which is a component of the NHS, and
- non-NHS routes which include all other functionally classified routes except rural minor collector and local access. (Except up to 15% of Surface Transportation Program (STP) rural dollars can be used on rural minor collectors.)

The NHS provides an interconnected system of principal arterials and other highways serving major population centers, international border crossings, ports, airports, public and intermodal transportation facilities, and other major travel destinations to meet national defense needs and to serve interstate and interregional travel.

Routes which must be included on the NHS are principal arterials, interstate highways, highways on the Strategic Highway Network (STRAHNET), major STRAHNET connectors, and congressional high priority routes.

For local agencies, a reimbursement-type program, the Surface Transportation Program (STP), is available for financing STP-eligible transportation projects. The following are the funding categories (see Section 12.3):

- Surface Transportation Program (STP):
 - Regional Competition
 - Statewide Competition
 - Transportation Enhancement
 - Safety (Hazard Elimination and Railroad Grade Crossing)

The following programs also provide FHWA funds to local agencies for transportation projects:

- NHS
- Emergency Relief Program (ER)
- Bridge Replacement and Rehabilitation (BRR)
- Congestion Mitigation and Air Quality (CM/AQ)

Local agencies with national highway system mileage are provided "NHS STP Replacement" funds as additions to their STP funds. Section 12.36 provides further information.

.12 Planning Requirements. At the state and federal levels, policies and procedures have been established to provide for areawide coordination of transportation programs.

The metropolitan planning provisions of TEA-21 provide an enhanced role for local governments. The Metropolitan Planning Organization (MPO) is responsible for developing, in cooperation with the state and transit operators, a long-range transportation plan and a transportation improvement program (TIP) consistent with the long-range plan. All projects in an MPO area using Title 23 or Federal Transit Act monies must be included in the TIP in order to proceed (refer to Appendix 12.62).

The planning process requires consideration of: land use, intermodal connectivity, methods to enhance transit, and needs identified through new technical management systems.

MPOs with populations over 200,000 are designated as Transportation Management Areas (TMAs). TMAs have project selection authority for regional STP and CM/AQ funds in consultation with the state. Washington MPOs and designated county area lead agencies are given project selection authority for regional STP funds by an agreement developed through the TEA-21 Steering Committee.

12.2 Coordination With Planning Agencies

TEA-21 requires a continuous transportation planning process. That process involves:

- TMA long-range transportation plans
- MPO long-range transportation plans
- a statewide long-range transportation plan
- a Statewide Transportation Improvement Program (STIP)

Development of the STIP includes:

- all TMA transportation improvement programs
- all MPO transportation improvement programs
- all improvement programs for the remainder of the state

- involvement of:
 - local agencies
 - Regional Transportation Planning Organizations (RTPOs)
 - Transportation Management Areas (TMAs)
 - Metropolitan Planning Organizations (MPOs)
 - WSDOT
 - transit agencies
 - the Governor’s Office

.21 Statewide Transportation Improvement Program

Introduction

The following are the basic required elements of the STIP, which must be approved by FHWA and the Federal Transit Administration (FTA):

- Identifies all proposed highway and transit projects in the state funded under Title 23 United States Code (USC) and the Federal Transit Act, including Federal Lands projects.
- Incorporates the metropolitan transportation improvement programs approved by the TMAs and MPOs.
- In carbon monoxide, ozone, or PM-10 nonattainment areas, includes projects that conform with the State Implementation Plan (SIP).
- Maintains consistency with expected available funding.
- Identifies selection priorities developed with appropriate consultation and/or coordination with local jurisdictions, metropolitan planning organizations, and Federal Lands agencies.
- Contains all regionally significant transportation projects requiring FHWA or FTA approval, regardless of funding.
- Meets the requirements of 23 USC 135(f), Statewide Planning, coordination with local jurisdictions, and review by FHWA.

TMA and MPO TIPs must:

- Be annually updated and approved by the MPO and the Governor.
- List all projects, including pedestrian and bicycle transportation facilities, to be funded by Title 23 or FTA.
- Have reasonable opportunity for public comment prior to approval.
- Include a list of prioritized projects.
- Include a financial plan for implementing the projects that is also consistent with reasonable expectation of available funding.
- Have projects consistent with the long-range plan.

Additionally, projects funded only with state or local sources **may** be included in the STIP. For consistency in planning and coordination of projects, agencies are encouraged to include all projects for which funding is **secured**.

.22 STIP Processes and Responsibilities. The following timelines reflect the general processes and responsibilities reflected in state and federal law to achieve compliance with the list above. This is a very time consuming process. All of the steps noted are dependent upon other steps in the process, and all levels of government in the state of Washington must adopt — and their operations reflect — a high level of cooperation and communication.

The timelines are crucial in managing transportation funding. The times noted are based on reasonable time limits to perform the various functions. Adequate time must also be provided for the physical transmission of paper and data, as well as the discussions and analyses required at the various levels.

Local Agency STIP Timelines

<u>Deadline</u>	<u>Description</u>
March 15	Non-MPO lead agencies notify regional partners and interest groups of funding availability and request project submittals.
May 1	Highways and Local Programs notifies local agencies of deadline to adopt and submit their six-year programs.
May 31	Local agencies submit projects to non-MPO lead agencies to conduct project prioritization and selection process for the next three years.
June 15	MPOs notify regional partners and interest groups of funding availability and request project submittals.
June 15	Local agencies advertise for internal six-year program hearings.
June 30	All cities, towns and transit (except counties) must have their six-year programs adopted.
July 15	Local agencies submit six-year programs to Region Local Programs, <u>MPOs</u> , and <u>RTPOs</u> . Region Local Programs reviews and submits regional TIP to RTPO and Highways and <u>Headquarters</u> Local Programs.
July 31	Agencies submit project proposals to MPOs.
August 15	RTPOs and WSDOT provide a forum and advertisement for regionwide public workshops, for review of the non-MPO proposals.

- August 30 MPO assemble regional TIP and prepare analysis for conformity finding.
- Sept. 15 RTPOs and WSDOT regions provide public workshops for review of non-MPO project proposals for regions outside of the MPOs. MPOs provide public involvement.
- Oct. 1 WSDOT Headquarters Highways and Local Programs assembles the statewide STIP, including all MPO, local, and WSDOT programs.**
- Nov. 1 WSDOT Headquarters Highways and Local Programs submits Draft STIP to WSDOT Region Local Programs, WSDOT Region Program Management, and MPO/RTPO for review and corrections.
- Dec. 1 WSDOT Headquarters Highways and Local Programs submits the Final STIP to FHWA, FTA, and EPA for beginning the conformity analysis required under the Clean Air Act (when required).
- Dec. 31 Highways and Local Programs receives notice of FHWA/FTA approval of the STIP.
- Dec. 31 Counties **must** have annual budgets adopted.
- January 1 All agencies may continue obligating projects until the new STIP is approved.

.23 Local Agencies Outside MPOs. Local agencies outside MPOs are required to comply with the state six-year programming laws, RCW 35.77.010 and 36.81.121, as well as with federal law under TEA-21, 23 USC, for any projects they wish to do with federal funds.

Project *identification* is accomplished individually for locally and federally funded projects; project *selection* for federally funded projects is accomplished through county area lead agencies (see Appendix 12.66).

Public involvement includes the six-year program hearings and the public comment processes for the regions. Reporting is accomplished through the submittal of the six-year programs to Region Local Programs and forwarded to WSDOT Headquarters Highways and Local Programs.

.24 TMAs and MPOs. Local agencies inside MPOs are also required to comply with the state six-year programming laws, RCW 35.77.010 and 36.81.121, as well as with federal law for any projects they wish to do with federal funds.

Project identification is generally accomplished individually for locally and federally funded projects with project selection through the MPO for federally funded

projects. A separate process is used for federally funded statewide competitive projects including, bridge, safety, enhancements and STP competitive, followed by a confirmation by the MPO.

Public involvement includes the six-year program hearings and the MPO public comment processes. The assembled MPO program must be submitted to the Governor's Office for approval.

Reporting is accomplished through the submittal of the MPO-TIP to WSDOT Headquarters Highways and Local Programs and the MPO submittal to the Governor's Office through WSDOT Headquarters Planning and Programming. That MPO TIP is then used to assemble the STIP.

.25 WSDOT. WSDOT has primary responsibility for implementation of the STIP process. This cannot be accomplished without recognizing the requirements of all transportation providers in developing their various TIPs. Highways and Local Programs, and WSDOT Headquarters Planning and Programming have critical roles in managing the process and funds.

The six regional Program Development Offices and the Washington State Ferries are all deeply involved both in developing their respective programs and in coordinating and prioritizing those programs with the various local agencies and transit agencies. WSDOT not only develops programs internally, but it also competes in all TMAs for regional STP enhancement and statewide competitive funds. In addition, WSDOT may cooperate with local agencies on specific projects. This requires knowledge of all the various processes, as each region and agency will have some unique characteristics in its program development processes.

.26 RTPOs. The Growth Management Act (GMA) requires a regional approach to transportation planning. To facilitate the planning process, the Act authorizes the formation of Rural Transportation Planning Organizations (RTPOs). RTPOs are not involved in project selection but have the responsibility for public involvement in the TIP (unless the locals agree to their acting as lead agency for project selection) (refer to Appendix 12.64 for RTPO map).

In the preparation of long-range plans and TIPs, TEA-21 requires consideration of the land use impact of transportation decisions and requires that transportation decisions be made on a regional basis. In Washington, the regional orientation of the planning process is reinforced by vesting planning and project selection authority not only in TMAs, but also in MPOs and in county areas outside MPOs and RTPOs. TEA-21 also mandates that long-range plans and TIPs be financially feasible. The goals and requirements of GMA and TEA-21 complement each other, and the STP funds help achieve growth management objectives.

TEA-21 places considerable new emphasis on transportation planning and programming activities at both the regional and state levels. For the first time, there is a federal requirement for a statewide planning process and a mandate to plan in consultation and coordination with regional planning organizations.

To fulfill the planning mandate of TEA-21, regional planning organizations and the state must provide adequate funding and staff. By agreement within Washington State, the smallest regional planning organizations (RTPOs) and initially county areas outside MPOs, are being offered STP funds specifically earmarked for planning and programming purposes to ensure that the mandate can be met. The regional planning approach also calls for new cooperative intergovernmental relationships and additional opportunities and mechanisms for public participation.

12.3 Non-NHS Funding Sources

.31 Cost Sharing. The following matrix shows the matching share for available programs and project categories.

Program(s)/Project Categories	Minimum Local Share
National Highway System, Surface Transportation Program, Congestion Mitigation and Air Quality Improvement	13.5%
Bridge Replacement and Rehabilitation (BRR); Timber Bridge Research and Demonstration; Indian Reservation Roads; Bridges; Demonstration Projects; Ferry Boats and Terminal Facilities; State Planning and Research; Intelligent Vehicle Highway Systems; Scenic Byways; Highway Related Safety Grants; Motor Carrier Safety Grants; Bicycle and Pedestrian Facilities	20%
Federal Lands Programs Including Indian Reservation Roads, Public Lands Highways and Parkways; Park Highways; and Highway Safety Research and Development (R&D)	None
Emergency Relief (first 180 days)	None
Emergency Relief (after 180 days)	(1)*
Metropolitan Planning	13.5%
Railroad-Highway Crossing Safety Program	None
Safety Program	10%
Recreational Trails Grants, Highway Priority NHS Corridor Studies	None

*(1) Equal to the local share which would be required on the federal aid highway on which the emergency repair happens.

Note: These projects, as well as any others funded with TEA-21 funds, must be included in the TIP/STIP.

.32 Surface Transportation Program. STP is a program that may be used by local agencies for any roads (including

NHS) that are functionally classified except for local access. These roads are now collectively referred to as federal aid highways. Bridge, safety, and railroad projects are not restricted to federal aid highways but may be on any public road.

Note: With TEA-21 there is a special rule for areas of less than 5,000 population. TEA-21 permits up to 15 percent of amounts reserved for rural areas to be spent on rural minor collectors. [1108(f)]

Types of Eligible Projects

Eligible projects include:

- New construction, reconstruction, seismic retrofit, operational improvements, 2-R and 3-R, including the interstate system and bridges.
- Capital costs for transit projects eligible for FTA funding.
- Fringe and corridor parking, carpool, vanpool, bicycle, and pedestrian facilities.
- Highway and transit safety improvements.
- Highway and transit research and technology transfer.
- Capital and operating costs for traffic monitoring, management and control facilities, and programs.
- Surface transportation planning.
- Transportation enhancement activities.
- Certain Clean Air Act transportation control measures (TCMs).
- Development and establishment of management systems.
- Wetlands mitigation (i.e., surface drainage and banking).
- Sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions.
- Programs to reduce extreme cold starts.
- Environmental restoration and pollution abatement projects, including retrofit or construction of stormwater treatment facilities.
- Natural habitat mitigation, but specifies that if wetland or natural habitat mitigation is within the service area of a mitigation bank, preference will be given to use the bank.
- Privately owned vehicles and facilities that are used to provide intercity passenger service by bus.
- Modifications of existing public sidewalks (regardless of whether the sidewalk is on a Federal-aid highway right of way), to comply with the requirements of the Americans with Disabilities Act (ADA).

- Infrastructure based intelligent transportation system capital improvements.

Contact the Region Local Programs Engineer if clarification of eligibility is needed.

Matching Requirements

The basic program is 80 percent federal/20 percent local. However, this is modified to 86.5 percent/13.5 percent due to adjustments for public lands in Washington.

a. STP — Regional Competitive Program (STPR/STPU)

1. Objective — improve transportation facilities based upon regional priorities.
2. Eligibility — projects must be on federally functional roads classified higher than rural minor collector and local access roads. All transportation modes are eligible.
3. Selection Criteria — the criteria and applications procedures are established by the TMA, MPO, RTPO, or lead agency who inform the local agency of the selection.

b. STP — Statewide Competitive Funds (STPC)

1. Objective — develop, improve, and/or preserve an integrated transportation system that encourages multimodal choices to the public.
2. Eligibility — projects must be on federally functional roads classified higher than local and rural minor collectors.
3. Selection Criteria — the Transportation Improvement Board (TIB) will develop statewide project selection criteria and select projects.
4. Application Procedures:
 - Criteria are established each year by the TIB Board, described in RCW 81.104.030 or 81.104.040.
 - Letters soliciting projects from local agencies, ports, and others are sent out by WSDOT Headquarters Highways and Local Programs.
 - Agencies submit proposals to WSDOT Headquarters Highways and Local Programs. Highways and Local Programs forwards proposals to the TIB.
 - The TIB selects projects for funding based on the prioritization method it establishes.
 - Headquarters Highways and Local Programs staff informs the local agencies of TIB's selections.
 - Local agencies initiate projects following the procedures in the LAG manual.

c. STP — Transportation Enhancement Program
 (refer to Chapter 62 for standards)

1. Objective — add value to transportation systems. The following activities are considered enhancements and may be eligible for funding:
 - Pedestrian or bicycle facilities.
 - Acquisition of scenic easements or scenic historic sites.
 - Scenic or historic highway programs (including provision of tourist and welcome center facilities).
 - Landscaping and other scenic beautification.
 - Historic preservation.
 - Rehabilitation and operation of historic transportation buildings, structures, or facilities — including historic railroad facilities and canals.
 - Preservation of abandoned railway corridors — including conversion for use as bicycle or pedestrian trails.
 - Control and removal of outdoor advertising.
 - Archaeological planning and research.
 - Provision of safety and educational activities for pedestrians and bicyclists.
 - Environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.
 - Establishment of transportation museums.
2. Eligibility — projects must be one of the qualifying activities listed and must be transportation related. Environmental activities must go beyond what is customarily provided in projects.
3. Selection Criteria — projects must be recommended and prioritized by the region (RTPO, MPO) and selected by the TIB.
4. Application Procedures:
 - Application requirements are established annually by the TIB.
 - All MPOs/RTPOs sponsor transportation enhancement workshops early each year to inform the public of the program and the process for applying for funding.
 - MPOs/RTPOs establish a schedule for submitting projects. Agencies contact their MPO or RTPO for the schedule requirements.

- Each MPO/RTPO establishes its own criteria for prioritizing projects and ranks projects within its respective area.
- Prior to MPO/RTPO policy board approval, each MPT/RTPO forwards the prioritized project applications to WSDOT Headquarters Highways and Local Programs for review of project eligibility.
- After the policy board approval, each MPO/RTPO submits its prioritized projects to WSDOT Headquarters Highways and Local Programs.
- The TIB reviews the project's proposals and recommends funding for projects, giving equal consideration to:
 - Local priorities as established by the MPO/RTPO.
 - Diversity of projects.
 - Statewide distribution of funding.
- The TIB submits their recommendations to the Legislative Transportation Committee in January.
- Headquarters Highways and Local Programs staff informs applicants of their approved projects.
- Local agencies initiate their projects following the procedures in the LAG manual.

d. Railway-Highway Grade Crossing Program
(Chapter 32 for special requirements)

1. Objective — reduce fatalities, injuries, and damages through improved railway-highway crossings.
2. Eligibility — a crossing on any public road is eligible to receive federal funds. At least half of the available funds shall be designated for the installation of protective devices at railway-highway crossings.
3. Typical Projects — eligible projects include installation of standard signs and markings at all public crossings, installation of train-activated warning devices (crossing surfaces), approach work, illumination for safety, etc.
4. Matching Requirement — federal aid 100 percent with no local match required. See Chapter 32 for more detail.

5. Application Procedures:
 - (a) Upon receipt of federal aid allocations, Highways and Local Programs periodically solicits project proposals from local agencies.
 - (b) The request for submittal of project proposals outlines general requirements that projects must meet in order to be considered for funding.
 - (c) Project proposals are analyzed and prioritized and projects are selected in cooperation with the Washington Utility and Transportation Commission staff.
 - (d) Agencies are notified regarding funding for their projects.

e. Safety Program (STPS)

1. Objective — improve specific locations which constitute a danger to vehicles or pedestrians as shown by frequency of accidents. Danger to bicyclists is now included in survey of hazardous locations.
2. Eligibility — projects must be located on a public road system. These projects may include (but are not limited to):
 - Intersection improvements
 - Alignment changes
 - Installation of railroad and other protective devices, etc.
 - Opened to Interstates (previously excluded), any public transportation surface facility, and any public bicycle or pedestrian pathway or trail.
 - Traffic calming.

Major reconstruction of appreciable lengths of roadway will not qualify for funding under this program.

3. Funding — federal aid 90 percent with 10 percent local match.
4. Application Procedures:
 - (a) Upon receipt of federal aid allocations, Highways and Local Programs periodically solicits project proposals from local agencies.
 - (b) The request for submittal of project proposals outlines general requirements that projects must meet in order to be considered for funding.

- (c) All submittals are prioritized. The number of projects selected depends upon the availability of funds.
- (d) Agencies are notified regarding funding for their projects.

.33 Bridge Replacement and Rehabilitation Program (BRR) (refer to Chapter 34 for more detail)

- a. Objective — replace or rehabilitate roadway bridges over waterways, other topographical barriers, other roadways, railroads, canals, ferry landings, etc., when those bridges have been determined deficient because of structural deficiencies, physical deterioration, or functional obsolescence.
- b. Eligibility — bridges on public roads are eligible for funding. Funding for rehabilitation, seismic retrofit, and painting are eligible.

Long approach fills, connecting roadways, interchanges, ramps, and other extensive earth structures, when constructed beyond the attainable touchdown point are, in general, ineligible for federal participation in the bridge program.

Bridges replaced using FHWA funds are not eligible for additional funding for a 10-year period.

Bridges rehabilitated using FHWA funds are not eligible for additional funding for a 15-year period as adopted by the Bridge Replacement Advisory Committee (BRAC).

- c. Typical Projects — projects eligible for funding may include (but are not limited to) the following:
 - 1. Total replacement of a deficient bridge at or near its existing location.
 - 2. Total replacement of a deficient bridge by a new structure in the same general corridor.
 - 3. Removal of a deficient structure and provision of alternate access at or less than the cost of replacement.
 - 4. Rehabilitation or replacement of major structural members that increase the structural integrity and life of the bridge. This may include seismic retrofitting and painting of structure.
- d. Matching Requirement — see Chapter 34 for details.
- e. Application Procedure
 - 1. All local agencies must inventory their structures in accordance with the National Bridge Inspection Standards (NBIS) and Washington State Law, with the results being entered according to the *State of Washington Inventory of Bridges and Structures* (SWIBS) procedures.

- 2. From the inventory data, a priority listing is established. Bridges are funded on a priority basis as funds become available. Projects are evaluated and selected on a priority basis by BRAC which is composed of three representatives each from the counties, cities, and WSDOT.

For procedures for applying for seismic retrofitting or painting categories, contact the Region Local Programs Engineer.

- 3. Agencies are notified of project selection.

.34 Congestion Management/Air Quality (CM/AQ)

- a. Objective — fund transportation projects and programs that will contribute to attainment of National Ambient Air Quality Standards (NAAQS). Although the primary emphasis is on ozone and CO levels in nonattainment areas, some transportation projects and programs addressing air pollution with particulate matter greater than 10 microns (PM-10) may be eligible under certain conditions. TEA-21 expands the areas that are eligible to receive CM/AQ funding to include:

- PM-10 nonattainment and maintenance areas
- Areas designated as nonattainment under the 1997 revised air quality standards.

TEA-21 also limits eligibility of nonattainment and maintenance areas designated prior to December 31, 1997, to areas classified submarginal through extreme for ozone, and moderate or serious for CO and PM-10.

The primary intent is for these projects and programs to result in tangible reductions in ozone precursor and CO emissions within a timeframe to allow attainment as provided in the Clean Air Assistant Act (CAAA) of 1990. It is important to note that the Clean Air Act requires highest priority be given to the implementation of the transportation portions of applicable SIPs and TCMs from applicable SIPs.

- b. Eligibility — all projects eligible for CM/AQ funds must be included in a conforming transportation plan and TIP, and conform to the requirements of the Clean Air Act. They must also meet the National Environmental Policy Act (NEPA) and be a part of the STIP.

Projects that are eligible for CM/AQ funds include the following. Other projects and programs may also be considered for funding if the activities are innovative and based on promising technologies and feasible approaches which will improve air quality.

- transportation activities in an approved SIP
- transportation control measures (TCMs)
- bicycle and pedestrian facilities and programs
- management systems

- traffic monitoring, management, and control operations
- emission inspection/maintenance programs
- public transit projects
- highway and transit maintenance and reconstruction projects
- planning and air quality monitoring projects
- public/private initiatives
- extreme low-temperature cold start programs
- Magnetic Levitation Transportation Technology Deployment program projects.

Air quality benefits must be determined and documented to have projects qualify for CM/AQ funds.

CM/AQ funds cannot supplant existing funds. If CM/AQ eligible work is included within a project that is funded by another federal fund source, the CM/AQ eligible work must be funded using the federal fund source for the rest of the project.

Project planning activities are eligible only if the project leads directly to construction of a CM/AQ project; that is, system planning and other nonproject specific planning is not eligible. Developing computerized systems, such as a Geographic Information System, are not eligible. Studies to analyze future transportation needs are eligible only to the extent they are needed to develop project specific construction plans.

Travel demand programs are eligible if the air quality benefits are determined and documented.

Sidewalk extensions and wheelchair ramps are eligible if they are incidental to an eligible CM/AQ project, but are not eligible if they are constructed as modifications to existing curbs.

Paving projects for dust control are eligible only in areas where PM-10 nonattainment has been attributed to transportation sources.

Purchasing of alternate fuel buses and refueling stations for bus fleets requires transfer of CM/AQ funds to FTA and an eligibility determination by FTA.

Transit conversion to alternate fuel requires transfer of CM/AQ funds to FTA and a determination of eligibility by FTA.

Converting municipal fleet operations to alternate fuel source such as compressed natural gas is eligible in areas that require conversion as a measure to meet noncompliance in the Clean Air Act.

Personal rapid transit systems require transfer of CM/AQ funds to FTA and an eligibility determination by FTA.

- c. Matching Requirement — Federal participation for most CM/AQ projects is 80 percent which is increased to 86.50 percent due to public lands adjustments. Pedestrian and bicycle activities are limited to 80 percent federal participation. Some activities on the Interstate System can be 90 percent federal participation.
- d. Application Procedure — These funds are dedicated to the three Washington State air quality nonattainment areas in the Central Puget Sound, Vancouver, and Spokane areas. Projects are selected and prioritized by the Transportation Management Areas (TMAs) for these regions. The CM/AQ project selection process is:
 1. The TMA publishes a request for projects with specific criteria. This is done typically each year. Project criteria will vary between regions.
 2. The agency submits candidate projects to the TMA in response to the TMA request. An estimate of the reduction in emissions from the proposed project is required with the project submittal.
 3. The TMA prioritizes the submitted projects. Projects that implement the SIP for air quality will receive highest priority.
 4. Projects are selected by the TMA based upon the priorities and available funds for inclusion in the TIP and STIP.

For more information, contact the TMA in your region:

- Central Puget Sound Area — Puget Sound Regional Council (PSRC)
- Spokane Area — Spokane Regional Transportation Council (SRTC)
- Vancouver Area — Southwest Washington Regional Transportation Council (SWRTC)

The TMA staff informs the local agencies of the project selections. Local agencies initiate projects following the procedures in the LAG Manual.

.35 Emergency Relief (ER) Program (refer to Chapter 33 for details)

- a. Objective — repair or reconstruct roadways and bridges on federal aid routes which have suffered serious damage as a result of natural disasters such as floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or as a result of catastrophic failures from any cause.
- b. Eligibility — must have a declared emergency. This fund applies to emergency related repairs on federal aid routes only. Eligible expenditures are those for preliminary engineering, right-of-way, and permanent

and emergency construction to restore essential travel, protect remaining facilities, and restore facilities to predisaster conditions.

- c. **Matching Requirement** — federal reimbursement is made at the rate of 100 percent of eligible costs for emergency repairs accomplished within 180 days after the actual occurrence of the disaster. Repairs performed beyond 180 days of the occurrence will be funded at the current program participation ratio for the federal aid program affected.

Generally, permanent restorations or reconstruction will be funded at the current participation ratio regardless of when accomplished.

- d. **Application Procedure** — before emergency funds can be made available:
 1. The Governor must declare an emergency.
 2. An application for assistance to FHWA must be made by the state.
 3. The U.S. Secretary of Transportation must approve the emergency relief funding. For more details, see Chapter 33.
 4. Notification of selected projects by FHWA.

.36 National Highway System. The National Highway System (NHS) was authorized by the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. Projects constructed on NHS routes are discussed in Chapter 63.

Purpose

The NHS is to provide an interconnected system of principal arterials and other highways to serve major population centers, international border crossings, ports, airports, public and intermodal transportation facilities, and other major travel destinations to meet national defense needs and to serve interstate and interregional travel.

Extent

The targeted NHS length in Washington State is 3,368 miles (5 419 kilometers) composed of 2,610 rural miles (4 199 rural kilometers) and 758 urban miles (1 220 urban kilometers). Approximately 118 local agency miles (190 kilometers) are included.

Routes which serve major ports, airports, international border crossings, public transit and intermodal transportation facilities, and routes on the Strategic Highway Network (STRAHNET) system can be minor arterials or collectors.

Routes on the NHS must be constructed to the appropriate federal functional classification standards. WSDOT must approve all deviations from these standards; the standards apply to the route regardless of the source of funds for the project.

Any route that provides parallel service to limited access NHS routes may also receive NHS funding even if the parallel route is **not included** on the NHS. Improving the parallel route, however, must benefit the NHS route.

Type of Eligible Projects

That portion of NHS funds attributable each year to local agencies will be exchanged within WSDOT for state Surface Transportation Program (STP) funds. The exchange does not in any way change jurisdictional responsibility for improvements and maintenance of routes designated as NHS.

The local NHS centerline miles represent 3.5 percent of the total NHS centerline miles for the state. Fund distributions to lead regional project selection agencies will be based on the proposed NHS mileage submitted to the FHWA.

Lead agencies are urged to consider the mileage contribution of each agency when selecting projects to be funded with these additional STP funds. Additional STP funds must be included in the TIP/STIP.

Until further notice, the standards used on the NHS system should be the functional classification standards applicable to the given roadway section.

12.4 FHWA Discretionary Programs

The FHWA administers some discretionary programs through its various offices. These discretionary programs represent special funding categories where 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. Below is a brief description of these programs.

.41 National Corridor Planning and Development (NCPD) Program and Corridor Border Infrastructure (CBI) Program (Corridors and Borders) Section 1118 and 1119

Purpose of Programs

The purpose of the National Corridor Planning and Development Program is to provide allocations to states for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade.

The purpose of the Coordinated Border Infrastructure Program is to improve the safe movement of people and goods at or across the border between the United States and Canada and the border between the United States and Mexico.

Funding Requirements

Funds for these projects must be obligated during the fiscal year in which the funds have been authorized and projects selected. The local match required is 13.5 percent.

Eligibility

Eligibility for funds from the NCPD and CBI programs are limited to high priority corridors identified in Section 1105© of the ISTEA, as amended.

Types of projects eligible for NCPD funding include:

- Feasibility studies.
- Comprehensive corridor planning and design activities.
- Location and routing studies.
- Multistate and intrastate coordination for corridors.
- Environmental review or construction of a section of corridor identified in the State's approved Corridor Plan.

Types of projects eligible for CBI funding must be in a border region (within 62 miles of the US/Canada) and include:

- Improvements to existing transportation and supporting infrastructure that facilitate cross border vehicle and cargo movements.
- Construction of highways and related safety enforcement facilities that will facilitate vehicle and cargo movements related to international trade.
- Operational improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movement.
- Modifications to regulatory procedures to expedite cross border vehicle and cargo movements.
- International coordination of planning, programming, and border operation with Canada relating to expediting cross border vehicle and cargo movements.
- Activities of Federal inspection agencies.

Solicitation and Selection

Project applications are called for each FFY and coordinated through WSDOT, who forwards them to the FHWA Division office. FHWA intends to use a flexible interpretation of the programs selection criteria to evaluate projects for funding.

.42 Ferry Boat Discretionary Program

Purpose of Programs

The Ferry Boat Discretionary (FBD) Program, provides a special funding category for the construction of ferry boats and ferry terminal facilities.

Funding Requirements

The local match required is 20 percent.

Eligibility

FBD funds are available for improvement to ferry boats, ferry boat terminals and activities where:

- The ferry facility is providing a link on a public road (other than Interstate) or the ferry facility is providing passenger only ferry service.
- The ferry and/or ferry terminal to be constructed or improved is either publicly owned, publicly operated, or a public authority has majority ownership interest where it is demonstrated that the ferry operation provides substantial public benefits.
- The ferry does not operate in international water except for ferries between a State and Canada.

Solicitation and Selection

Project applications are called for each FFY and coordinated through WSDOT, who forwards them to the FHWA Division office. Although there is no statutory criteria, FHWA will consider national geographic distribution among all of the programs as well as congressional direction.

.43 Public Lands Highways Discretionary Program

Purpose of Programs

The Public Lands Highway (PLH) Program is to improve access to and within the Federal lands of the nation.

Funding Requirements

The federal share of the costs for any project eligible under this program is 100 percent.

Eligibility

PLH funds are available for transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within the Federal public lands and may also include:

- Transportation planning for tourism and recreational travel, including the National Forest Scenic Byways Program, Bureau of Land Management Back Country Byways Program, National Trail System Program, and other similar Federal programs that benefit recreational development.
- Adjacent vehicular parking areas.
- Interpretive signage.
- Acquisition of necessary scenic easements and scenic or historic sites.
- Provision for pedestrians and bicycles.
- Construction and reconstruction of roadside rest areas, including sanitary and water facilities.

- Other appropriate public road facilities such as visitor centers.

Solicitation and Selection

Project applications are called for each FFY and coordinated through WSDOT, who forwards them to the FHWA Division office. Although there is no regulatory criteria, FHWA will consider national geographic distribution among all of the programs as well as congressional direction.

.44 National Scenic Byways Program

Purpose of Programs

The purpose of the program is to recognize and enhance routes that have outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities, and support state scenic byway programs. This is accomplished through discretionary grant funding and general technical guidance. This program also designates “National Scenic Byways” (NSB) and “All American Roads” (AAR), selected from the most regionally and nationally significant state designated, and federally owned land management agency routes. As of 2000, FHWA has designated 15 All American Roads and 66 National Scenic Byways.

Funding Requirements

The required applicant match is 20 percent.

Eligibility

Basic eligibility requires that routes must:

- Be accessible to two-wheel drive vehicles.
- Be in a state designated scenic system or a federally owned road.
- Have a corridor management plan completed or in progress at the time of application.
- Have construction projects located on or contiguous to the route’s right-of-way.

Scenic Byways funds are available for:

- Planning, design and development of a statewide scenic byway program.
- Development and implementation of a corridor management plan to maintain the scenic, historic, recreational, cultural, natural, and archaeological characteristics of a state designated route while providing for accommodation of increased tourism and development of related amenities.
- Safety improvements to a state designated route, National Scenic Byway, or All-American Road to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation.

- Construction along a state designated route, NSB, or AAR of facilities for the use of pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, and interpretive facilities.
- Improvements to a state designated route, NSB, or AAR that will enhance access to recreational area, including water-related recreation.
- Protection of scenic, historic, recreational, cultural, natural, and archaeological resources in an area adjacent to a state designated route, NSB, or AAR.
- Developing and providing tourist information to the public, including interpretive information about the state designated route, NSB, or AAR.
- Development and implementation of a scenic routes marketing program.

.45 Transportation and Community and System Preservation Pilot Program

Purpose of Programs

The Transportation and Community and System Preservation (TCSP) Pilot program is a comprehensive initiative of research and grants to investigate the relationships between transportation and community and system preservation and private sector-based initiatives. The grants are to plan and implement strategies that improve the efficiency of the transportation system; reduce environmental impacts of transportation; reduce the need for costly future public infrastructure investments; ensure efficient access to jobs, services and centers of trade; and examine private sector development patterns and investments that support these goals.

Funding Requirements

The federal share of the costs for any project eligible under this program can be up to 100 percent.

Eligibility

Activities eligible for TCSP funding include activities eligible for Federal highway and transit funding or other activities determined by the Secretary to be appropriate. Where possible grants will be awarded for new and innovative activities.

Solicitation and Selection

Project applications are called for each FFY and coordinated through WSDOT, who forwards them to the FHWA Division office. FHWA uses a flexible interpretation of the programs selection criteria to evaluate projects for funding.

12.5 Transfer of STP, Enhancement, and CM/AQ Funds to the Federal Transit Administration (FTA)

Funds may be transferred from FHWA to FTA for projects that are eligible under FTA. If the project is a traditional transit project, it should be transferred to FTA. If the project involves construction of roads or highways, it should stay with FHWA. For projects that are not clearly transit or highway, the project sponsor should select the administering federal agency. This selection should be done in informal consultation with the two agencies and the Washington State Department of Transportation. Park and ride lots, Transportation Demand Management (TDM) activities, and intermodal facilities might be eligible under both agencies' programs.

This matrix illustrates the FTA transfer options:

Options for Federal Management Grantee

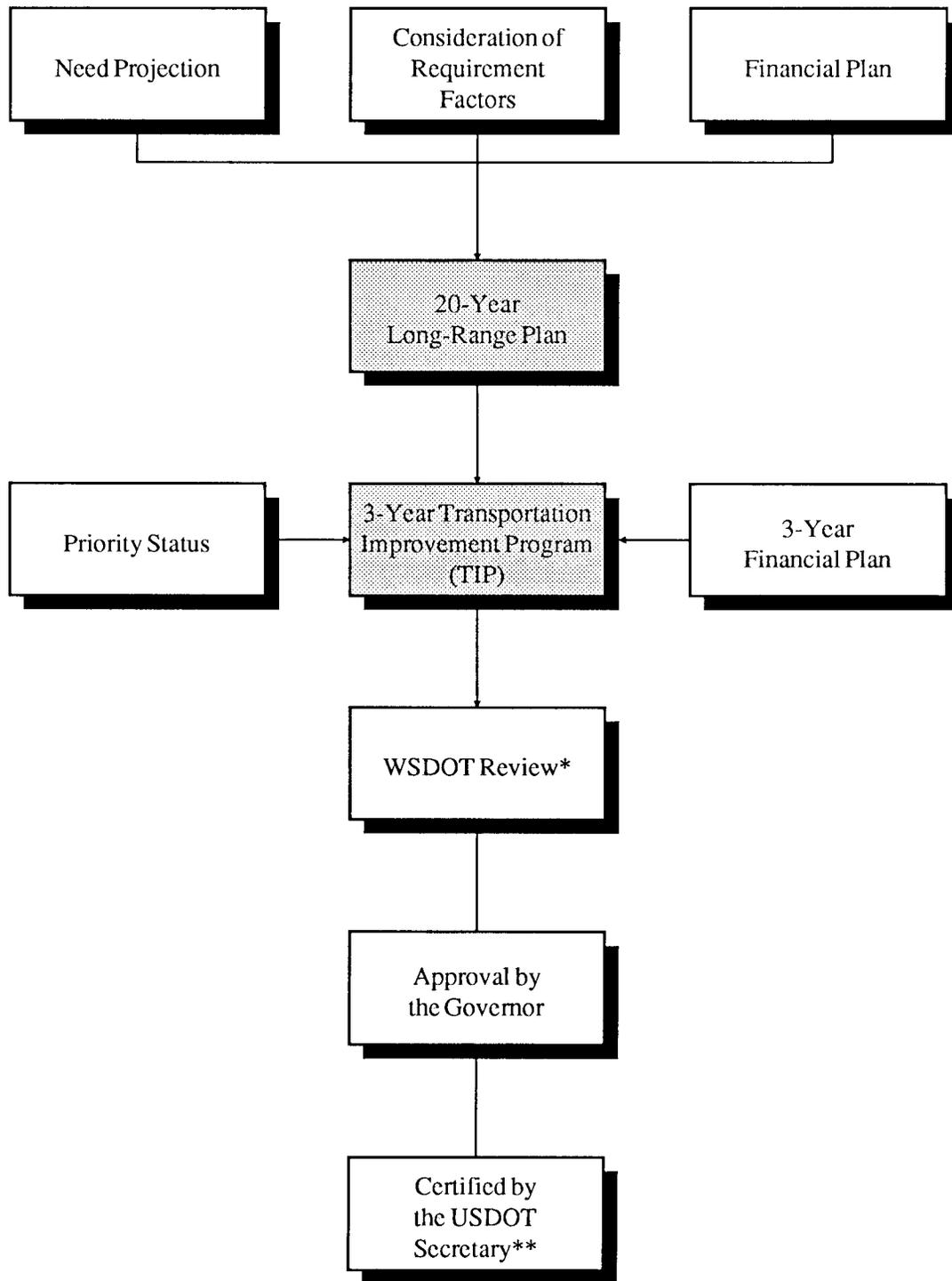
	FTA	FHWA
Transit Rolling Stock	X	
Park and Ride Lots	X	X
Pedestrian Ways	X	X
Refueling Bus	X	
Carpool and Vanpool	X	X
Regional Rideshare	X	X
Commute Trip Reduction	X	X
Bikeways		X
Intermodal Station	X	
Bus and Signal Priority		X
Transit Maintenance and Operations	X	
Ferry Terminals	X	X
Passenger Ferry Vessels	X	
People Mover	X	
Auto Ferry Vessels-Metro (Puget Sound)	X	
Auto Ferry Vessels-Rural		X

If the project is to be implemented through FTA, generally the whole project, including all phases, should be transferred. In some instances (some transit planning studies and selected projects not clearly defined above), funds to a transit agency may be approved through FHWA. Generally, these projects will have their scope of work and administrative oversight administered through WSDOT's Public Transportation and Rail Division.

Once FTA has reviewed the application and it is complete and ready for approval, Highways and Local Programs will request the transfer of funds from FHWA to FTA. FHWA action to transfer the funds is considered an obligation against the highway obligation ceiling. FTA will subsequently make a grant utilizing the transferred funds.

12.6 Appendixes

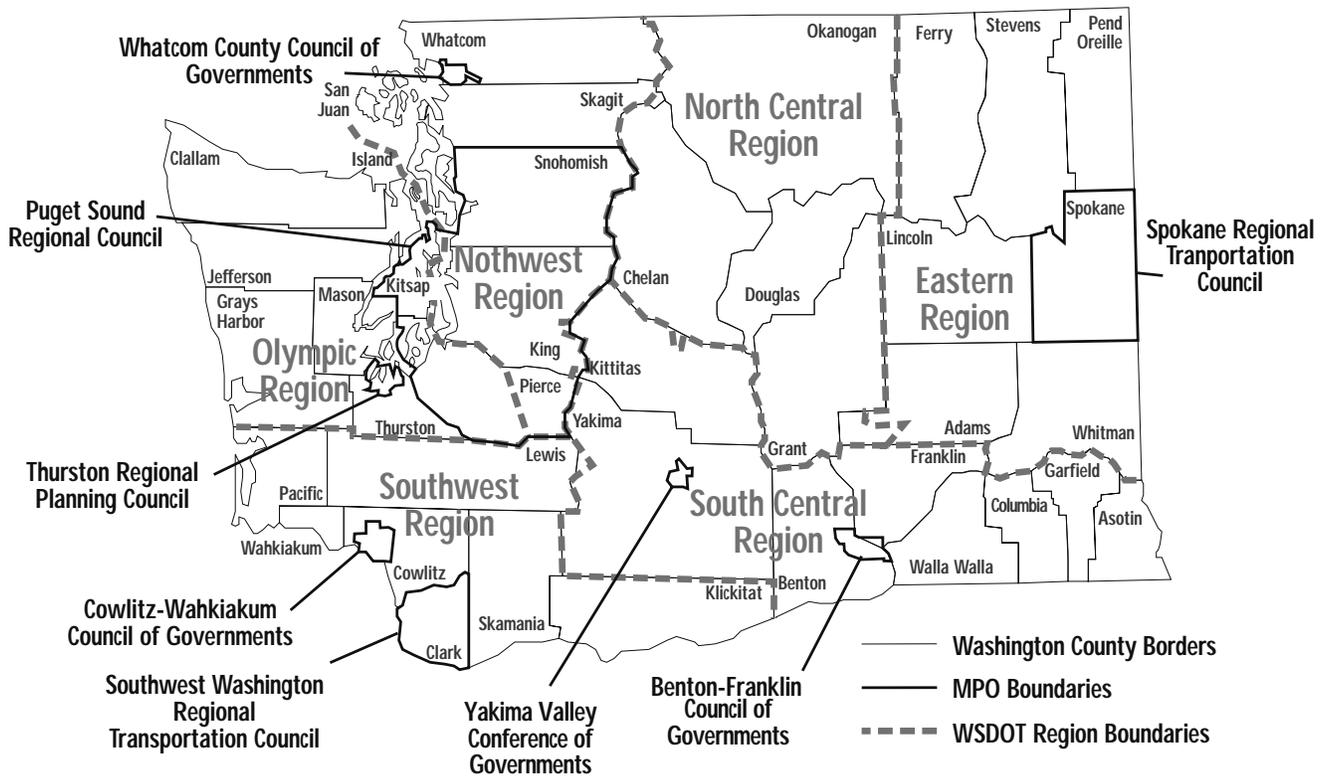
- 12.62 MPO Planning Flow Chart
- 12.63 Map of MPOs
- 12.64 Map of RTPOs
- 12.65 MPO/RTPO Directory
- 12.66 STP Lead Agencies
- 12.67 Six Year Transportation Program Instructions
- 12.68 Six Year Transportation Program Worksheet



*TMA's exempted.
**TMA's only.

Figure 1-1
Regional Planning and Programming Process
(Simplified Chart for MPOs)

Metropolitan Planning Organizations

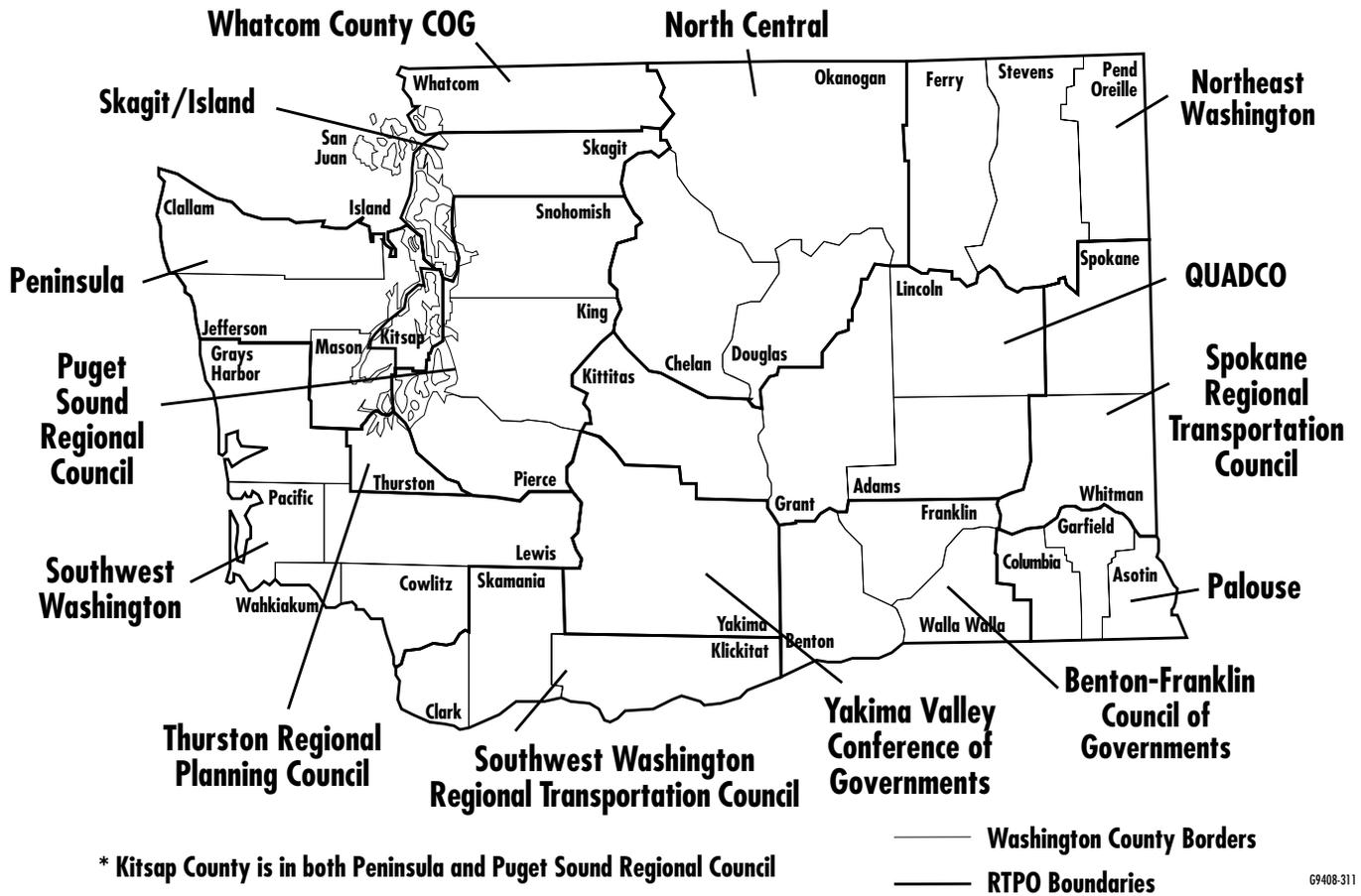


9602-45

Regional Highways and Local Programs Engineers

Region	Contact	Telephone
Northwest	Terry Paananen paanant@WSDOT.wa.gov	(206) 440-4734
North Central	Stan Delzer delzers@WSDOT.wa.gov	(509) 663-9657
Olympic	Mike Horton hortonm@WSDOT.wa.gov	(360) 357-2666
Southwest	Bill Pierce pierceb@WSDOT.wa.gov	(360) 905-2215
South Central	Roger Arms armsr@WSDOT.wa.gov	(509) 575-2580
Eastern	Brent Rasmussen rasmusb@WSDOT.wa.gov	(509) 324-6080

Regional Transportation Planning Organizations



G9408-311

MPO/RTPO	Counties	Lead Agency
Benton-Franklin Council of Governments (BFCG)	Benton Franklin Walla Walla	* BFCG 1622 Terminal Drive P.O. Box 217 Richland, WA 99352-0217 Public (509) 943-9185 Fax (509) 943-6756 Donald P. Morton, Executive Director Mark Kushner, Transportation Program Manager Internet: bfwwrtpo@3-cities.com
Cowlitz-Wahkiakum Council of Governments (CWCOG)*	Cowlitz Grays Harbor Lewis Pacific	* CWCOG 207 Fourth Avenue North, Admin. Annex Kelso, WA 98626-4195 Public (360) 577-3041 Fax (360) 425-7760 Steve Harvey, Director Rosemary Siipola, Transportation Planner Internet: rsiipola@cwco.org
Southwest Washington (SWW) RTPO	Wahkiakum	
Skagit/Island RTPO	Island Skagit	Northwest Region 15700 Dayton Avenue North P.O. Box 330310 Seattle, WA 98133-9710 <u>Lorena Eng</u> , Regional Administrator Bob Josephson, Planning Manager Public (206) 440-4711 NB-82 (123) Fax (206) 440-4801 or (206) 440-4802 Skagit County Conference of Governments 204 Montgomery Street Mount Vernon, WA 98273-3843 Eric Ireland, Transportation Planner Public (360) 416-7877 Fax (360) 336-6116 Internet: scog@sos.net Island County Public Works P.O. Box 5000 Coupeville, WA 98239 Mike Morton Public (360) 679-7331 Fax (360) 678-4550 Internet: mikem@co.island.wa.us

*Indicates also an MPO.

MPO/RTPO	Counties	Lead Agency
North Central (NCRTPO)	Chelan Douglas Okanogan	North Central Region 1551 North Wenatchee Avenue P.O. Box 98 Wenatchee, WA 98801-1156 Public (509) 667-3000 Fax (509) 667-2940 Don Senn, Regional Administrator Dave Honsinger (Acting), RTPO Coordinator Public (509) 667-2906 Internet: honsind@wsdot.wa.gov
Northeast Washington (T.E.D.D. RTPO)	Ferry Pend Oreille Stevens	Tri-County Economic Development Council 347 West Second, Suite A Colville, WA 99114-2300 Public (509) 684-4571 Fax (509) 684-4788 Martin Wold, Executive Director David Keeley, District Planner Internet: keeley.tedd@plix.com
Palouse RTPO	Asotin Columbia Garfield	Palouse Economic Development Council Northeast 1345 Terre View Drive Pullman, WA 99163-5101 Public (509) 334-3579 Fax (509) 332-6991 Jack Thompson, Executive Director Internet: jackt@palouse.org
Peninsula RTPO	Clallam Jefferson Kitsap Mason	Olympic Region 5720 Capitol Boulevard, MS 7440 P.O. Box 47440 Olympia, WA 98504-7440 Public (360) 357-2605 Fax (360) 357-2601 <u>Randy Hain</u> , Regional Administrator Bob Jones, Transportation Planning Manager Public (360) 357-2630 Nicole Ribreau, RTPO Coordinator Public (360) 357-2727 Internet: ribrean@wsdot.wa.gov

*Indicates also an MPO.

MPO/RTPO	Counties	Lead Agency
Puget Sound Regional Council (PSRC) RTPO	King Kitsap Pierce Snohomish	* PSRC 1011 Western Avenue, Suite 500 Seattle, WA 98104-1035 Public (206) 464-7515 Fax (206) 587-4825 Mary McCumber, Executive Director King Cushman, Director Transportation Public (206) 464-6174
QUADCO RTPO	Adams Lincoln Grant Kittitas	Grant County Department of Public Works 124 Enterprise Street SE Ephrata, WA 98823 Public (509) 754-6082 Fax (509) 754-6087 Michael Murphy
Southwest Washington Regional Transportation Council (RTC) RTPO	Clark Klickitat Skamania	* SWRTC 1351 Officers Row Vancouver, WA 98661-3856 Public (360) 397-6067 Fax (360) 696-1847 Dean Lookingbill, Transportation Director Internet: dean@rtc.wa.gov
Thurston Regional Planning Council (TRPC)	Thurston	* TRPC 2404 Heritage Court Southwest #B MS 0947 Olympia, WA 98502-6031 Public (360) 786-5480 Fax (360) 754-4413 Lon Wyrick, Director
Whatcom County Council of Governments (WCCOG)	Whatcom	* WCCOG 2011 Young Street Bellingham, WA 98225-4043 Public (360) 676-6974 Fax (360) 738-7302 Jim Miller, Director Gordon Rogers, Transportation Planning Manager

*Indicates also an MPO.

Certification Acceptance Interview Form

Agency: _____

Date: _____

Interview Conducted By:

Agency Representatives:

Table of Organization: (Get copy from agency and review duties, requirements, and personnel currently filling.)

Position Responsible for the Following Functions

Six-Year Transportation Improvement Program: _____

Selection of Annual Program: _____

Location/Design Approval: _____

Environmental Documents: _____

PS&E Approval: _____

Tied Bids: _____

Approval of Materials Sources: _____

Construction Administration: _____

Construction Inspection: _____

Acceptance Sampling/Test: _____

Independent Assurance Sampling/Test: _____

Change Orders: _____

Project Files: _____

OEO Interviews/Monitoring: _____

Training Goal Attainment: _____

DBE Compliance/Monitoring: _____

Consultants

For what areas does the agency expect to use consultants?

_____ Environmental

_____ Design

_____ PS&E Preparation

_____ Right-of-Way Appraisal

_____ Right-of-Way Negotiation

_____ Right-of-Way Relocation

_____ Construction Administration

_____ Construction Inspection

_____ Surveying

_____ Sampling and Testing

Does local agency have written procedures for the selection of consultants? Yes _____ No _____

Comments: _____

If consultants are used, how will agency monitor and control the consultant's work? _____

Remind agency that they will be in control of the consultant's work and that EEO, DBE, and training should be done by agency.

Right-of-Way

Does the agency have procedures approved by WSDOT for:

Right-of-Way Acquisitions	Yes _____	No _____
Relocation	Yes _____	No _____

Procedures for Ad, Award, and Execution of Contract

Position Responsible for:

Approval to Advertise	_____
Prequalification of Bidders	_____
Award of Contract	_____
Execution of Contract	_____
Name of Legal Publication	_____

General Questions About Administration

Who decides on and approves deviations from design prior to submittal to the state for formal approval?

Describe ledger system: _____

Who will check payrolls, etc.? _____

Describe change order approval process: _____

Describe materials testing and approval process: _____

Describe agency requirements for project diary and inspectors daily report keeping: _____

Describe agency process for approval of subcontractors: _____

Local Agency: _____ Project Identification: _____

Use this sheet as a cover sheet to the project prospectus package. Place an “X” in the right column to denote items included. If not applicable, state N/A. Include in the cover letter a comment explaining the action taken on each item as appropriate. Note later with an “L” if the information will be supplied at a future date.

Application:

- 1. Project Prospectus (Chapter 21.1) _____
- 2. Vicinity Map _____
- 3. Typical Roadway Section _____
- 4. Typical Bridge Section _____
- 5. Local Agency Agreement (Chapter 22) _____
- 6. TIP/STIP Inclusion (MPO/County/Agency, selected/limited to \$) _____

Supporting Data:

- 7. Safety Checklist — A Supplement to the Project Prospectus for 2-R and 3-R Projects (Appendix 41.71) _____
- 8. Photos: (Railroad Crossing, ER event sites, as required) _____
- 9. Deviation Request and Deviation Analysis Form to Justify Request (reference Appendix 41.72) _____
- 10. Environmental Considerations (Chapter 24) _____
 - a. Class II Categorically Excluded (CE) — Environmental Classification Summary (ECS) _____
 - b. Class III Environmental Assessment (EA) _____
 - c. Class I Environmental Impact Statement (EIS) _____
 - d. SEPA Checklist _____
 - e. NEPA/SEPA/Section 404 Interagency Working Agreement _____
 - f. Evolutionarily Significant Unit (ESU) Determination of Effect Concurrence _____
- 11. Hearing Notices (Chapter 43) _____
 - a. Transcript of Hearing _____
- 12. Location and Design Approval (Chapter 43) _____
- 13. Right-of-Way Requirements (Chapter 25) _____
 - a. Relocation Plan _____
 - b. Right-of-Way Plans _____
 - c. Right-of-Way Project Funding Estimate or True Cost Estimate _____
 - d. Request Right-of-Way Fund Authorization _____
- 14. Right-of-Way Certification (Chapter 25) _____
- 15. Agreements/Easements with Railroads, Utilities, and Other Agencies (Chapter 32) _____
- 16. FAA Notification (FAA Form 7460-1) (Chapter 24) _____
- 17. Tied Bids (Chapter 44) _____

Remarks:

Instructions for Project Application Transmittal Items

Appendix 21.42

The application package shall include:

1. **Project Prospectus** (Attach completed prospectus submittal checklist)
To be included with original submittal and whenever there is a change in the scope of work or termini. For planning and TDM projects, use the Planning/TDM Prospectus.
2. **Vicinity Map**
A vicinity map of the project with the termini clearly marked must be submitted with the Project Prospectus. The map should be 8.5 inches (212.5 mm) by 11 inches (275 mm), and of a scale such that a reviewer can identify the project area in the field. Show the agency name, project title, project termini, north arrow, map scale, and nearest city or distance to the nearest city/town, or major road intersection.
3. **Typical Roadway Section**
Attach a sketch of the proposed roadway section showing all data pertaining to the section, including side slopes and limits of right-of-way. Also indicate stationing and note any variations of the section throughout the stationing. If the design does not conform to the design standards (see Section 41.6), a request for deviation from these standards with complete justification is required.
4. **Typical Bridge Section (If Necessary)**
Attach a sketch of the proposed bridge section showing all dimensions and type of construction and SWIBS #.

On bridge projects where approaches are to be included in the contract, include roadway section and length of the approaches. In cases where the structure consists of a main span and approach spans, the length of the approach spans should be indicated, if known.
5. **Local Agency Agreement**
This agreement is necessary on all projects involving federal funds and/or when state forces will be involved in the processing of projects. It must be submitted with the Project Prospectus. See Chapter 22 for instructions on completing the agreement.
6. **Deviation Request**
See [Appendix 41.72](#).
7. **Hearing Notices**
Chapters 24 and 43 outlines procedures for public hearings.
8. **Location and Design Approval**
For most projects, the Project Prospectus along with the data satisfying items 1 to 14 of this transmittal pavement design criteria and geometric design will be considered sufficient for the location and design report. For complicated projects requiring a more detailed location and design report, refer to Chapter 43.
9. **Right-of-Way Requirements**
 - a. No right-of-way required. Mark appropriate box on prospectus. This serves as the agency's right-of-way certification. (This replaces the no right-of-way certification.)
 - b. Right-of-way required. Mark appropriate box on prospectus and refer to Chapter 25 for further instructions.
10. **Right-of-Way Certification**
Required on all projects where right-of-way was acquired. Refer to Chapter 25 for further explanation.
11. **Agreements/Easements With Railroads**
Refer to Chapter 32 for instructions.
12. **FAA Notification**
Check with the nearest FAA office if the project is within 2 miles (3.2 km) of an airport, if significant.

.01 Agency Name and Billing Address. Enter the Agency of primary interest which will become a party to the agreement.

.02 Project Number. Leave blank. This number will be assigned by WSDOT.

.03 Agreement Number. Leave blank. This number will be assigned by WSDOT.

.04 Project Description. Enter the project name, total length of the project, and a brief description of the termini.

Example: (Name) Regal Road; (Length) 0.52 miles (0.84 km); (Termini) Tuscan Road to approx. 250 feet (76.2 m) south of Michan Road.

Below "Description of Work," enter a brief outline of the major items of work to be performed. Examples: (a) "Widening, channelization, curbs, gutters, illumination, and traffic signals." (b) "Right-of-way will be acquired by Agency forces."

.05 Type of Work and Funding.

a. PE. Lines a through d show Preliminary Engineering costs for the project by type of work.

*Federal aid participation ratio for PE — enter ratio for PE lines with amounts in column 3.

Line a — Enter the estimated amount of agency PE in columns 1 through 3.

Line b & c — Identify user, consultant, etc., and enter the estimated amounts in columns 1 through 3.

Line d — State Services. Every project must have funding for state services. Secure an estimate from the Region Local Programs Engineer and enter in columns 1 through 3.

Line e — Total of lines a + b + c + d.

b. Right-of-Way. If Right-of-Way is acquired on the project, the appropriate costs are shown in lines f through h.

*Federal aid participation ratio for R/W — enter ratio for R/W lines with amounts in column 3.

Line f — Enter the estimated amount of agency work in columns 1 through 3.

Line g & h — Identify user, consultant, etc., and enter the estimated amounts in columns 1 through 3.

Line i — State Services. If state services are required in the acquisition, enter the estimated amounts in columns 1 through 3.

Line j — Total of lines f + g + h + i.

c. Construction.

*Federal aid participation ratio for CN — enter ratio for CN lines with amounts in column 3.

Line k — Enter the estimated cost of the contract.

Lines l & m & n — Enter other estimated costs such as utility and construction contracts or non-federally matched contract costs.

Line o — Enter estimated costs of all construction related agency work.

Line p — State force. Every project must have funds set up for state force work. Contact the Region Local Programs Engineer for an estimate and record in columns 1 through 3.

Line q — Total Construction Cost Estimate. Total of lines k + l + m + n + o + p.

Line r — Total Cost Estimate of the Project. Total of lines e + j + q.

*Please remember, if the federal aid participation rate entered is not the full amount allowed by FHWA, then the participation rate entered becomes the maximum amount allowed.

.06 Signatures. An authorized official of the local agency signs the agreement, and writes in their title.

.07 Method of Construction Financing. Choose the method of financing the construction portion of the project.

- a. Method “A” is used when the state administers the contract for the agency. At the time of contract award, the state will direct the agency to deposit with the state an advance in the amount of the agency’s share of the total construction costs (based on the actual contract award rather than the amount listed in the agreement). If this works a hardship on the agency, a smaller sum may be negotiated through the Region Local Programs Engineer.
- b. Method “B” is also used when the state administers the contract for the agency. At the time of award, the state will notify the agency that withholding of its monthly fuel-tax allotments is to commence in accordance with the terms specified on the face of the agreement. The agency will specify the number of months over which allotments will be withheld. This period is not to exceed the length of the construction phase of the project. The monthly withholding amount is calculated by dividing the number of months into the total construction cost of the project entered in Column 2, line q of the ESTIMATE OF FUNDING box.
- c. Method “C” is used with projects administered by the local agency. The agency may pay all costs on the project pending federal reimbursement, or submit billings through the state to FHWA for all eligible costs. The billings must document the payment requests from the contractor. If state-force work, such as audit and construction engineering, is to receive federal participation, it will be billed to the agency and FHWA simultaneously at the indicated ratio.

.08 Resolutions/Ordinances. When someone other than the County Executive/Chairman, County Commissioners/Mayor is authorized to sign the agreement, the agency must submit to WSDOT with the agreement a copy of the Resolution/Ordinance designating that individual.

When using Method “B” for construction financing, the local agency officials must execute a Resolution/Ordinance in the form of Appendix 22.45 authorizing the withholding of funds from the monthly fuel-tax distribution. The Local Agency Agreement becomes the Resolution/Ordinance which specifies the amount and the months of withholding. Submit a copy of this Resolution/Ordinance with the agreement.

.09 Parties to the Agreement. Submit one originally signed agreement form to the Region Local Programs Engineer. It is the responsibility of the local agency to submit an additional, originally signed agreement form if they need an executed agreement for their files. The agreement is first executed by the agency official(s) authorized to enter into the agreement. It is then transmitted to the state for execution by the Assistant Secretary for Highways and Local Programs. The agreement is dated at the time of final execution by the Department.

23.1 General Discussion

All progress billings shall be submitted to the Regional Highways and Local Programs Engineer by the local agency in accordance with the terms of the Local Agency Agreement (Chapter 22). Billings will not be accepted before the Local Agency Agreement is executed and authorization in writing has been received from the Washington State Department of Transportation (WSDOT).

The execution of the Local Agency Agreement does not constitute approval of federal funds. This authorization from WSDOT is separate from the Local Agency Agreement.

The Local Agency Agreement, when completed, establishes a work order account which permits billing to the project. The Work Order Accounting Plan (WOAP) and the work order ledger may be seen at the region office where the Regional Highways and Local Programs Engineer can answer questions pertaining to these items.

WSDOT assigns a contract number on all federal aid construction projects. This number identifies the project. It should be used in addition to the federal aid project number when corresponding with WSDOT.

23.2 Billing Procedures for Local Agency Ad and Award and Agency Force Work

Once the Assistant Secretary for Highways and Local Programs has executed the Local Agency Agreement and WSDOT has given the local agency written authority to proceed, the agency submits progress billings for each phase of work. Any work that is performed before the official authorization date does not qualify for federal participation. Progress billings are submitted as follows:

1. Olympia Service Center Highways and Local Programs sends the local agency the original fund authorization letter.
2. The agency submits a request for payment to the Regional Highways and Local Programs Engineer in accordance with the Local Agency Agreement. The PPC2 (Appendix 23.61) may be submitted by hard copy or electronically via e-mail. (Contact the Regional Highways and Local Programs Engineer)

Final bills must be submitted by hard copy.

The form must be completed in accordance with the instruction outlined in Appendix 23.62.

23.3 Billing Procedures for State Ad and Award

Progress billings are submitted as follows:

- Requests for payment from contractors are submitted to the Regional Administrator in accordance with the Local Agency Agreement.
- The requests will be processed in the region using standard WSDOT procedures.

23.4 Number and Timing of Submittals

Progress billings will be numbered sequentially and submitted not more than once per month.

If the billing is prepared properly, payment should normally be received within three weeks of submittal. If payment is not received within one month, the agency should contact the Regional Highways and Local Programs Engineer.

23.5 Identification of Federal Aid Participating and Nonparticipating Charges

Costs are eligible for Federal Highway Administration (FHWA) federal participation if claimed in accordance and in compliance with 23CFR and OMB Circular A-87.

No costs may be claimed for reimbursement if incurred prior to FHWA authorization to proceed with the work. All work must be programmed with FHWA.

An Indirect Cost Plan must be submitted to H&LP for review and acceptance prior to charging any indirect costs to a FHWA project. The indirect cost plan is subject to audit during the local agency's regular audit. It is recommended that all supporting documentation be retained at the local agency to ensure compliance with federal regulations.

Some costs have been deemed ineligible for federal participation. Ineligible costs include equipment purchase and repair (unless specifically approved by FHWA) and those costs unallowable under OMB Circular A-87.

.51 Participating Functions. Classifications of work programmed with FHWA and eligible for federal aid:

- a. Preliminary Engineering. The work of locating and designing, making surveys and maps, sinking test holes, making foundation investigations, preparing plans, specifications and estimates, centerline, right-of-way plan preparation and other related preliminary work and incidental construction staking, to the extent such staking is necessary to review construction plans, and related general engineering preparatory to the

letting of a contract for construction. The work may also include traffic counts, studies undertaken to determine traffic demands, holding of public hearings, preparation of right-of-way cost estimates, legal, and other costs incidental to the location and design of a highway project necessitating the acquisition of right-of-way thereon up to but not including the appraisal of individual parcels for acquisition purposes.

These engineering costs are generally incurred prior to the date of construction PS&E approval or the date construction plan changes are completed prior to the beginning of construction. The date of contract award is the cutoff for charging to preliminary engineering.

During the construction phase of a project when a major change takes place that requires additional design or PE effort, the appropriate job can be reopened on a case-by-case basis after approval from FHWA.

Also, any construction staking done in advance of the award should be charged to construction engineering, not PE.

- b. Acquisition of Rights-of-Way. The continuation of preparation of right-of-way plans; appraisal for parcel acquisition; review of appraisals; preparation for and trial of condemnation cases; management of properties acquired; furnishing of relocation advisory assistance; and other related labor expenses.
- Excess land (appraised value) including uneconomic remnants.
 - Improvements (appraised salvage value).
 - Right-of-way acquired after certification by the local agency that right-of-way necessary for a designated federal aid highway project has been acquired.
 - Judgments in condemnation cases not appealed when the attorney's closing report indicates a basis for appeal. The amount in excess of the review appraiser's determination of value is nonparticipating.
 - Landowners:
 - Attorneys' fees;
 - Witness fees;
 - Expert witness fees; or
 - Similar costs to a landowner based on value of the services rendered to him which are paid by the local agency in connection with acquisition of rights-of-way, regardless of whether such costs are included in court judgments or court costs in litigated condemnation cases, e.g., statutory evaluation allowance.
- c. Construction Engineering. The work of supervising construction activities; the inspection of construction and related mechanical aspects (e.g., staking necessary to review construction plans together with those staking activities necessary for the local agency to control construction operations); testing of materials incorporated into construction, checking shop drawings and measurements for and preparations of progress and final estimates, and as-built drawings. Construction engineering costs are generally incurred only after approval of the PS&E, a contract number is issued, and also incurred prior to:
- Completion date of the final contract pay estimate and its submission to the contractor;
 - The final date of charges for required material testing; or
 - Completion date of the separation of contract cost by code type, location, etc., whichever is applicable to that portion of the construction engineering phase involved.
- d. Highway Planning. The orderly and continuing assembly and analysis of information about highways, such as the history of highway development and their extent, dimensions and conditions, use, economic and social effects, costs, and future needs.
- e. Research and Development. The search for more complete knowledge of the characteristics of the highway system and the translation of the results of research into practice.
- f. Administrative Settlement Costs-Contract Claims. Services related to the review and defense of claims against federal aid projects.
- g. Miscellaneous Functions. Costs incurred for other activities which are properly attributable to, and for the benefit of, federal aid projects but are not assignable to any of the previously defined functions.
- h. Construction Costs for Other Than Contractor Payments.
- Royalty expenses for material furnished by the local agency that are used by the contractor.
 - Temporary signs, traffic control labor, traffic control devices, and temporary illumination furnished by the local agency. The initial basic cost of traffic control devices purchased for use on the project is an authorized participating cost. When used items are furnished by the local agency, federal participation will not be requested.
 - Striping and pavement marking work performed by local forces.
 - Second stage fertilizing by local forces. Application of second-stage seeding and fertilizer, after

other work on the project has been completed and the contractor has been released from the contract, is eligible for federal participation.

All costs for the fertilizer and the application by local forces are carried as below the line expense on the preliminary estimate and will be fully eligible for the appropriate matching federal funds.

- Other Items. Items not identified herein as eligible for federal aid participation, such as construction engineering costs, material furnished by the local agency, work performed by local forces, are eligible for participation in accordance with Sections 23.52 and 23.53 below.

.52 Standards for Selected Items of Costs. The following are standards for determining the allowability of selected items of cost. In general, costs must be reasonable, necessary, and allocable to the specific project. The allowability of the selected items of cost is subject to the general policies and principles stated above.

a. Salaries and Wages.

1. Subject to appropriate authorization requirements, federal funds may participate in the cost of salaries, wages, and related payroll expenses incurred for periods of time public employees are actively engaged, either directly or indirectly, in project-related activities.
2. Salaries, wages, and related payroll expenses of a local agency for maintenance, general administration, supervision and other overhead are not eligible for reimbursement except as provided for in Section 23.52 e 2.

b. Travel and Transportation.

1. Federal funds may participate in the cost of commercial transportation, privately owned automobiles, and per diem or subsistence essential to the completion of the project and is performed in accordance with prescribed procedures.
2. Reimbursement may be made for use of privately owned automobiles and per diem or subsistence incurred in conformance with the established reimbursement policy of the local agency.

c. Employee Leave and Holidays.

1. A local agency may claim reimbursement for the costs of leave, e.g., annual, sick, military, jury, etc., that is earned, accounted for, and used in accordance with established procedures. The cost of such leave must be a liability of the local agency, must be equitably distributed to all activities, and the pro rata costs distributed to a federal aid project must be representative of the

amount that is earned and accrued while working on the project.

2. Compensatory leave granted by a local agency in lieu of payment of overtime to eligible employees may be claimed for reimbursement if accrued and granted under established policies on a uniform basis. Such leave costs must meet the criteria discussed in paragraph (a) of this section.
 3. Costs for other leave of a similar nature which may be peculiar to a specific local agency may also be reimbursed provided it meets the criteria set forth in paragraph (a) of this section.
- d. Social Security, Retirement, and Other Payroll Benefits.
1. Federal funds may participate in allocable costs incurred for social security, retirement, group insurance premiums, and similar items applicable to salaries and wages of public employees engaged in work in federal aid projects.
 2. The costs for such benefits must be a liability of the local agency and must meet the criteria set forth in paragraph 1 of c above.

.53 Utility Relocations, Adjustments, and Reimbursement.

Federal participation is subject to the provisions of 23 CFR part 645, subpart A.

.54 Reimbursement for Railroad Work.

Costs must be incurred per 23 CFR part 646, subpart B and will be reimbursed in accordance with 23 CFR part 140, subpart I.

.55 Other Costs Allowable Subject to FHWA's Approval.

Although some category of expenditures are not mentioned specifically in Part 140, "Reimbursement," of 23 CFR as eligible for federal participation, should the local agency wish to seek federal participation it is allowed to request approval from the FHWA prior to billing. The expenditures that relate to the federal aid project should be well identified through proper documentation.

.56 Other Unallowable Costs.

Other unallowable costs include those costs identified in OMB circular A-87.

23.6 Appendixes

- 23.61 Sample Form PPC2, "Federal Aid Request for Payment"
- 23.62 Instructions for Completing Form PPC2

Federal Aid Progress Billing

Address _____
 Fed Tax ID No. _____
 Agency Use: _____

Federal Aid Project:
 Agreement Number: _____
 Last Supplement: _____
 Project Title: _____

Progress Bill No: _____
 Final Progress Bill? _____
 Billing Period from: _____
 through: _____

LA-

	1	2	3	4	5	6	7	8
	Total Eligible This Period	Total Eligible To Date	Participation Rate	Amount Claimed This Period <i>Col 1 x Col 3</i>	Amount Claimed Prior Periods	Total Claimed To Date <i>Col 4 + Col 5</i>	Amount Authorized Per Agreement	Remaining Federal Funds <i>Col 7 - Col 6</i>
PE								
<i>Total Preliminary Engineering</i>								
RW								
<i>Total Right of Way</i>								
CN								
<i>Total Construction</i>								
CE								
<i>Total Construction</i>								
TOTAL PROJECT								

Submission of this request for payment certifies that in accordance with the laws of the State of Washington and under the conditions of approval for the project identified above, actual costs claimed have been incurred and are eligible for the purposes specified; also, that no other claims have been presented to, or payment made by, the State of Washington for those costs claimed for reimbursement.

Signee _____ Title _____ Date _____
 Return to Regional Local Programs Office
 Approved by Regional Local Programs Office _____ Date _____
 Revised 04/04/00

This form only reflects the amounts claimed and authorized for payment to the local agency. It does not include costs for state services.

Distribution of Form

After the Fund Authorization letter is received by the agency, a blank PPC2 form should be filled out for the first progress billing. Highways and Local Programs will include subsequent progress billing forms for the agency as an attachment to the payment voucher from WSDOT when payment for the previous billing is made.

Funding Set Up

The amount of federal funding set up for a project is based on the local agency agreement. The funding set up for each line item is shown in column (7). Column (7) should be compared with column (6) to ensure that the amounts requested are within the funding amount set up by the local agency agreement.

Payments will not be made in excess at the amount in column (7). If the amount in column (6) exceeds the amount shown in column (7), a supplement to the local agency agreement must be submitted to reflect the revised cost before payment can be made.

Exception: On a progress bill marked as Final, the amounts in column (6) may exceed the amounts in column (7), provided the total of column (6) does not exceed the total of column (7). Only one billing will be accepted as final.

Data Required to Request Payment

As a minimum, only those line items for which payment is being requested need to be coded. The other lines can be left blank. The agency's Federal Tax ID is always required.

Coding Instructions

The PPC2 is arranged in the same manner as the local agency agreement though not all lines from the local agency agreement are shown on the PPC2. The lines for state services are not included because state costs are billed separately. Since the state services are not shown, the totals for PE, R/W, and Construction shown on the PPC2 will not agree with those shown on the local agency agreement. The PPC2 totals will reflect the total amount available to the local agency based on the local agency agreement.

The top portion of the form includes project identification information that will automatically appear on each progress billing. This information includes: Agency, Agreement No., Federal Aid No., Title, Progress Bill No., and Billing Period. Please provide dates for the current billing period and indicate whether the billing represents a final voucher for PE, R/W, or Construction in the spaces provided. Enter the estimated amount of project completion in percent for the applicable phase.

A space has been provided for an "Agency Billing Identification" number. This **eight character** item is for the agency's use and is not required to receive payment. You may enter any combination of alphabetic and numeric symbols. This number will be used to identify each billing on the Vendor's Remittance Advice which is transmitted to agencies receiving Electronic Fund Transfers (EFT). The number will appear in the "Invoice Number" block on the Vendor's Remittance Advice.

- Line a — Agency work for PE.
Eligible PE cost incurred by the local agency.
- Line b — Other — For PE
Same as shown on agreement, usually consultant cost paid by local agency.
- Total PE — The sum of lines a and b equals the total amount claimed and authorized for payment to the local agency.

Column (7) on this line shows the total amount of funds set up for the local agency based on the latest version of the Local Agency Agreement. It does not include state services.
- Line e — Agency Work for R/W
Eligible R/W cost incurred by local agency.
- Line f — Other — R/W
Same as shown on Local Agency Agreement, usually consultant (etc.) cost paid by the local agency.
- Total R/W — The sum of lines e and f equals the total amount claimed and authorized for payment to the local agency.

Column (7) on this line shows the total amount of federal funds set up for the local agency based on the latest version of the Local Agency Agreement.
- Line i — Contract
Eligible payments made to contractor.
- Lines j and k — Other

Other costs incurred by the local agency as indicated on the Local Agency Agreement, such as Day Labor, Agency Supplied Materials, etc.

Line 1 — Agency Work
 Eligible cost incurred by the local agency.

Total Construction — Add the Total Contract Work . This is the total amount claimed and authorized for payment to the local agency.
 Column (7) on this line shows the total amount of funds set up for the local agency based on the latest version of the Local Agency Agreement.

Total Project Cost — Add the Total PE, Total R/W, and Total Construction. This is the total amount claimed and authorized for payment to the local agency.
 Column (8) on this line shows the total amount of federal funds for all phases of work for the local agency based on the latest version of the Local Agency Agreement.

Column (1) — Total Expenditures Eligible for Federal Participation This Period
 Record the total eligible expenditures this period for each item of work.

Column (2) — Total Eligible to Date

Column (3) — Percent of Participation
 The current participation ratio will be provided.

Column (4) — Amount Claimed This Period
 Column (4) can never exceed column (1) times column (3), but may be less than. Multiply column (1) by column (3) and enter in column (4). This represents the amount of funds claimed on this progress bill.

Column (5) — Funds Paid Prior Period
 This represents the total amount of funds previously claimed (column (6) on the previous billing). This amount will be provided on the form.

Column (6) — Total Claimed to Date
 Add column (4) and column (5) and enter the total in this column. The total claimed to date for PE, R/W, and Construction **cannot** exceed the amount authorized shown in column (7). Refer to funding setup section.

Column (7) — Amount Authorized Per Agreement
 This is the total amount of funds authorized for each line item per the latest version of the Local Agency Agreement. This amount will be provided on the form.

Column (8) — Remaining Funds
 Subtract column (6) from column (7) and enter the difference in this column. The difference represents the remaining funds available. This column cannot be a negative value. If negative, a supplement to the Local Agency Agreement must be prepared to receive full payment.

Sign and date the progress billing and distribute according to the instructions located at the bottom of the form. **All hard copy and final bill requests for payment must have an original signature in order to be processed.** If you have any questions, please contact your Regional Highways and Local Programs Engineer.

24.1 General Discussion

Since this manual outlines the federal procedures that a local agency must follow for a Federal Highway Administration (FHWA) funded project, only compliance with the National Environmental Policy Act (NEPA) will be described in detail. If a local agency needs assistance in determining the environmental classification of a project, they are encouraged to contact the Region Local Programs Engineer to arrange for a field review of the proposed project. Also, a local agency should be aware of the following State Environmental Policy Act (SEPA) requirements:

- All projects, regardless of the funding source, must comply with: SEPA of 1971 as supplemented in 1983, RCW 43.21C; “SEPA Rules,” WAC 197-11, and local ordinances; Section 9 of the Endangered Species Act of 1973 (ESA) and Section 4, Part (d) of the ESA; Section 106 of the National Historic Preservation Act of 1966 (NHPA).
- While Environmental Impact Statement (EIS) documentation that meets NEPA requirements usually satisfies SEPA requirements, SEPA documents do not necessarily satisfy NEPA requirements.
- A SEPA checklist may be required if right-of-way or state permits are required for a Class II, NEPA — Categorical Exclusion (CE) project.
- Since not all NEPA CEs are SEPA Categorical Exemptions, these projects may need environmental approval both as a NEPA CE and as a SEPA Determination of Non-Significance (DNS).
- No EIS is required when a NEPA Environmental Assessment (EA) supports a NEPA Finding of No Significant Impact (FONSI) or when a SEPA checklist supports a SEPA DNS.
- When the NEPA EA or EIS is developed in coordination with state and local agency requirements, the document and its appropriate review and processing may be adopted to satisfy SEPA requirements in accordance with WAC 197-11-610.
- The Adoption Notice, WAC 197-11-965, is filled out by the local agency and circulated to the Department of Ecology (DOE), to agencies with jurisdiction, and to persons or organizations who have responded to the proposal in writing.

When the project involves federal funds or federal permits, its environmental requirements are governed by:

- NEPA of 1969, 42-USC-4321 et seq.
- Council on Environmental Quality Regulations for Implementing NEPA, 40 CFR, Parts 1500, et seq.

- Federal Highway Administration — Federal Transit Administration, 23 CFR, Part 771.
- Environmental Impact and Related Procedures, 49 CFR, Part 622.
- Section 7 of the ESA, 50 CFR, Part 402 and Section 4, Part (d) of the ESA.
- Section 106 of the NHPA, 36 CFR, Part 800.

This manual and the Washington State Department of Transportation’s (WSDOT) *Environmental Procedures Manual* (M 31-11) should be used to conduct the environmental evaluation.

Environmental evaluation starts with project classification which is normally the initial step in project development. A project will fall into one of three defined classes, depending on the extent of its impacts. The three classes are defined in Section 24.2.

Federal regulations require the use of an interdisciplinary approach to assess a project’s social, economic, and environmental impacts. “Interdisciplinary” means integrated consideration of the project’s aspects through such disciplines as biology, economics, geology, sociology, urban planning, archeology, communications, and acoustics in addition to traditional civil engineering expertise. Interdisciplinary requirements for each class of project are discussed in Sections 24.3, .4, and .5. The Region Local Programs Engineer can advise local agencies on how to set up an interdisciplinary approach.

For projects that may involve historic and/or archaeological lands, the local agency should contact the State Historic Preservation Office at (360) [586-3066](tel:586-3066)

It is permissible to complete activities, such as budgeting, prospectus development, legislative or feasibility studies, and value engineering studies prior to the environmental evaluation. At the discretion of the local agency, other activities, such as preliminary engineering for soil surveys and location studies, may be done in conjunction with or prior to the environmental evaluation.

Flow charts depicting the NEPA environmental processes for each class of project are included in Section 24.2. Definitions of terms used in these processes are given in the Glossary.

All EISs will be written in a format described in WSDOT’s *EIS Format Standards* (M 31-14). If these documents are presented to the public, the documents must have English units. Therefore, if a project is designed in metric, the environmental documents must show dual English/metric units.

24.2 Project Classification

All projects will be classified by the local agency as either Class I, II, or III as defined below. The classification should take place as early as possible in the project's development since the scope of the subsequent environmental evaluation and documentation processes depends on the project's class. Upon this determination, the local agency completes the environmental classification section of the project prospectus.

The following paragraphs define the three classes of projects and list types of work typically found in each class.

.21 Class I, NEPA — Environmental Impact Statement (EIS). Actions likely to have significant impact on the environment by virtue of their effects upon land use, planned growth, development patterns, traffic volumes, travel patterns, transportation services, natural resources, or by virtue of the fact that they are apt to create public controversy are Class I projects. An EIS can be prepared without developing an Environmental Assessment (EA). Refer to Sections 24.3 and 24.7.

Projects which usually require an EIS are:

- a. A new controlled-access freeway.
- b. A highway project of four or more lanes on a new location.
- c. New construction or extension of fixed rail transit facilities (e.g., rapid rail, light rail, commuter rail, automated-guideway transit).
- d. New construction or extension of a separate roadway for buses or high-occupancy vehicles not located within an existing highway facility.

The local agency checks the "preliminary" box and completes the Local Agency "Environmental Classification Summary" (ECS) form utilizing known project information, as developed in the planning stage and/or the Growth Management Act requirements on all Class I projects. The ECS is submitted by the local agency with the Project Prospectus and the Local Agency Agreement to the Region Local Programs Engineer for submittal to FHWA for preliminary concurrence. The local agency distributes copies to resource agencies for information and coordination purposes.

Class I projects under the NEPA/SEPA/Section 404 Interagency Working Agreement (for a copy, see the Environmental Affairs Office home page at <http://www.wsdot.wa.gov>) involve projects that impact Waters of the United States or Waters of the State require an individual permit from the U.S. Army Corps of Engineers (COE). Local agencies will perform the required environmental scoping as a priority after project funding is obligated. After scoping is completed, the local agency checks the "final" box and completes the ECS for submittal to the Region Local Programs Engineer for FHWA's final concurrence. The local agency distributes copies to

resource agencies for information and coordination purposes. See Appendix 24.101 for other environmental requirements pertaining to the Project Definition and Budget stage of project development.

After scoping is completed for Class I projects that are not included in the NEPA/SEPA/Section 404 Interagency Working Agreement, the local agency checks the "final" box and completes the ECS for submittal to the Region Local Programs Engineer for FHWA's final concurrence. The ECS should be submitted as early as possible and/or practical in the project development stage. The local agency distributes copies to resource agencies for information and coordination purposes.

.22 Class II, NEPA — Categorical Exclusion (CE). Unless specifically requested by other agencies or the public, these actions do not require an EIS or an EA.

CEs are actions which meet the definition contained in 40 CFR 1508.4 and, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which: do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic, or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts.

Any action which normally would be classified as a CE but could involve unusual circumstances will require the FHWA and the Federal Transit Administration (FTA), in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:

- Significant environmental impacts;
- Substantial controversy on environmental grounds;
- Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act; or
- Inconsistencies with any federal, state, or local law, requirement, or administrative determination relating to the environmental aspects of the action.

Class II projects requiring documentation (Documented CE).

Projects in this category require the local agency to complete the ECS and conduct a biological assessment evaluation (Section 24.7) for submittal to the Region Local Programs Engineer for FHWA's concurrence prior to beginning the PS&E.

Projects may require detailed environmental studies for CE documentation to determine the environmental, economic, and social impacts. After obligation of PE funds, the detailed analyses can take place and the local agency finalizes the ECS for final approval.

Examples of these situations are as follows:

1. The acquisition of more than minor amounts of temporary or permanent strips of right-of-way for construction of such items as clear vision corners and grading. Such acquisitions will not require any commercial or residential displacements.
2. The use of properties protected by Section 4(f) of the Department of Transportation Act (49 USC 303).
3. A determination of adverse effects by the State Historic Preservation Office.
4. Any U.S. Coast Guard construction permits or any U.S. Army Corps of Engineers Section 404 permits.
5. Any work in wetlands.
6. Any work encroaching on a regulatory flood-way or any work affecting the flood-plain (100-year flood) elevations of a water course or lake.
7. Construction in, across, or adjacent to a river designated as a component or proposed for inclusion in the National System of Wild and Scenic Rivers published by the U.S. Department of the Interior/ U.S. Department of Agricultural.
8. Any changes in access control.
9. The use of a temporary road, detour, or ramp closure unless the use of such facilities satisfy the following conditions:
 - Provisions are made for access by local traffic and so posted.
 - Through-traffic dependent business will not be adversely affected.
 - The detour or ramp closure, to the extent possible, will not interfere with any local special event or festival.
 - The temporary road, detour, or ramp closure does not substantially change the environmental consequences of the action.
 - There is no substantial controversy associated with the use of temporary road, detour, or ramp closure.
10. Any known hazardous materials sites or previous land uses with potential for hazardous materials sites or previous lands uses with potential for hazardous materials remains within the right-of-way.

11. Any projects that involve unusual circumstances not listed or public opposition.
12. Any project in a designated evolutionarily significant unit (ESU).

.23 Class III, NEPA — Environmental Assessment (EA).

For actions in which the significance of the impact on the environment is not clearly established, an EA is prepared to determine the extent of environmental impact and to determine whether an EIS is needed. No EIS is required when the EA supports a NEPA Finding of No Significant Impact (FONSI). Refer to Sections 24.5 and 24.7.

The local agency checks the “preliminary” box and completes the Local Agency “Environmental Classification Summary” (ECS) form utilizing known project information, as developed in the planning stage and/or the Growth Management Act requirements on all Class III projects. The ECS is submitted by the local agency with the Project Prospectus and the Local Agency Agreement to the Region Local Programs Engineer for submittal to FHWA for preliminary concurrence. The local agency distributes copies to resource agencies for information and coordination purposes.

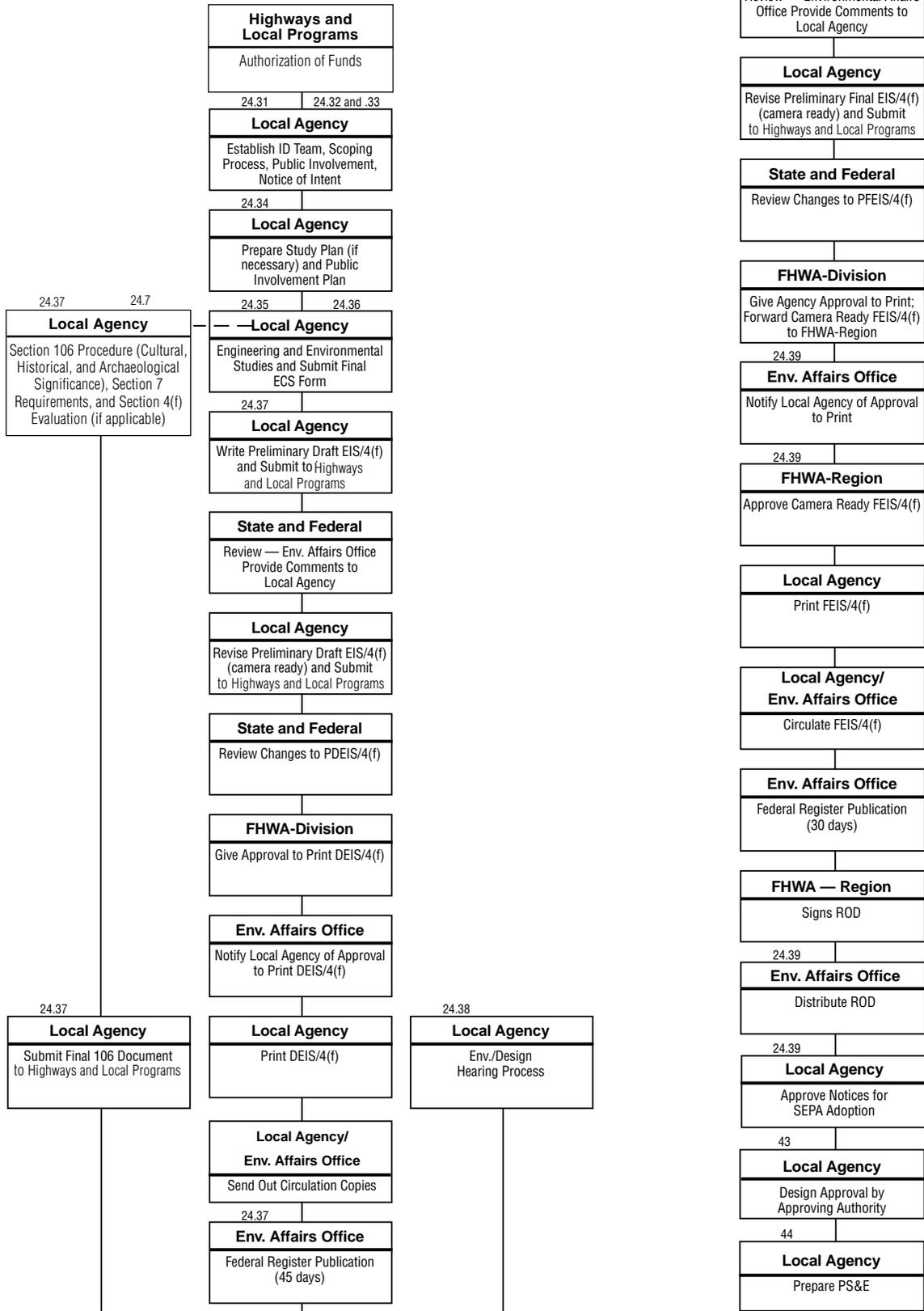
Class III projects under the NEPA/SEPA/Section 404 Interagency Working Agreement (for a copy, see the Environmental Affairs Office home page at <http://www.wsdot.wa.gov>) involve projects that impact Waters of the United States or Waters of the State require an individual permit from the U.S. Army Corps of Engineers (COE). Local agencies will perform the required environmental scoping as a priority after project funding is obligated. After scoping is completed, the local agency checks the “final” box and completes the ECS for submittal to the Region Local Programs Engineer for FHWA’s final concurrence. The local agency distributes copies to resource agencies for information and coordination purposes.

Class III projects not included in the NEPA/SEPA/ Section 404 Interagency Working Agreement. After scoping is completed, the local agency checks the “final” box and completes the ECS for submittal to the Region Local Programs Engineer for FHWA’s final concurrence. The final ECS should be submitted as early as possible and/or practical in the project development stage. The local agency distributes copies to resource agencies for information and coordination purposes.

.24 Progress Flow Charts for Class I, II, and III Projects.

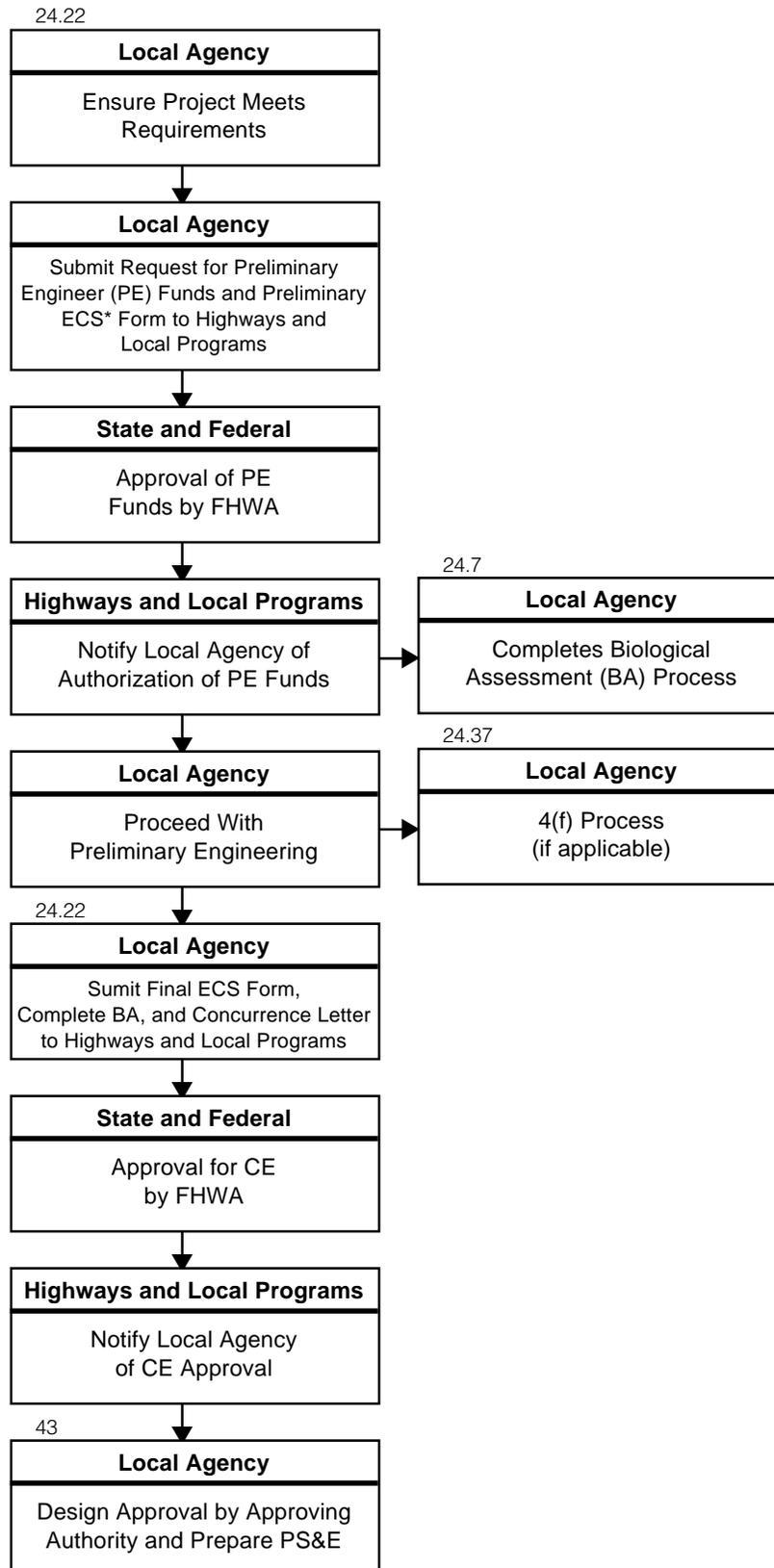
The following flow charts illustrate the progress through which Class I, Class II, and Class III projects should follow.

Class I Projects



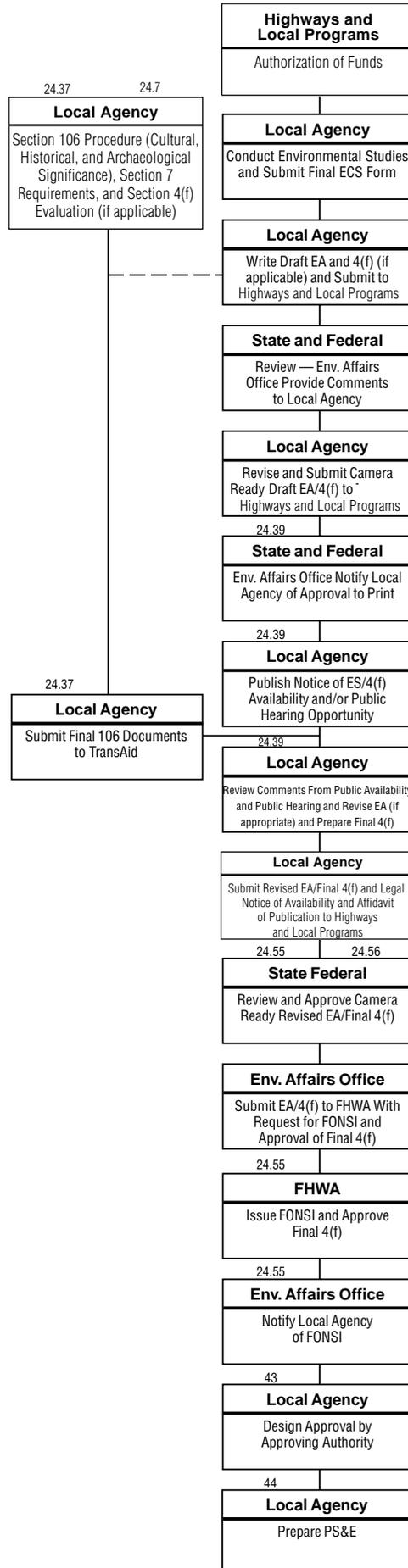
Class II Projects

Projects Requiring Documentation



*If project requires detailed environmental studies for CE documentation or preparation of an EA.

Class III Projects



If the reevaluation identifies changes in the proposed project, the affected environment, the anticipated impacts, or the proposed mitigation measures, which result in significant impact that were not evaluated in the original EIS, a new or supplemental document is prepared and circulated. Other types of changes including those which substantially reduce the project's impacts, do not require the preparation of a supplement. For additional guidance on project reevaluations, refer to 23 CFR 771 and WSDOT's *Environmental Procedures Manual*.

24.7 Biological Assessments

The Endangered Species Act (ESA) does not allow for **grandfathering**. Any federal action is subject to Section 7 of the ESA, whether or not it is already approved and/or underway. On all federal aid projects under construction the local agency, must evaluate the BA's done for the project, update them if needed, and submit them to Region Local Programs office to forward to FHWA, with a copy to NMFS and/or USFWS.

FHWA must fulfill its responsibilities under the ESA, including coordination with NMFS prior to approval of NEPA. In turn NEPA approval (Documented Categorical Exclusion (CE), Finding of No Significant Impact (FONSI), or Record of Decision (ROD)) is required, by FHWA regulation, prior to FHWA approval of funding for right-of-way purchase or construction. In order to sign a final Environmental Impact Statement (EIS) or final Environmental Assessment (EA), the FHWA Transportation and Environmental Engineer will need to verify that the document includes the results of the BA required under the ESA. In order to complete the NEPA process by signing a ROD, FONSI, or Documented CE the FHWA Transportation and Environmental Engineer will need to verify that the requirements above have been met, including completion of coordination with NMFS.

For the interim and on a project by project basis, local agencies can request an exception to some of the requirements listed above. FHWA will consider requests to sign NEPA documents, prior to the completion of the biological assessment consultation process, to allow for right-of-way acquisition. FHWA will not authorize construction funding for these projects, however, until the Section 7 consultation requirements have been met. In order to utilize the exception, the project must be able to meet the following requirements:

- The NEPA document (final EIS, FONSI, CE) must:
 - Demonstrate a reasonable project effort to achieve full compliance with the ESA prior to final EIS, FONSI, or CE approval. At a minimum, this would include informal consultation and the submittal of a Biological Evaluation or Assessment to NMFS or USFWS with detail appropriate to address the ESA issues.
 - Identify and describe the meetings held in an attempt to resolve the issues.
 - Outline the concerns/position of NMFS or USFWS and the areas of agreement and disagreement with

supportive documentation, such as agency letters and meeting minutes.

- The NEPA document (final EIS, FONSI, CE) must:
 - Describe the project features and mitigation measures which have been incorporated into the project to avoid, minimize, and/or compensate for project biological impacts.
 - Describe that NMFS or USFWS suggested features and measures, and hopefully, show that the differences between what has been incorporated into the project and what is being requested are not dissimilar.
 - Outline the reasons why full compliance cannot be achieved prior to final EIS, FONSI, or CE approval.
 - Outline a process of further agency coordination that will reasonably result in ESA compliance.

FHWA will only approve final EIS, ROD, FONSI, or CEs where the above requirements have been met and the consequences of delay outweigh the risks. The risks to FHWA will be defined as:

- Any substantial changes to the project as a result of changes in mitigation requirements, may require a supplemental NEPA document to address the changes.
- Right-of-way may be purchased but cannot be used.
- Even if changes required to meet Section 7 do not trigger supplemental documents or change RW needs, they could increase the cost of the project substantially.

FHWA will consider requests to sign NEPA documents for those projects that meet the conditions above. In order to utilize this exception, the local agency must submit to the Region Local Programs office all documentation detailing compliance with the above listed requirements and a written request, signed by the agency's Approving Authority, requesting agreement from FHWA to utilize this exception for the agency's project. After WSDOT Headquarters Highways and Local Programs determines that the project meets all requirements, they will send it to FHWA for concurrence of the request to allow for right-of-way acquisition prior to completion of Section 7 consultation. Upon FHWA concurrence with the local agency's request, FHWA will advise Highways and Local Programs, who will initiate authorization of federal funding for right-of-way acquisition.

Due to the requirements of agencies to meet their responsibilities under the ESA, the following are the interim procedures. These procedures are continually being reviewed and revised which will result in updates by WSDOT Headquarters Highways and Local Programs. Appendix 24.108 provides some definitions of the environmental references.

.71 Species Listings. The agency must request ESA species listings to assist in assessing a project's environmental impacts from the National Marine Fisheries Service (NMFS), the United States Fish and Wildlife Service (USFWS), the Washington State Department of Natural Resources (DNR), and the Washington State Department of Fish and Wildlife (WSDFW). (Appendix 24.103) These requests are for the agency's entire jurisdiction and will be applied to all of the agency's federal aid projects. These requests must be updated every six months. (Appendix 24.104) Federal and state resource agencies generally have 30 days to respond to a species listing request. The species listings for the NMFS must be obtained from the Region Local Programs office.

For species which are proposed for listing, but not yet listed, any federal action must be evaluated to determine whether it jeopardizes the continued existence of the species. For projects which will not be completed before the proposed listing could take affect, the species should be treated as if it were listed with a conditional effect determination.

Until the project is completed, the agency must request updated species listings from NMFS (through the Region Local Roadways office), USFWS, DNR, and WSDFW, every six months. If any species listings or locations have changed, the BA shall be updated appropriately. Verification of the requests will be included as part of the agency's project management review.

.72 Project Evaluation. Section 7 of the ESA requires that any federal aid project must be evaluated to determine its effects on listed or proposed species and/or critical habitat. The species information and completion of the ECS Part 5 will assist the agency in completing a project evaluation. The evaluation is a guide to assess the project's impact to any listed species or critical habitat.

If the evaluation determines the need to consult with a biologist, the biologist will:

- Conduct a field review.
- Assess the impacts on all listed species and habitat.
- Make an "effect" determination for each listed species.
- Write the biological assessment.

Depending upon the evaluation and the extent of the project's impacts, the effect determination (Section 24.73) will be one of three conclusions:

- No Effect
- May Affect, Not Likely to Adversely Affect
- May Affect, Likely to Adversely Affect

The agency will report on the impacts of the project through either:

a. "No Effects" letter BA. Typical items to include in the letter are:

- Species listings;
- A signed ECS;
- Brief discussion of the project, its impacts, and justification for the "no effect" determination.

b. Complete BA report. Typical items to include in the report are:

- A brief description and location of the project;
- Construction information including when the work will be completed;
- Description of listed species or habitat within the project area;
- Evaluation of the potential "effects" on listed species or critical habitat;
- Assertion of "effect" determinations for each listed species;
- Development and recommendations of conservation and mitigation measures;
- Bibliography.

The decision to do a BA depends on the level of potential impacts to streams or surface waters which are within the geographical range of the listed species or population. A BA report should be done when projects cross streams (bridges, culverts), require any construction activity within the active channel (retaining walls, riprap, channel relocations), cause the discharge of additional stormwater or other drainage directly to streams through surface channels without soil or other filtration, significantly increase the volume of surface runoff to salmon streams, result in the removal or alteration of riparian vegetation areas adjacent to streams with listed populations, or when listed species or critical habitat are present.

.73 Effect Determinations. If a federal aid project is in an area where there are species designated as Threatened or Endangered, the ESA requires that FHWA make a determination of the effect of the project on the listed species or critical habitat. FHWA must make this determination of affect in consultation with NMFS (for marine species) or USFWS (for all terrestrial and freshwater species). Part 5 of the ECS includes a checklist which will assist the agency in the determination of effect.

a. No effect. This conclusion is appropriate if the project has no impact on any listed species or critical habitat and the ECS Part 5 yields a no effect.

For some projects, the local agency may be able to make a no effect determination without a BA report. In this case, a "No Effects" letter BA (Appendix 24.105) stating the basis for the effect determination will be sufficient. The agency would address the type of work

Runoff Manual is based on outdated rainfall data. Section 2-5 of that manual includes a chart which addresses the current safety margin at a later date. In addition, a study is underway to update the rainfall chart.

2. Clearing, Grading and Filling may affect but is not likely to adversely affect listed fish when:
 - The project within ESU/DPS, clears, grades, and grubs within 300 feet of any waterbody (which supports or drains into a listed fish supporting waterbody) but does not include “in water” work, provided:
 - (a) TESC/ SSP is fully implemented (including spill control)
 - (b) “Environmental baseline” is not degraded, including spawning areas (determined by BA), large woody debris, riparian habitat, etc.
 - (c) All other factors evaluated for the project by the project biologist result in a “no effect” or “may affect not likely to adversely affect” determination. This must include an analysis of direct and indirect effects of the action. (A direct and indirect effect analysis must be included which covers the action area. The action area is defined as all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. Thus, if it is a bridge replacement, address the upstream and downstream impacts, bank impacts, construction easement impacts, the road approach impacts, temporary bridge impacts, impacts caused by the detour route, etc.)

Not all projects will be able to meet the above. Some may fall into the “may affect, likely to adversely affect” call.

3. Projects which work within water, may affect but are not likely to adversely affect listed fish if all three of the following conditions are met:
 - Work must be conducted within fish window (Gold & Fish list or as per HPA);
 - Work must occur in a non-spawning or rearing area (as determined by project biologist in conjunction with Washington State Department of Fish and Wildlife Habitat Biologist or Tribal Biologist or other Fisheries Biologist). (The rearing areas include pools, edies, structures, etc., but do not include glides.)
 - The project doesn’t degrade the environmental baseline

c. May Affect, Likely to Adversely Affect

1. Stormwater from new impervious surfaces may affect and is likely to adversely affect when:
 - Less than full treatment for all new impervious surfaces when project is within a subbasin that provides habitat or potential habitat for a listed fish species.
2. Projects which work within water, but do not meet the “not likely to adversely affect” category for instream work will result in an “adversely affect” to listed fish.
3. Clearing, Grading, and Filling may affect and is likely to adversely affect listed fish when:
 - Project is within ESU/DPS and does not fully implement TESC/SSP (including spill control) and is within a subbasin that provides potential habitat for listed fish species.

d. Beneficial Effect

Projects will have a beneficial effect when the stormwater treatment is:

- Treatment + detention for an existing impervious area that is a greater than 40% (new impervious area) within the project limits.

24.8 Section 106 Process

Any project, activity, or program funded in whole or in part, under the direct or indirect jurisdiction of a federal agency, including those carried out on behalf of a federal agency; and those actions requiring a federal permit, license, or approval, are considered to be an undertaking and are, thus, subject to the requirements detailed in Section 106 of the National Historic Preservation Act of 1966.

FHWA must fulfill its responsibilities under Section 106 of the NHPA, prior to the approval of NEPA. In turn, NEPA approval (Documented Categorical Exclusion (CE), Finding of No Significant Impact (FONSI), or Record of Decision (ROD)) is required, by FHWA regulation, prior to FHWA approval of funding for right of way acquisition or construction. In order to sign a final Environmental Impact Statement (EIS) or final Environmental Assessment (EA), the FHWA Transportation and Environmental Engineer will need to verify that the document includes the results of the consultation requirements under the NHPA. In order to complete the NEPA process by signing a ROD, FONSI, or Documented CE the FHWA Transportation and Environmental Engineer will need to verify that the requirements above have been met, including completion of coordination with State Historic Preservation Officer (SHPO)/Tribal Historic Preservation Officer (THPO), and, if necessary, the Advisory Council on Historic Preservation (ACHP).

Due to the requirements of agencies to meet their responsibilities under the NHPA, the following sections are the interim procedures. These procedures are continually being reviewed and revised which will result in updates by WSDOT Headquarters the Highways and Local Programs.

.81 Identification of Historic Properties. The agency must coordinate with the SHPO/THPO to:

- determine the area of potential effects (APE).
- review existing information on historic properties within the APE.
- seek information, as appropriate, from tribal organizations, Native Hawaiian organizations, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties within the APE.

The local agency must submit a letter containing the following information to the Regional Local Programs Office:

- Description of the project.
- Location of the project, including legal description.
- Age of any structures present, if applicable (i.e., bridges, buildings, etc.).
- Maps and photos.
- A list of Tribes that should be included as potential consulting parties (see Appendix 24.109 for assistance).

The Region Local Programs Office will transmit the letter to WSDOT Headquarters Highways and Local Programs. Upon receipt of the documentation and review, Highways and Local Programs will transmit the letter to the SHPO/THPO, requesting comments or information such as in identifying historic properties within the area of potential effects. WSDOT Headquarters Highways and Local Programs will also transmit a copy of the letter to FHWA, in order to initiate consultation with the appropriate Tribal governments. The local agency should include sufficient copies of the documentation, so as to provide two (2) copies each to each identified Tribal government, as well as a copy for FHWA's files. Upon receipt of documentation and review, FHWA will send a formal letter to the identified tribe(s), as well as any other tribe (s) FHWA determines to be appropriate, to initiate the Section 106 consultation, normally within fifteen (15) days of receipt of request. If a response from a tribe is not received within thirty (30) days after the delivery date of the initiation of consultation letter, project development will be allowed to move forward. The tribes do have the option, however, of entering consultation at a later date.

The local agency and the Region Local Programs Office will assume the lead in conducting Section 106 consultation with the tribal governments, after FHWA has initiated the consultation process with the written request.

FHWA will be available, however, to participate in Section 106 consultation with a tribe to the extent necessary, to ensure the tribe's meaningful participation in the process.

In addition to these requests, a local agency may also be required to search through the physical records located at the Office of Archaeology and Historic Preservation (OAHP) for identification of eligible historic properties and archaeological sites, if the project does not fall into one of the categories listed in Section 24.82 (a).

.82 Project Evaluation. Section 106 of the NHPA requires that any federal aid project must be evaluated to determine its effects on historic properties. The information from Section 24.81 will assist the agency in completing a project evaluation. The evaluation is a guide to assess the project's impacts to historic properties.

Depending upon the evaluation and the extent of the project's impacts, the effect determination (Section 24.83) will be one of the following conclusions:

- No historic properties affected.
- Finding of no adverse effect.
- Adverse effect.

The agency will detail the impacts of the project through either:

- a. "No historic properties affected" report. Typical items to include in the report are:
 - Description of undertaking.
 - Description of APE, including photographs, maps, drawings, as necessary.
 - Description of steps taken to identify historic properties.
 - Justification for determination of no historic properties present or affected.

The following list identifies those undertakings that have limited areas of impact which are unlikely to contain properties listed or eligible for inclusion in the National Register of Historic Places. These projects can be considered to have no effect on historic properties. If your project falls under one of the below categories, the local agency is not required to consult with SHPO or with the tribes on the APE and the impacts of the undertaking, as outlined in Section 24.81. Although consultation with the tribes will not be initiated, a monthly general notice will be sent to the tribes informing them of which projects met the programmatic exemptions.

- A. All work to be done on bridges of the National Highway System (NHS) and non-NHS state highways which are less than 40 years old, unless an inventory has shown the bridge to be exceptionally significant.

Date

Region Local Programs Engineer

Agency
Project Name
Federal Aid Project Number

Dear

Attached is the completed BA for the *Local Agency and project name* which has an effect determination of “May Affect, Not Likely to Adversely Affect” for any species or critical habitat within the project’s area. At this time we are requesting Highways and Local Programs and FHWA to review and concur with the BA effect determination so that this project can addendum the 7(d) project list.

With this request, *Local Agency* commits to: meet any and all mitigation requirements determined by NMFS and/or USFWS (to be outlined in their concurrence letters); and maintain continuous coordination with Highways and Local Programs and FHWA until the successful completion of the concurrence process.

Local agency details the time critical aspects of the project to justify the inclusion of the project on the 7(d) list for this construction season.

Sincerely,

Local Agency’s Approving Authority

(Excerpt from 50 CFR 402.02)

Action means all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas. Examples include, but are not limited to:

- (a) actions intended to conserve listed species or their habitat;
- (b) the promulgation of regulations;
- (c) the granting of licenses, contracts, leases, easements, rights-of-way, permits, or grants-in-aid; or
- (d) actions directly or indirectly causing modifications to the land, water, or air.

Biological assessment refers to the information prepared by or under the direction of the Federal agency concerning listed and proposed species and designated and proposed critical habitat that may be present in the action area and the evaluation of potential affects of the action on such species and habitat.

Biological opinion is the document that states the opinion of the Service as to whether or not the Federal action is likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat.

Effects of the action refers to the direct and indirect affects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action, that will be added to the environmental baseline. The environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions which are contemporaneous with the consultation in process. Indirect effects are those that are caused by the proposed action and are later in time, but still are reasonably certain to occur. Interrelated actions are those that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration.

Formal consultation is a process between the Services and the Federal agency that commences with the Federal agency's written request for consultation under section 7(a)(2) of the Act and concludes with the Service's issuance of the biological opinion under section 7(b)(3) of the Act.

Incidental take refers to takings that result from, but are not the purpose of, carrying out an otherwise lawful activity conducted by the Federal agency or applicant.

Informal consultation is an optional process that includes all discussions, correspondence, etc., between the Service and the Federal agency or the designated non-Federal representative prior to formal consultation, if required.

Jeopardize the continued existence of means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.

Listed species means any species of fish, wildlife, or plant which has been determined to be endangered or threatened under section 4 of the Act. Listed species are found in 50 CFR 17.11-17.12.

Proposed species means any species of fish, wildlife, or plant that is proposed in the Federal Register to be listed under section 4 of the Act.

Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct. (Fish and Wildlife regulations have expanded this definition to include significant alteration or disturbance of habitat.) (From ESA 1973)

25.02 Right-of-Way Acquisition Procedures

Before requesting authority to acquire right-of-way, the local agency must have secured approval of acquisition procedures (Appendix 25.142). Acquisition procedures are submitted to the Region Local Programs Engineer for review prior to final execution by the local agency. Highways and Local Programs forwards the procedures through the Region LA Coordinator for approval. The local agency will be approved to acquire right-of-way based upon the submitted procedures. The level at which an agency will be approved will be dependent upon the agency's staff qualifications. An agency with minimal staff may be approved to acquire a single project with direct supervision by the Region LA Coordinator. Highways and Local Programs notifies the local agency of the approval, with a copy to the Region LA Coordinator. Periodic reviews of procedures will be conducted on agency's acquiring right-of-way on federal aid projects. Procedures should include the following:

- a. Agreement to conform with state and federal laws and FHWA regulations. The agency should agree to follow the state's *Local Agency Guidelines Manual (M 36-63)* and *Right-of-Way Manual (M 26-01)* or the agency's own manual if they have a WSDOT approved right-of-way manual.
- b. A listing of the positions performing the separate functions of program administration, appraisal, appraisal review, acquisition, relocation, and property management.
- c. A listing of current staff filling the above positions and a brief statement of their qualifications. (See minimum qualifications for approval, appraisal review, and acquisition in this chapter)
- d. A policy for handling administrative settlements including the approving authority(s) and process.
- e. Appraisal waiver process (see Section 25.051)

.021 No Right-of-Way Acquisition. Local agencies, after determining that new right-of-way will not be required for the current project, need only check the appropriate box on the project prospectus (see Chapter 21). If it is later determined that right-of-way is required, a Right-of-Way Project Funding Estimate (Appendix 25.143) or a True Cost Estimate (Appendix 25.144) must be prepared and the Region Local Programs Engineer and the Region LA Coordinator notified.

.022 Acquiring Right-of-Way. Acquisition of right-of-way may be performed by the following entities:

- By WSDOT on a local agency's behalf. In this case, an agreement between WSDOT and the local agency will be prepared and approved by the Director of Real Estate Services.
- By a local agency that is adequately staffed, equipped, and organized to discharge its right-of-way responsibilities and has right-of-way procedures approved by

WSDOT. Staff may consist of qualified contract personnel and/or licensed private firms (see RCW 18.85.010) in addition to or in lieu of regular employees of the agency.

- By another local agency that meets the requirements above.

25.03 Voluntary Acquisition

An agency with approved right-of-way acquisition procedures may choose to acquire property using the voluntary acquisition process set forth in 49 CFR 24.101(a)(2). To qualify for this process, the agency must choose **not** to use their eminent domain authority and:

- a. Clearly advise the property owner, in writing, prior to making an offer that the agency will be unable to acquire the property in the event that negotiations fail.
- b. Provide the owner with an estimate of the fair market value of the property.
- c. Provide relocation assistance to any tenant(s).

If an agency chooses to use this method of acquisition, the federal regulations will not apply to the acquisition process except as mentioned above.

In the event that any parcel on the project can not be purchased voluntarily, the entire project must then be purchased using all applicable federal regulations.

Note: Acquisitions using this process are subject to real estate excise tax.

25.04 Funds for Right-of-Way

.041 Acquisition With Federal Funds. Authorization of federal funds for right-of-way requires compliance with Chapter 14, FHWA approval of environmental documents, and the submittal of the following documents to the Region Local Programs Engineer.

- Local Agency Agreement Supplement.
- Estimate of probable project costs and expenses broken down by parcel. The True Cost Estimate (Appendix 25.144) can be used when all parcels are to be appraised or donated. The Right-of-Way Project Funding Estimate must be used if the agency wishes to make use of the appraisal waiver process (see Section 25.051).
- Right-of-Way plan.
- Relocation plan (if relocation is required — contact the LA Coordinator for assistance).

The right-of-way plans should at least show the following information and meet the requirements of WAC 332-130:

- Survey line or centerline for the alignment;
- The old and new right-of-way limits with sufficient ties to the survey line to allow for legal descriptions of the areas to be acquired;

- Show all rights to be acquired, for example, easements and permits;
- Show the ownership boundaries of the parcels with rights to be acquired;
- Parcel identification number should be shown;
- Show the area of the parcel to be acquired; and
- Show the area of the remainder.

All plan sheets shall carry the seal and signature of a registered Professional Engineer or land surveyor in accordance with RCW 18.43.070 and RCW 58.09. If the plan makes a land boundary determination, it should be approved by a PLS.

Once FHWA approval has been obtained, the Assistant Secretary for Highways and Local Programs will notify the local agency of authorization to acquire right-of-way. No acquisition costs are eligible prior to this authorization.

.042 Acquisition With Local Agency Funds. If federal funds are to be used in any part of the project, federal guidelines for acquisition of the right-of-way must be followed. For projects that involve local agency funds only for right-of-way acquisition, the Local Agency must have the following documents prior to starting the acquisition process:

- Right-of-way plan; (See section .041 for minimum requirements)
- Relocation plan (if relocation is required, the relocation plan must be submitted to the Region Local Programs Engineer. **The local agency need not wait for written authorization to acquire right-of-way.**)

A copy of the right-of-way plan must be made available at the time of certification. It is advisable, but not required, to submit a copy to the LA Coordinator through the Region Local Programs Engineer for review. This review will help minimize potential problems which surface during the certification process.

.043 Acquisition in Advance of NEPA Clearance. There are four circumstances under which right-of-way can be acquired in advance of NEPA clearance:

- a. An agency may use its own funds to purchase R/W prior to NEPA clearance and may apply the purchase price (or if donated, the fair market value) toward their share of project costs, as long as they meet the requirements of 23 CFR 710.501(b). They cannot be reimbursed for these project costs, however.
- b. An agency may use its own funds to purchase R/W prior to NEPA clearance and be reimbursed. **HOWEVER**, they must meet the very stringent requirements of 23 U.S.C. 108 (c)(2)(c & d), as explained in 23 CFR 710.501(c). This option (which requires the Governor's and EPA's sign-offs) will be seldom used.

- c. An agency may purchase R/W prior to NEPA clearance under the protective buying and hardship acquisition provisions, as per 23 CFR 710.503, and be reimbursed. Note, however, that while these purchases are in advance of formal NEPA clearance of the project, individual clearance via a Categorical Exclusion is required. Consequently, although the project has not yet been cleared, the individual parcels have been cleared.
- d. An agency may purchase R/W prior to NEPA clearance under the corridor preservation provisions of 23 CFR 630.106 (3) & (4) and be reimbursed. This process is similar to the process for protective buying (see C above). Generally, this is only done for parcels which will not require any displacement. Note, however, that as with hardship and protective buying, these purchases are in advance of formal NEPA clearance of the project and individual clearance via a Categorical Exclusion is required.

25.05 Appraisal

The requirements pertaining to appraisal of property to be acquired are given in Chapter 4 of the WSDOT *Right of Way Manual*, M 26-01. If desired, a listing of WSDOT approved fee appraisers and appraisal reviewers is available from the Region LA Coordinator.

The appraiser shall be an experienced, qualified appraiser. As a minimum, an appraiser should have a college degree or four years of active experience in the real estate field leading to a basic knowledge of real property valuation, or any combination of such experience and college study to provide a total of four years beyond high school graduation. An appraiser who is qualified under WSDOT criteria will be considered qualified for FHWA projects. For FHWA projects subsequent to July 1, 1991, the appraiser must be certified per RCW 18.140 if the appraisal problem requires more than the comparative approach to value.

The appraiser shall prepare an Appraisal Report which is a written document containing at least the following:

- a. The purpose of the appraisal which includes a statement of the estimated value and the rights or interests being appraised.
- b. Identification of the property and its ownership.
- c. A statement of appropriate contingent and limiting conditions if any.
- d. An adequate description of the neighborhood, the property, the portion of the property or interest therein being acquired, and the remainder(s) if any.
- e. Identified photographs of the property including all principal above-ground improvements or unusual features affecting the value of the property.
- f. A listing of the buildings, structures, fixtures, and other improvements which the appraiser considered part of the

real property to be acquired.

- g. The estimate of just compensation for the acquisition. In the case of a partial acquisition, allocate the estimate of just compensation for the property to be acquired and for damages to remaining property in either the report or a separate statement.
- h. The data and analyses (or reference to same) to explain, substantiate, and document the estimate of just compensation.
- i. The date to which the estimate of just compensation applies.
- j. The certification, signature, and date of signature of the appraiser.
- k. Other descriptive material (maps, charts, plans, photographs).
- l. The federal aid project number and parcel identification.
- m. Report of appraiser contact with owner.

Sample appraisal report forms can be found in Appendix 25.145.

.051 Appraisal Waiver. In certain cases, an appraisal can be waived. To qualify the just compensation, based on the Right-of-Way Project Funding Estimate or its equivalent, must be \$10,000 or less per parcel. The acquisition must be uncomplicated and the only damages will be minor cost to cure items.

In such instances where the appraisal is waived, just compensation should be based on comparable sales. All data used to arrive at just compensation must be included in the project file. When the waiver is used, it is important that the local agency determines that the offer being made is fair and equitable. The owner must be informed that an appraisal was not done. If the owner wants an appraisal, the local agency is required to have an appraisal completed per guidelines of this section. See Appendix 25.146 for a sample appraisal waiver procedure.

.052 Appraisal Review. The requirements pertaining to appraisal review of the property to be acquired is given in Chapter 5 of the WSDOT *Right of Way Manual*, M 26-01.

The reviewing appraiser should be knowledgeable of the property values in the project area. The depth of review should be in direct relationship to the difficulty of the particular appraisal. The reviewing appraiser must be either a WSDOT Review Appraiser, on the approved list of review appraisers maintained by WSDOT or a permanent employee of the acquiring agency who is authorized by the approved right-of-way procedures to review appraisals. For agency staff to qualify as a review appraiser, an individual must have a minimum of five years of full time narrative real estate appraisal report writing experience, two years of which must be with eminent domain appraisals, or have at

least six months experience as a review appraiser for either WSDOT or FHWA.

The reviewing appraiser should field inspect the property appraised as well as the comparable sales which the appraiser(s) considered in arriving at the fair market value of the whole property and of the remainder(s), if any. If a field inspection is not made, the file shall contain the reason(s) why it was not made.

The reviewing appraiser shall examine the Appraisal Reports to determine that they:

- a. Are complete in accordance with the *Local Agency Guidelines* and contain the criteria required by the WSDOT *Right of Way Manual*, Chapter 4, Appendix 4-1 (Appraisal Guide).
- b. Follow accepted appraisal principles and techniques in the valuation of real property in accordance with existing state law.
- c. Include consideration of compensable items, damage, and benefits, but do not include compensation for items noncompensable under state law.

Prior to finalizing the estimate of just compensation, the reviewing appraiser shall obtain corrections or revisions of Appraisal Reports which do not substantially meet the requirements set forth in the *Local Agency Guidelines*. These shall be documented and retained in the parcel file.

The reviewing appraiser may supplement an Appraisal Report with corrections of minor mathematical errors as long as such errors do not affect the final value conclusion. The reviewer may also supplement the appraisal file where the following factual data have been omitted:

- a. Project and/or parcel number.
- b. Parties to transaction, date of purchase, and deed-book reference to sale of subject property and comparables.
- c. Statement that there was no sale of subject property in the past five years.
- d. Location, zoning, or present use of subject property or comparables.

The reviewing appraiser shall initial and date corrections and/or factual data supplements to the Appraisal Report. The reviewing appraiser may conclude a value other than that concluded in the appraisal only if the conclusion is supported by relevant market data and analysis in the review document.

The reviewing appraiser shall place in the parcel file a signed and dated statement (Appendix 25.147) setting forth:

- a. An estimate of just compensation including, where appropriate, the allocation of compensation for the property acquired and for damages to remaining property.

- b. A listing of the buildings, structures, fixtures, and other improvements on the land which were considered part of the property to be acquired.
- c. A statement that the reviewing appraiser has no direct or indirect present or future interest in such property or in any monetary benefit from its acquisition.
- d. A statement that the estimate has been reached independently, without collaboration or direction, and is based on appraisals and other factual data.

It is the responsibility of the **agency** to set Just Compensation. This can be accomplished by adding a line to the bottom of the review appraiser's certificate as shown in Appendix 25.147.

25.06 Title

The agency will acquire evidence of the condition of title for all properties from which rights are to be acquired. It is suggested that a title report be ordered from a title company and the title to the property acquired cleared so that a policy of title insurance can be issued showing title vested in the agency subject only to those exceptions which can reasonably be accepted. If a title company is not used to provide this information, the acquisition file must include sufficient documentation to validate the signatories on the instruments and show that the interest acquired is free from unreasonable encumbrances.

In general, the elements necessary to acquire the needed interest are:

- a. Acquisition instruments signed by all parties with an interest in the fee title.
- b. Releases from mortgages and deeds of trust as the agency determines to be reasonable.
- c. Releases of encumbrances, such as easements, which adversely impact the rights being acquired.
- d. Releases of priority liens, such as material man's lien, judgments, state tax liens, and federal tax liens.

25.07 Negotiations

Various requirements in negotiating an acquisition of property are found in Section 3-4.1C of the *WSDOT Right of Way Manual*, M 26-01.

If a local agency uses a consultant fee negotiator, the negotiator must meet the applicable state licensing requirements (verify with the Department of Licensing).

For local agency staff to be approved to acquire property without direct supervision by the LA Coordinator, they must have either an Associate Degree in real estate or a Bachelor Degree or equivalent experience. In addition, they must have two years full time experience in real estate acquisition, sales leasing, appraisal, title, escrow or property management. One year of experience must be in eminent domain acquisition. Additional experience in eminent domain acquisition can replace education on a one for one basis.

Local agencies using staff to negotiate who do not have the necessary qualifications must work closely with the LA Coordinator as explained in the Procedures Approval letter. At a minimum, all offers must be reviewed by the LA coordinator before presenting them to the property owner.

A separation of functions maintains the integrity of the acquiring agency's transactions. Thus, the appraisal, appraisal review, and negotiations for a parcel are performed by three different persons. Recognizing the fact that the use of two separate individuals as appraiser and negotiator on a low-value taking can be both difficult and expensive, the use of a single individual to both appraise and negotiate a parcel is permitted where the value of the acquisition is \$10,000 or less. It should be noted that the appraisal shall be reviewed prior to negotiations, and the review appraiser shall be neither the appraiser nor the negotiator.

Before initiating negotiations for real property, the agency shall establish the just compensation which shall not be less than the approved appraisal of the property and shall make a written offer to acquire in that amount. Appraisals are not required if the owner has indicated a willingness to donate the right-of-way after being informed of their right to receive just compensation.

A donation may be accepted only after the owner has waived in writing their right to just compensation. (See appendix 25.148) This applies to individuals, businesses, corporations, and other private entities. Donations from government agencies are exempt from these requirements.

Right-of-way obtained through normal zoning, subdivision or building permit procedures requiring the donation or dedication of strips of land may be incorporated into a federal aid project without jeopardizing participation in other project costs.

The agency must notify the property owner of the availability of a statutory evaluation allowance not to exceed \$750 to help defray the owner's expenses actually incurred in evaluating the agency's offer.

When negotiations are complete, the negotiator shall keep in the project file a signed statement for each parcel that:

- a. The written agreement embodies all considerations agreed to by the negotiator and the property owner.
- b. The negotiator understands that the acquired property is for use in connection with a federal aid transportation project.
- c. The negotiator has no direct or indirect interest in the property or in any monetary benefit from its acquisition, at present or in the future.
- d. The agreement has been reached without any type of coercion.

.071 Negotiations by Mail. If no relocation is involved, the local agency may conduct right-of-way negotiations as follows:

- a. Mail to the owner the fair-offer letter, a summary statement (explains nature of acquisition, conditions affecting remainder after construction, and other

pertinent details which would have been explained in a face-to-face meeting with owner), the document of acquisition (deed, easement, or other document required for signature), property plat or sketch showing take and effects on remainder, and a copy of an acquisition brochure.

- b. Within about two weeks, make a follow-up phone call (documented in file). Answer questions or, if owner requests it, make an appointment for personal contact.
- c. Follow normal procedures for further negotiations.

25.08 Donated Property

Donations of right of way can be accepted only after the owner has been notified of their rights to receive just compensation. A signed donation statement must be included in each parcel file (Appendix 25.148)

Section 323 of 23 U.S.C. provides for using the value of donated lands as part of the match against an agency's contribution to the project. Certain conditions need be met.

- The credit may only be applied to a federal aid project if Federal Financial assistance was not used in **any** form to acquire the land. Credit to the matching share may not exceed the matching share of costs for that project and excess costs may not be utilized on other projects.
- The donation must be related to the project requiring the donated land.
- Donations of privately owned real estate made after April 2, 1987, and subsequent to NEPA clearance, are eligible for credit purposes.
- Donations of publicly owned real estate after June 8, 1998, are eligible for credit purposes.

For sample donation letters, see Appendix 25.148.

25.09 Administrative Settlements

The Uniform Act requires that "The head of a federal agency shall make every reasonable effort to expeditiously acquire real property by negotiation." Negotiation implies an honest effort by the acquiring agency to resolve differences with property owners. Additionally, the legislative history of the Uniform Act indicates that offers can be flexible, and there is no requirement that they reflect a "take it or leave it position." Negotiations should recognize the inexact nature of the process by which just compensation is determined. Further, the law requires an attempt by agencies to expedite the acquisition of real property by agreements with owners and to avoid litigation and relieve congestion in the courts.

In addition to the mandates of the Uniform Act, there are significant cost savings which can be realized through an increased use of administrative and legal settlements. Cost savings are in the areas of salaries, witness fees, travel, per diem, court costs, etc.

FHWA and WSDOT encourage local agencies to carefully consider and maximize use of administrative settlements in appropriate situations.

An administrative settlement or stipulated settlement is a negotiated settlement of a right-of-way acquisition case in which the agency has administratively approved payment in excess of fair market value as shown on the agency's approved determination of value.

- a. Any administrative settlement which exceeds the fair market value must be documented and thoroughly justified in order to be eligible for federal aid funds. The rationale for the settlement shall be set forth in writing. The extent of written explanation is a matter of judgment and should be consistent with the circumstances and the amount of money involved. If the local agency has any doubt as to eligibility, it should obtain prior approval from WSDOT through the Region LA Coordinator.
- b. The local agency shall document the following and make it available for review by WSDOT if it is not already part of the agency's approved procedures:
 1. Identify the responsible official who has the authority to approve administrative settlements, and
 2. Describe the procedure for handling administrative settlements.
- c. The designated local agency representative may approve an administrative settlement when it is determined that such action is in the public interest. In arriving at a determination to approve an administrative settlement, the designated official must give full consideration to all pertinent information including, but not limited to, the following:
 1. All available appraisals, including the owner's, and the probable range of testimony in a condemnation trial.
 2. Ability of the agency to acquire the property, or possession, through the condemnation process to meet the construction schedule. Impact of construction delay pending acquisition.
 3. The negotiator's recorded information.
 4. Recent court awards in cases involving similar acquisition and appraisal problems.
 5. Likelihood of obtaining an impartial jury in local jurisdiction, opinion of legal counsel where appropriate.
 6. Estimate of trial cost weighed against other factors.

25.10 Relocation

The regulations governing relocation assistance are covered in Title 49, Code of Federal Regulations, Part 24.

The majority of local agencies will find that it is not economically feasible to maintain staff to perform the relocation function. Those agencies who have trained staff and

are approved by WSDOT through the procedures process to provide relocation services may do so. All other agencies should contact their Region LA Coordinator for help in having WSDOT contract to provide relocation services or for advice on contracting with private consultants. WSDOT does not maintain a list of qualified relocation consultants.

If a project includes relocation, a relocation plan must be submitted prior to right-of-way funding authorization. Since relocation plans are unique to each project requiring them, no sample is provided. Contact the Region LA Coordinator for assistance in preparing relocation plans and carrying out relocation activities.

25.11 Right-of-Way Certification

After right-of-way acquisition has been completed and about one month before the federal aid project is to be advertised for contract, the right-of-way certification must be submitted to the Regional Highways and Local Programs Engineer.

There are three categories of certifications.

- #1 **All Right-of-Way Acquired.** Legal possession has been obtained but trial or appeal of cases may be pending. All occupants have vacated the right-of-way and the agency has the right to remove any remaining improvements. (Appendix 25.149)
- #2 **Right to Occupy All Right-of-Way Acquired.** Trial or appeal of some parcels may be pending and some parcels may have right of entry or possession and use only. All occupants have vacated the right-of-way and the agency has the right to remove any remaining improvements. (Appendix 25.150)
- #3 **All Right-of-Way Not Acquired.** *This certification is to be used only in very unusual circumstances and with prior approval of the LA Coordinator.* Acquisition of a few remaining parcels is not complete. All occupants of residences have had replacement housing made available to them in accordance with 49 CFR 24.204. The agency must adequately explain why construction of the project before acquisition is complete, is in the public good. The agency will ensure that occupants of residences, businesses, farms or nonprofit organizations who have not yet moved from the right-of-way are protected against unnecessary inconvenience or coercive action. All unacquired parcels will be identified and a realistic date given for completion of acquisition and relocation. An explanation of why the properties are not acquired and how they will be acquired by the given date is also required. Appropriate notification will be provided in the bid proposals identifying all locations where acquisition is not complete. (See Appendix 25.151)

Certifications with exception must be followed by a certification without exception when possession of all parcels is obtained.

The Highways and Local Programs Engineer will submit the certification request to the Regional Real Estate Services Manager for the federally mandated certification review. The Region LA Coordinator will visit the local agency and review the acquisition files for the project and determine if the right-of-way was acquired according to the guidelines. For a copy of the coordinators' worksheets and a Federal Aid Requirement Checklist showing the general areas reviewed by the coordinator, see Appendixes 25.152 and 25.153.

If the coordinator determines that the project is ready for certification, they will have the Real Estate Services Manager sign the certification form and return it to Highways and Local Programs for inclusion in the package to be transmitted to Olympia Service Center Highways and Local Programs for final processing. The coordinator will also provide the agency and Regional Highways and Local Programs with a letter detailing the findings of the review and any deficiencies that may have been noted.

If the coordinator determines that the project cannot be certified, a letter will be provided to the agency and the Regional Highways and Local Programs office detailing the deficiencies encountered and the corrective action required before certification can be completed.

25.12 Property Management

If using FHWA funding, the acquiring agency shall establish property management policies and procedures that will assure control and administration of excess lands and improvements acquired for right-of-way purposes. These procedures shall establish:

- a. Property records showing:
 1. An inventory of all improvements acquired as a part of the right-of-way;
 2. An accounting of excess properties acquired with FHWA funding;
 3. An accounting of the property management expenses and the rental payments received; and
 4. An accounting of the disposition of improvements and the recovery payments received.
- b. Methods for accomplishing the clearing of right-of-way when such clearance is performed separately from the control for the physical construction of the project.
- c. The methods for managing the rodent control program.
- d. The methods for employing private firms or public agencies for the management of real property.
- e. The methods for accomplishing the disposition of improvements through resale, salvage, owner retention, or other means.

If the agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the agency on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

Property management activities shall be handled in a manner consistent with the public interest and designed to reflect the maximum long-range public benefit.

The agency is responsible for the preservation of the improvements and for reasonable safety measures when it has acquired ownership and possession of the property.

Should rights-of-way acquired with FHWA funds become excess, they may be disposed of only after FHWA approval. If the disposal is to a private party, the agency must determine fair market value (either through the appraisal process or by public sale), and credit FHWA for its share of the net proceeds of the sale if federal funds participated in acquisition costs. A disposal may be made to a governmental agency for a public use without charge, and no credit to FHWA is required.

Uneconomic remnants acquired by the agency with federal funds but not incorporated into the right-of-way may be disposed of without FHWA approval, but a credit to FHWA is required in the same manner as described earlier in this section.

Disposition of property outside of right-of-way and valued at \$1,000 or less is allowed without credit to federal funds. FHWA will not participate in the local agency costs of the disposal.

Federal regulations provide for the use of airspace for non-highway purposes above, at, or below the highway's established gradeline, lying within the approved right-of-way limits. The airspace may be put to various public and private uses, such as parks, play areas, parking, etc., as long as it is a proper operation and does not impose a safety hazard on the traveling public.

Where an acquiring agency has acquired sufficient legal right, title, and interest in the right-of-way of a highway on a federal aid system to permit the use of certain airspace, the right to temporary or permanent occupancy or use of such airspace may be granted by the state subject to prior FHWA approval.

If the use of airspace is contemplated, the Region LA Coordinator should be contacted for more detailed policies and procedures that must be considered.

25.13 Document Retention

The acquiring agency shall maintain all records of its right-of-way actions for at least three years after payment of the final voucher to demonstrate compliance with 49 CFR Part 24. In addition, a diary must be maintained wherein each individual involved in a relocation, negotiations, or property management function shall enter and initial a suitable description of each contact and other information concerning that function. Each entry shall clearly show the month, day, and year of the contact; the name of the individual who made such contact; and the name(s) of the individual(s) contacted. Upon request, the Region LA Coordinator will provide explanations and/or counseling as to what are considered adequate records.

25.14 Appendixes

- 25.142 Right-of-Way Procedures
- 25.143 Right-of-Way Project Funding Estimate Sample
- 25.144 True Cost Estimate Sample
- 25.145 Appraisal Report Forms (Sample)
- 25.146 Appraisal Waiver Procedure (Sample)
- 25.147 Review Appraiser Form (Sample)
- 25.148 Donation Statements (Sample)
- 25.149 Certification #1 (Sample) — All Right-of-Way Acquired
- 25.150 Certification #2 (Sample) — Right to Occupy All Right-of-Way Acquired
- 25.151 Certification #3 (Sample) — All Right-of-Way Not Acquired
- 25.152 Coordinators Worksheets (Sample)
- 25.153 Federal Aid Requirement Checklist
- 25.154 Process Flow Chart
- 25.155 Governmental Agreement For Aid

S A M P L E
NEIGHBORHOOD DESCRIPTION
FOR PROJECT: YAKIMA COUNTY: SUNSET HILL ROAD WIDENING No. 311

Date: October 21, 1986

The project vicinity is rural Yakima County lying about 25 miles (40 km) westerly of Yakima city limits in an area commonly called Sunset Hill. The county road connecting the area to the city of Yakima is the Sunset Hill Road, which is currently a two-lane arterial. The area is primarily devoted to agricultural uses, such as cattle raising and forest products, but also is developing with single family lot subdivisions and ranchette residential uses. This part of the county is becoming a bedroom area for commuters to Yakima and several commercial uses have developed along the Sunset Hill Road. Zoning here is Agricultural (AG) minimum 20 acres (8 ha), with areas bordering the Sunset Hill Road zoned Single Family Residential (SR-13), minimum 13,000 square feet (1210 square meters) per site, and a strip along said arterial between Henderson Road and White Bluff Boulevard being zoned for commercial and/or office uses (CPD), with a minimum area required of 15,000 square feet (1 395 square meters) per site. Utilities available along Sunset Hill Road are Puget Power, West Yakima Water (Community System), PNB telephone, and sewers are by individual septic systems (soils percolate adequately). There appears to be minimal demand for new commercial development along Sunset Hill Road.

Traffic along the Sunset Hill Road is heavy during the rush hour. Hence, the proposed project is to widen this arterial to four traffic lanes with a dual-left turn lane in the center. A traffic light is planned at the intersection of Henderson Road. The project will be at present grade and will include curbing. Access points will be controlled at existing locations. The right of way needed is a 20-foot (6-meter) strip of fee land from each side of Sunset Hill Road between Henderson Road and White Bluff Boulevard.

Eleven parcels will be affected: seven homes, a tree farm (2,000 acres (810 ha) in size), one convenience store, a small wholesale lumber mill, and a new professional (medical) office complex. One of the residences is partially in the take and possibly will require relocating the owner-occupant family. A machine shed on the lumber mill site is partially in the take and it contains tenant-owned equipment. The convenience store's gasoline dispensers and canopy are partially in the take. About 10 of the 40 parking stalls for the medical office are in the taking, possibly resulting in loss of one tenant. The project should generally benefit the neighborhood by improving traffic flow during the rush hour. The neighborhood should continue to moderately change from agricultural to single family uses, with no major zoning changes immediately foreseeable, since neighborhood commercial services should remain adequate for the next five or more years.

TRUE COST PARCEL WORKSHEET

Project: _____ Parcel # _____

Notes:

Assessor's Tax Parcel Number(s):

Zone Size Min. = _____ : Assessed Value Land = _____ :
 A.V. Bldg.#1 = _____ : Bldg.#2 = _____ : Bldg.#3 = _____ :
 Bldg.#4 = _____ : Total Property Assessed Value = _____

R/W Map Info:

Before Area = _____ : After Area = _____ : Fee Take = _____ :
 Permanent Esmt Take = _____ : Temporary Esmt Take = _____

Property Costs:

Total Take = (total property A.V. x 1.20) = \$ _____
Or
Partial Take:
 Fee Land = _____ @ \$ _____ (A.V. land per unit) x 1.20 = \$ _____
 Yard/Site Improvements in Take @ Administrative Lump Sum = \$ _____
 Major Building in Take @ (A.V. of Bldg. # _____) x 1.20 = \$ _____
 Perm. Esmt. = _____ @ \$ _____ (A.V. land per unit) = \$ _____
 Temp. Esmt. = _____ @ \$ _____ (A.V. land per unit) x 10% = \$ _____
TOTAL PROPERTY COSTS (put in column 2 of True Cost) = \$ _____

Administrative Costs (put in respective columns of True Cost):

3. Appraisal Fee = _____ 4. Appraisal Review Fee = _____
 5. Negotiation Fee = _____ 6. Title and Escrow Fee = _____
 7. Prop. Mgmt. Services = _____ 8. Relocation Services = _____
 9. Relocation Payments = _____ 10. Condemn & Incidentals = _____

27.1 General Discussion

To effectively assure Equal Employment Opportunity (EEO), it is the policy of the Federal Highway Administration (FHWA) to require that all federal aid highway construction contracts include specific requirements to implement the Title VI Program, related civil rights laws and regulations. These specific requirements apply to contractors and all their subcontractors (not including material suppliers) holding subcontracts of \$10,000 or more. To be eligible for federal aid funds, the local agency must comply with the civil rights requirements.

The following statement shall be accepted by local agencies and contractors as their operating policy:

It is the policy of this Company to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, or disability. Such action shall include: employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, preapprenticeship, and/or on-the-job training.

Local agencies and their contractors must each designate an EEO officer to ensure compliance with the EEO Title VI, Section 504, and training policy.

The Washington State Department of Transportation (WSDOT) will monitor both the local agency and its contractors for compliance as part of the normal project management reviews and through contract compliance reviews of selected contracts.

The local agency, by signature to the Local Agency Agreement, agrees to the following:

- a. To assist and cooperate actively with the state in obtaining contractor and subcontractor compliance with the equal opportunity clause and rules, regulations, and relevant orders of the FHWA and/or Secretary of Labor.
- b. To furnish the state such information as it may require for the supervision of such compliance and otherwise assist the state in the discharge of its primary responsibility for securing compliance.
- c. To refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, as amended, with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and federally-assisted construction contracts pursuant to the Executive Order and other pertinent rules, laws, and regulations.
- d. To carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the state, FHWA, or the Secretary of Labor pursuant to Part II, subpart D of the Executive Order.

In addition, the agency agrees that if it fails or refuses to comply with these undertakings, the state may take any or all of the following actions:

- Cancel, terminate, or suspend the Local Agency Agreement in whole or in part;
- Refrain from extending any further assistance to the agency regarding the failure or refusal to comply until satisfactory assurance of future compliance has been received from the agency; and
- Refer the case to the Department of Justice for appropriate legal proceedings.

The local agency must consult the WSDOT/APWA *Standard Specifications, Amendments, General Special Provisions*, and the WSDOT *Construction Manual* to administer the EEO and training programs.

27.2 Training

To meet federal requirements, each contract must comply with applicable GSPs and Form FHWA-1273.

Training goals are established by the Highways and Local Programs Operations Engineer on selected federal aid construction contracts. The goals are set based on the formula developed by WSDOT, and the goal setting process takes into account the following factors:

1. The dollar amount of the project (normally Highways and Local Programs will not set goals on projects of less than \$500,000).
2. Type of work. Project must lend itself to training.
3. Availability of minorities and women for training.
4. Geographic location of the project.
5. Duration of the work (normally Highways and Local Programs will not set training goals on projects of less than 60 working days).

The formula is a combination of opportunity and population ratings based on location. These are multiplied by the dollar amount of the project and provide a base figure for training hours. This is a base figure which is adjusted depending on the length of the project and the type of work. The Highways and Local Programs Operations Engineer determines the training hours, but the number of trainees is left to the discretion

of the local agency. The local agency must submit an engineer's estimate for the duration of the contract to the Region Local Programs Engineer as a basis for the Highways and Local Programs Operations Engineer to set goals. (The training goals and DBE goals are established at the same time.)

If the local agency has a WSDOT approved EEO/On-the-Job Training (OJT) Plan which sets training goals, the agency may use those goals to establish specific project goals.

27.3 Contract Administration

.31 General. The local agency has the responsibility to:

- a. Conduct preconstruction conferences during which EEO and training Special Provisions for federal aid contracts are discussed with the contractor. (Emphasis should be made regarding the applicability of goal-by-craft versus average-of-all-crafts.)
- b. Ensure that the contractor posts and maintains notices and posters setting forth the contractor's EEO policy. A supply of OFCCP Poster No. 1420, Equal Employment Opportunity is the Law, shall be made available to the contractor.
- c. Monitor on-site compliance with the EEO and training Special Provisions of federal aid contracts.
- d. Ensure that their contractors locate, qualify, and increase the skills of minority groups, women employees, and applicants for employment as specified in the training provisions.
- e. Prepare and/or ensure the preparation of the required EEO and training reports.

.32 EEO Reports.

- a. PR 1391: This report is submitted by the contractor and subcontractors showing all the employees in the work force including an ethnic breakdown on their federal aid highway construction projects under construction during the month of July. The report is a summation of employees on their last payroll period preceding the end of July. The local agency retains this form in its project files.
- b. PR 1392: Summation of the July PR 1391 reports received from all contractors and subcontractors that were working on federally-assisted projects during the month of July. This report is prepared by the local agency and sent to the Region Local Programs Engineer by August 30. This report is due at WSDOT Headquarters Highways and Local Programs by September 10 annually.
- c. DOT Form 820-010 Monthly Employment Utilization Report: This report includes the total work hours for each employee classification in each trade in the covered area for the monthly report period. All Contractors/Subcontractors having contracts of \$100,000 or more that are federally funded shall

submit WSDOT Form 820-010 to the Local Agency by the **fifth of the month** during the term of the contract. The Contractors/Subcontractors shall maintain this information in their files for all federally and locally funded projects under \$100,000. The hours reported represent the contractor's and subcontractor's federal and nonfederal funded projects in the SMSA or EA per the GSP. The completed form will represent a work force greater than what is on your project if the contractor or subcontractor has another project in the same SMSA or EA.

To monitor the forms submitted during the term of the contract, the local agency will summarize a contractor's progress by completing the "Monthly Employment Utilization Report Worksheet" or a similar form. The results of the summary will show whether the contractor is meeting the employment percentages that appear in the GSP.

.33 Training Reports.

- a. Form 272-060: Federal Aid Highway Construction Annual Project Training Report, is maintained by the local agency's Project Engineer as trainees are approved. Question 10 is to be completed from the project payroll/trainee records. Form 272-060 is due in the Region Local Programs office by June 10.
- b. Form 272-061: Federal Aid Highway Construction Cumulative Training Report, extracts the information taken from Form 272-060. The Region Local Programs Engineer prepares this report which is due in the Headquarters by June 20.

27.4 Monitoring During Construction

- .41 EEO.** During the project construction, the local agency must monitor the contractor's performance to ensure compliance with its Title VI and Section 504 EEO policy. To accomplish this, the local agency must designate an EEO officer. The EEO officer's duties are to conduct reviews with the contractor, maintain records, reports, and required Title VI statistical data concerning the contractor's performance, and ensure that the local agency itself is in compliance with its EEO policy.
- .42 Training.** When training hours are assigned to the project, the local agency must verify that the trainee is on the project and is receiving beneficial training in accordance with the approved training program. When the trainees are on the project, the local agency shall periodically conduct interviews with them to determine if they are receiving the training as specified in the approved training program. The "Trainee Questionnaire" form or similar forms should be used to document the employee interviews and the contractor's compliance with the training requirement.

STATE OF WASHINGTON NOTICE TO CONSULTANTS FOR
SR161, 36th Street to Jovita Boulevard

The Washington State Department of Transportation (WSDOT) solicits interest from consulting firms with expertise in Civil and Structural Design. Consultants will be considered for the following project.

PROJECT DESCRIPTION

The work to be performed by the CONSULTANT consists of preparing preliminary engineering and PS&E for improvement of SR161, 36th Street East to Jovita Boulevard East. The proposed improvements include widening SR161 to accommodate four lanes of traffic, improving intersection radii, increasing left turn storage, revisions to existing signal systems in order to accommodate the proposed improvements, and construction of retaining walls to provide for roadway widening. The major features of the project are as follows:

- Approximately 1.74 miles of widening for two additional lanes.
- Improving intersection radii to meet design standards.
- Environmental planning and preparation of permit applications.
- Signal modifications and design.
- Structural design for retaining walls and culvert extensions/replacements.
- Determination of R/W needs and R/W plan preparation.
- A partnering effort is possible to assist with short project schedule, coordination of management, decision-making, and interaction with the Bridge Division regarding structural issues and reviews.

SUBMITTAL

Submittals should include the following information: Firm name, phone and fax numbers; Name of Principal-in-Charge and Project Manager; and Number of employees in each firm proposed to project.

Submittals will be evaluated and ranked based on the following criteria:

- 1) Key personnel;
- 2) Firm experience with WSDOT PS&E;
- 3) Firm experience with environmental planning and permitting process;
- 4) Ability to meet schedule;
- 5) Approach to project;
- 6) Familiarity with relevant codes and standards;
- 7) Past performance/references;
- 8) Ability to provide M/WBE participation.

Double rating will be given to criteria #2.

The Department encourages disadvantaged, minority, and women-owned consultant firms to respond.

Please submit FOUR copies of your Statement of Qualifications to: Director of Services Consultant Washington State Department of Transportation, Transportation Building, P.O. Box 47323, (Capital View II, 724 Quince Street S.E., 2nd Floor), Olympia, WA 98504-7323 by April 7, 2002 not later than 10:00 AM. No submittals will be accepted after that date and time. Any questions regarding this project should be directed to Director of Consultant Services, at (360) 705-7102.

Persons with disabilities may request this information be prepared and supplied in alternate forms by calling collect (360) 664-9009, Seattle area (206) 587-5500 (TDD or V), or outside Seattle area at 1-800-883-6388 (TDD or V).

Exhibit A-4
Certificate of Current Cost or Pricing Data

This is to verify that, to the best of my knowledge and belief, the cost or pricing data (as defined in section 15.401 of the Federal Acquisition Regulation (FAR) and required under FAR subsection 15.403-4) submitted, either actually or by specific identification in writing, to the contracting officer or to the contracting officer's representative in support of _____

* are accurate, complete, and current as of _____ **. This certification includes the cost or pricing data supporting any advance agreements and forward pricing rate agreements between the offeror and the Government that are part of the proposal.

Firm _____

Name _____

Title _____

Date of Execution*** _____

- * Identify the proposal, quotation, request for price adjustment, or other submission involved, giving the appropriate identifying number (e.g., RFP No.).
- ** Insert the day, month, and year when price negotiations were concluded and price agreement was reached.
- *** Insert the day, month, and year of signing, which should be as close as practicable to the date when the price negotiations were concluded and the contract price was agreed to.

32.1 General Discussion

The railroad grade crossing program has the following basic objectives:

- a. To reduce the accident frequency and severity at grade crossings.
- b. To improve operating efficiency.

The program focus is on adding protection to projects that demonstrate a need for safety and efficiency.

To assist in this effort, Congress dedicated a portion of the Highway Trust Fund for rail/highway crossing safety improvements. The funds are available at 100 percent federal.

The first alternative to be investigated for improving a grade crossing is consolidation. Consolidation will eliminate train-vehicle accident potential and maintenance costs. It is also possible that important accessibility may be reduced and unacceptable rerouting of vehicular traffic will result. Nevertheless, when improvement alternatives are considered, these factors should not preclude the consideration of crossing consolidation and the resulting benefits. Removal of crossing surfaces, erection of barriers, and other costs associated with closing a crossing are eligible for Section 646 funding.

It is the position of the Federal Highway Administration that funding on railroad-highway grade separation projects will only be approved where closure of associated at-grade crossing(s) is imminent.

The standards contained in this chapter are to be considered minimum standards for railroad/highway crossing projects. They may be inadequate if extraordinarily hazardous conditions exist. In these cases, higher levels of protection should be provided.

32.2 Selection of Appropriate Warning Devices

References: *Manual on Uniform Traffic Control Devices*
WSDOT Design Manual
FHWA Railroad-Highway Grade Crossing Handbook

- .21 Passive Protection.** These devices include signing and pavement markings. The crossbuck sign is the responsibility of the railroad. All other signs and pavement markings are the responsibility of the local agency and are eligible for Section 646 funding.
- .22 Design Standards for Active Protection.** Active grade crossing traffic control devices include all signals, bells, and gates or other devices or methods that inform motorists and pedestrians of the approach or presence of trains, locomotives, or railroad cars on grade intersections. The

majority of the devices are automatically activated by the train. Active protection may be appropriate for those locations which have an exposure factor (trains per day times vehicle ADT) greater than 1,500 or are located on railroad main lines. However, a site specific evaluation of train and vehicle traffic volumes and speeds, rural or urban location, potential danger to a large number of people, sight distance and accident history should be completed before making a decision. The basic active protection device consists of post-mounted flashing lights. Gates should be added when any one of the conditions listed in Appendix 32.53 are in existence. Additional cantilevered flashing lights should be provided if any one of the conditions listed in Appendix 32.53 apply. Unless special circumstances exist, all cantilevered installations should include gates. Signal lenses shall be 30 centimeters (12 inches) in diameter. The design standards are illustrated in Appendixes 32.51 and 32.52 and are in addition to those found in the *Manual on Uniform Traffic Control Devices* (MUTCD). MUTCD design standards also apply.

- a. **Post-Mounted Signals.** These flashing light signals are normally placed to the right of approaching highway traffic on all roadway approaches to a crossing. The design standards included as appendices to this division show the minimum dimensions for the following cases:
 - Appendix 32.51 — Shoulder Section
 - Appendix 32.52 — Curb Section
- b. **Automatic Gates.** Automatic gates should be added to post-mounted signals when any one of the following conditions is present:
 - Multiple main line railroad tracks.
 - Multiple tracks at or in the vicinity of the crossing which may be occupied by a train or locomotive so as to obscure the visibility of another train approaching the crossing.
 - High-speed train operation combined with limited sight distance at either single or multiple track crossings (see Appendix 32.53).
 - A combination of high speeds and moderately high volumes of highway and railroad traffic.
 - Either a high volume of vehicular traffic, high number of train movements, school buses, or trucks carrying hazardous materials, unusually restricted sight distance, continuing accident occurrences, or any combination of these conditions.

When utilizing gates, the departure side of the crossing is always left open to allow highway traffic to escape from the crossing.

- c. **Cantilevered Signals.** Cantilevered flashing light signals should be added to post-mounted signals and gates when any one of the following conditions is present:
- There are considerable distractions near or beyond the crossing which would compete for the driver's attention.
 - Traffic or parking conditions are such that the view of a post-mounted flashing light signal could be blocked.
 - The angle of approach to the crossing is acute and post-mounted signals could go undetected.
 - The highway has two or more lanes in each direction.
 - The highway carries high-speed and high-volume traffic.

Unless special circumstances exist, all cantilevered installations should include gates. The design standards included as appendices to this division show the minimum dimensions for the following cases:

Appendix 32.51 — Shoulder Section
Appendix 32.52 — Curb Section

All crossing sites will be reviewed and recommendations made by a diagnostic team consisting of representatives of the Federal Highway Administration (FHWA), railroad, WUTC, local agency, and the Washington State Department of Transportation (WSDOT) Headquarters Highways and Local Programs and Region Local Programs Engineer.

- d. **Traffic Signals at or Near Grade Crossings.** When highway intersection traffic control signals are within 61 m (200 feet) of a grade crossing, control of the traffic flow should be designed to provide the vehicle operators using the crossing a measure of safety at least equal to that which existed prior to the installation of such signal. Accordingly, design, installation, and operation should be based upon a total systems approach in order that all relevant features may be considered (see MUTCD Section 8C-6).
- .23 Traffic Barriers.** A railroad signal may be a point hazard warranting the use of a traffic barrier or crash cushion. Traffic barrier and crash cushion guidelines are shown in Section 710 of the WSDOT *Design Manual*. A guardrail should be installed if the speed limit is greater than 60 kph (35 mph).
- .24 Approaches.** Funding to improve road approaches for safety purposes may be considered as a part of signalization projects on a case-by-case basis. Approach work for safety

improvement includes profile corrections to reduce approach grades at main line locations.

- .25 Crossing Surfaces.** Funding to improve crossing surfaces may be considered as a part of signalization projects on a case-by-case basis. The street or highway must have an ADT of at least 7,500 in order to be considered. Funding will be provided at 100 percent federal.
- .26 Illumination.** Railroad grade crossings may be considered for illumination where a nighttime accident pattern is known to exist or is likely to occur. These projects will be considered on a case-by-case basis. Funding will be provided at 100 percent federal.
- .27 Design Deviations.** Deviations will be considered upon receipt by the Assistant Secretary for Highways and Local Programs of a written request accompanied by the following documentation:
- A fully-dimensioned (25 mm = 15 m (1" = 50') minimum) plan of the site, including topographic features, all right-of-way lines, location of rails, easements, structures, curbs or shoulders, pavement lines, and proposed signal locations.
 - Cross-section at each signal location, with all relevant dimensions and features.
 - Photographs of the site.
 - A statement outlining why this deviation is justified.

32.3 Project Development Process

- .31 Project Application Package.** A local agency wishing to develop a project to provide protection at a railroad/highway crossing must submit to the Region Local Programs Engineer an original and two copies of the completed Project Prospectus, along with the initial Local Agency Agreement and items of supporting data listed in the Project Application Checklist (see Chapter 21).

The railroad should be contacted during the project development process to provide notification of the proposed project and to obtain relevant data on train movements. Nearly all rail trackage in Washington State is operated by the Union Pacific or Burlington Northern Santa Fe. The contact person for these railroads are listed below:

Mr. John Trumbull, Manager
Industry and Public Projects
Union Pacific Railroad Company
5424 SE McLoughlin Boulevard
Portland, OR 97202
(503) 872-1809

Mr. Mike Cowles
Manager Public Projects
Burlington Northern Santa Fe Railway Co.
2454 Occidental Avenue South, Suite 1-A
Seattle, WA 98104-1105
(206) 625-6146

The Region Local Programs Engineer will assist in determining the owner of the trackage and the appropriate contact person if necessary. In completing the Project Application Package, sufficient preliminary engineering funds should be requested to cover the agency's PE costs as well as an additional \$3,000 to \$5,000 to cover the railroad's costs. The additional dollars for PE work done by the railroad should be shown under "other" on the Local Agency Agreement.

If existing devices are to be removed, the agency will notify the Highways and Local Programs Operations Engineer who will determine the salvage rights and values, and determine the railroad's credit to the FHWA, if they are federal property.

.32 Preparation of Project Data. When preliminary engineering funding has been approved, the agency should submit the necessary project data to the railroad along with a notice to proceed. Appendix 32.54 shows a Railroad Project Data Form which provides a railroad with data to prepare an estimate of cost. The data required by the railroad is traffic lane widths, shoulder widths, curbs and sidewalks, angle at which the highway crosses the tracks, and the legal description of the crossing location. The location of any underground and overhead utilities in the area which will be excavated for the signal foundation should also be included.

.33 Railroad Agreement and Petition. Upon completion of the signal layout and design, the railroad will prepare the standard agreement shown in Appendix 32.57 and a petition to the Washington State Utilities and Transportation Commission for installation of the crossing protection as required by RCW 81.53.261. At this time, the railroad will also request construction authorization and the local agency should proceed with the construction authorization process as per 32.34. The drawing shall form part of the agreement.

Preliminary engineering and construction funding may be registered simultaneously if no right-of-way is required.

The petition and the agreement will be forwarded to the local agency for execution and returned to the railroad. The railroad will file the petition with the WUTC. The WUTC will review the petition and, if appropriate, issue an order directing installation of the crossing protection.

.34 Construction Authorization. The local agency should prepare and submit the following to the Region Local Programs Engineer with the request for construction funding:

- a. Right-of-Way certification (if not previously submitted).
- b. Supplement to the Local Agency Agreement.
- c. Railroad agreement.

The Railroad Highway Safety Crossing Program is funded at 100 percent federal funds, with no local match required.

WSDOT will review the PS&E package and request funding authorization from FHWA and the WUTC for the 1 percent matching share. The agency will be notified when construction funds are approved and the supplement to the Local Agency Agreement returned. The agency should request a contract number from the Region Local Programs Engineer and notify the railroad to proceed with construction.

.35 Construction Administration and Project Closure.

Upon receipt of construction authorization, the railroad will order material and proceed with construction. Approximately five to eight months are required to obtain the signal material. The railroad will attempt to coordinate construction with other projects in the area to more effectively utilize crews.

The local agency is responsible for all work associated with a railroad agreement, from date of authorization for the railroad to proceed with the work through final completion of the work, subsequent closing of the agreement, and completion of the final audit.

The WSDOT Highways and Local Programs Operations Engineer will notify the Region Local Programs Engineer of the construction schedule received from the Railroad. The Region Local Programs Engineer in turn will notify the agency that will oversee the construction of railroad work and request that they contact the railroad's project representative to confirm the construction schedule and to maintain a line of communication at the project level.

The local agency is required to document the work performed by the railroad to ensure that the railroad's billing can be verified, thereby leaving an audit trail. This documentation may be performed by random oversight which is defined as on-site reviews two or three times a week while the railroad is working.

The documentation should be a record in the form of a diary and supplemental reports of the work performed by the railroad. This record shall be sufficiently complete to establish a record of the following:

- Number and general type of labor and supervision and number of hours chargeable to the agreement work.
- Number and type of major items of equipment used and number of hours chargeable to the agreement work.
- Description of work accomplished.
- Major items of material installed.
- Major items of material removed and disposition, i.e., salvage, scrap, junk.
- Details concerning any changes or extra work or other conditions affecting the work.

Within 30 days of project completion, the railroad will by letter notify the local agency that construction is completed. The local agency requests final billing from the railroad.

The local agency and the WUTC will be notified when the signals are completed and in operation. The agency should notify the Region Local Programs Engineer when the project is completed and submit any railroad and agency billings.

WSDOT will perform the final inspection and send a 90-day closure letter to the local agency (see Chapter 53).

32.4 Other Projects With Railroad Involvement

.41 General Discussion. If a highway project contains a railroad crossing within construction limits, the local agency must notify the railroad company involved in the event that a permit of an agreement will be necessary. Early contact with the railroad will minimize delays to the project.

.42 Procedure for Securing Railroad Agreements. The standard agreement shown in Appendix 32.57 shall be used. The procedure for executing the agreement varies slightly, depending on project circumstances:

- Local agencies shall submit to the Region Local Programs Engineer two copies of the executed agreement reflecting the detailed project cost estimate.
- When the affected railroad right-of-way is owned by more than one railroad company, the local agency shall execute an agreement with each company for each crossing within the project boundaries.

- When more than one railroad company uses the affected railroad right-of-way owned by one company, the local agency shall execute the agreement with the owning company which acts on behalf of the other companies. The other railroad must be identified by name in the agreement.
- On projects where the construction contract will be administered by WSDOT, in addition to the above agreement, a three-party agreement (state, railroad, local agency) in letter form must be submitted with the plans, specifications, and estimates (PS&E). This agreement must explain that the state can make payments directly to the railroad. The three-party agreement will first be executed by the local agency and railroad, and then by the state after its review. A sample letter-type agreement is shown in Appendix 32.56.

32.5 Appendixes

- 32.51 Signal Design — Shoulder Section (Metric/English)
- 32.52 Signal Design — Curb Section (Metric/English)
- 32.53 Railroad/Highway Grade Crossing Protection Sight Distance Diagram and Gate Warrant Form (Metric/English)
- 32.54 Railroad Project Data Form
- 32.55 Washington State Short Line Contact List
- 32.56 Sample Letter — Type 3 Party Agreement
- 32.57 Local Agency Railway Agreement

This chapter provides information and instructions on procedures applicable to emergency projects funded by the Emergency Relief (ER) Program on federal-aid highways, and by the Federal Emergency Management Agency (FEMA) disaster assistance for projects not on federal-aid highways.

Agencies should notify the Region Local Programs Engineer of damages to roadway systems caused by an emergency/disaster.

When an emergency exceeds the capability of state and local government, federal assistance can be requested from FHWA (ER and ERFO) and FEMA for the purposes noted below:

- The Federal Highway Administration (FHWA) under Title 23, U.S.C., Section 125 provides Emergency Relief (ER) funds for the restoration of damaged roads and bridges on federally functionally classified routes except for rural minor collectors and local roads and streets.
- FHWA's Western Federal Lands Highway Division Office directly handles ERFO funds (Emergency Relief for Federally Owned Lands) for repairs to federal roads maintained by federal agencies (Forest Service, Park Service, etc.) that were damaged by a disaster and determined to be eligible by the FHWA Administrator.
- Federal Emergency Management Agency (FEMA) provides federal funds under Public Law 93-288, as amended, "Robert T. Stafford Disaster Relief and Emergency Assistance Act, Nov. 1988," for restoration of damaged roads and bridges off the eligible federal aid classified routes.

Congress authorizes \$100 million annually nationwide for FHWA's ER program. The type of events that qualify for ER funding are:

- A widespread natural disaster. Examples are floods, hurricanes, severe storms, earthquakes, volcanic eruptions, landslides, or tidal waves.
- A catastrophic failure. This is defined as the sudden and complete failure of a major element or segment of roadway system that causes a disastrous impact to transportation services. The cause must be external to the facility, such as a barge hitting a bridge and causing it to collapse.

References

- State of Washington Comprehensive Emergency Management Plan
- WSDOT *Disaster Plan* (M 54-11) — November 1994
- USDOT/FHWA *Emergency Relief Manual* — September 1998

33.1 Steps Following a Disaster

Local Agency Process. Outlined below are the initial steps a local agency follows immediately after a disaster.

- a. **Initial Notification.** A local Emergency Management Office immediately notifies the Washington State's Emergency Management Division (EMD) via the fastest means possible.
- b. **Local Agency Proclamation.** A proclamation is signed by elected official(s) in accordance with the State of Washington Comprehensive Emergency Management Plan. In accordance with RCW 38.52, the state and each political subdivision (e.g., local agency) have prepared a Comprehensive Emergency Plan which is put into effect when a disaster occurs. (Appendix 33.91)
- c. **Recording Site Specific Costs.** It is very important to document all expenses incurred by an agency in coping with the disaster or catastrophe. Records must be site specific, identified by route, M.P. (K.P.) and/or by cross street identifiers within the route. Cost records must have supporting documentation for labor, equipment, and materials. Failure to document costs as outlined above is a major reason for ineligibility findings.
- d. **Additional Data Gathering.** Agencies should gather evidence of the disaster such as newspaper clippings and photos. This information is helpful in the preparation of the field reports to request emergency relief funds.
- e. **Requesting State Assistance.** During and immediately after the disaster, the local Emergency Management Office conducts "damage assessments" to determine the magnitude, dollar value, effects, and impacts of the emergency/disaster.

It is very important to make timely and accurate damage reports to the EMD. These reports should describe the disaster and any local response. The "Incident Report" and "Disaster Analysis Report" forms provided by EMD and completed by the local agency (see Comprehensive Emergency Management Plan) are approved means of providing such a report. In addition, this notification should include the local agency's "Proclamation of Emergency."

- f. **Proclamation by the Governor.** From the information received EMD will inform the Governor's Office. If the situation warrants state assistance, EMD will coordinate the state response to supplement the efforts of local governments. The Governor will proclaim a State of Emergency when necessary. The Governor's proclamation is required to obtain assistance under both ER and FEMA. (Appendix 33.92)

From this point on, the processing of ER or FEMA projects are different, and the procedures are shown separately in the following sections.

33.2 FHWA's Emergency Relief Program Guidelines

The Emergency Relief (ER) Program is administered by FHWA through WSDOT. To qualify for ER funds the damages to be corrected must have resulted from the declared disaster or catastrophic failure (as described above) and be for emergency opening, repair, or reconstruction of roadways and bridges on federally functionally classified routes except for rural minor collectors and local roads and streets. In addition, the total statewide damage for the entire event must exceed \$700,000, effective 6/1/2000. Individual sites must have \$5,000 or more in repair costs to be eligible for ER funds.

Eligible temporary emergency repairs and incidental permanent restoration work (Section 33.42), to minimize damage, protect facilities or restore essential traffic, accomplished within 180 calendar days after the first day of the actual disaster occurrence may be eligible for 100 percent ER funds. Repairs performed beyond 180 days after the actual occurrence of the disaster will be funded at the current program participation ratio for the federal aid route affected. Permanent restoration will be funded at the current program participation ratio for the federal aid route affected.

Forest Highways. The ER program also provides funds for other roads and trails on federal lands which have: serious damage due to the natural disaster or catastrophic failure; an emergency has been declared by the Governor; and concurrence by the FHWA Administrator (USDOT). However, repairs to roads maintained by federal agencies (Forest Service, Park Service, etc.) are handled directly by FHWA's, Federal Lands Highway Division Office in Vancouver, WA, and the responsible agency.

The Western Federal Lands Highway Division of FHWA has designated a system of Forest Highways. Some of the system is located within National Forest lands, some provide access to such lands, some are coincidental with State Routes and some with local agency routes. Damages that occur on this designated system are eligible for 100% federal funding and may be administered through either the ER or ERFO programs. A map of the system is at the end of the chapter.

.21 Application for Federal Assistance. WSDOT and local agencies are empowered to immediately begin emergency repairs to restore essential traffic service and to prevent further damage to the roadways. Properly documented costs will later be reimbursed if FHWA determines the disaster ER eligible. The determination of eligibility/non-eligibility does not usually occur until approximately 60 days after the incident period. However, the following steps should be ongoing during this interval.

- a. Letter of Intent. WSDOT prepares and transmits to FHWA a "letter of intent" to apply for ER program funds per the requirements. The letter of intent includes: an estimate of the damage on WSDOT eligible roadways; an estimate of damage on local agency's eligible roadways; and notifies FHWA that WSDOT intends to request ER funds. This request usually follows the Governor's proclamation.
- b. FHWA Division Acknowledgment. The FHWA Division response to WSDOT directs WSDOT and local agencies to proceed with emergency repairs: to restore essential travel; to protect remaining facilities; to reduce the extent of damage; to begin preliminary engineering consisting of surveys, design, and preparation of construction plans; to perform incidental permanent restoration work which is required as part of the emergency operation; and to use local forces, contracts and/or equipment-rental contracts as necessary to perform the work.
- c. Approval of ER Funds. Upon receiving the recommendation of the FHWA Division Office that the event qualifies for ER funds, the FHWA Administrator acts on WSDOT's request and informs FHWA Regional and Division Offices of the approval of ER funds and sends a letter to the Governor. WSDOT Highways and Local Programs is informed accordingly and notifies the affected local agencies.

Eligibility of emergency relief work for federal funding is contingent upon concurrence by the FHWA Administrator.

.22 FHWA Approval of Projects. From the time the disaster/emergency occurs local agency forces are out working to protect their transportation investments. The local agency will contact the Region Local Programs Engineer and describe the damage they are incurring with an estimated dollar figure which is included with WSDOT's submittal to FHWA.

If the disaster damage is eligible for ER funds, detailed Damage Inspection Reports (DIR) are prepared to determine the amount and scope of reimbursement for temporary emergency repairs, incidental permanent restoration and permanent restoration work. To expedite the reimbursement process and repair the damage to the agency's transportation system, the Region Local Programs Engineer contacts the agency and coordinates an on-site visit with a FHWA representative, at a mutually agreed upon time. If the damage to an agency is wide spread and the agency has good documentation (including plenty of photographs), FHWA may approve the sites based on the project packages without actually viewing every site. FHWA has also concluded they may select a portion of the impacted sites to actually visit for verification of the damage detailed in the DIR.

The agency should have a package of all relevant information ready for review by Highways and Local Programs and FHWA at the time of the on-site visit. In many cases, the emergency work will already have been completed. Accurate and detailed records are required to verify the expenditures. The package is to include:

- a. Damage Inspection Report (DIR). The DIR (see Forms) can either be prepared at the time of the on-site visit or the agency may fill out the information pertaining to the site prior to the visit for review and approval by Highways and Local Programs and FHWA. The DIR should include all pertinent information pertaining to the site's damage and a breakdown of damage estimates or actual costs (as applicable) of the work identified. Completion of the DIR is a joint effort by FHWA, WSDOT Highways and Local Programs, and local agency personnel.

The approved DIR serves as the basic justification and cost document. Each agency receives a copy of the DIR. Based on detailed DIRs received, WSDOT Highways and Local Programs will prepare and forward a statewide ER program of local agency projects to FHWA for approval. Following program approval by FHWA, WSDOT Highways and Local Programs will request any additional information that is required to advance a specific project to the construction stage.

It is important that the DIR document the scope of the approved repairs, but it is not critical that the cost estimate be precise at the time of the DIR (the cost estimate can be refined later). It is important that the damage inspections be completed as soon after the event as possible, even if final cost data is not yet available.

- b. Maps. A vicinity map showing the location of the damage (can be agency-wide or site by site).
- c. Visual Aids. Photographs, newspaper articles, and related documents (i.e., sketches, video tapes) are necessary to show the actual damage.
- d. Records. Agency records **must** be site-specific [identified by M.P. (K.P.), route, or cross street identifiers] for each eligible federal aid route. Costs **must** be supported by labor, equipment and material records or contract documents. This is necessary to obtain full reimbursement. (These records are critical for the long-term but need not be fully complete at the time of the DIR since the DIRs cost estimate can be just that — an estimate.)
- e. Additional Data. This will include any items FHWA requests.

Because a significant amount of time may have elapsed since the disaster, the local agency may have to fund restoration costs while waiting for reimbursement. In many

cases, the emergency work will already have been completed. Therefore, accurate and detailed records are required to verify the expenditures.

33.3 Reimbursable Expenses

- .31 **Eligible Costs.** The following is the basic information on FHWA policy regarding emergency relief procedures for reimbursement under the ER Program. This is also outlined in the Emergency Relief Manual (USDOT/FHWA, September 1998).

Only certain items of repair or reconstruction of roads, streets, and bridges are eligible under the emergency relief program. The federal government will participate in costs when they are properly supported and documented and when such costs are directly attributable and properly allocable to ER projects. For a site to qualify it must: exceed heavy maintenance; not be a pre-existing condition; and not already be programmed for federal-aid funding. For the purposes of the ER Program, heavy maintenance is defined as repair work less than \$5,000 per site. Work is considered already programmed if construction funding for it is included in the State Transportation Improvement Program (STIP).

The emergency conditions most frequently experienced in Washington State are those resulting from damage to highways caused by storms which create flooding conditions. The processing of claims for damage by hurricanes, tidal waves, earthquakes, severe storms, landslides, volcanic eruptions, and other catastrophes will normally follow the criteria established for flood disasters. ER funds may participate in the emergency repair or reconstruction of: pavements or other surface courses; shoulders; embankments; cut slopes; natural and constructed drainage channels, including riprap, cribbing, or other bank control features; guardrail; bridges; retaining walls; signs and traffic control devices; culverts; bike and pedestrian paths, and fencing.

The ER program will only fund those activities: beyond heavy maintenance; required to restore essential travel; to prevent additional damage to the roadway; and work required to restore the roadway to its pre-disaster condition. Types of these eligible costs are as follows:

- a. Debris Removal. This includes clearing debris from the traveled way, an adjacent pedestrian/bike facility, the clear zone and in some cases from the drainage systems associated with damaged project sites.

This does not include the clearing of trees and other debris from all areas within the right of way. If debris is not obstructing traffic, an adjacent pedestrian/bike facility, in safety clear zones, or a drainage facility, removal of that debris would **not** be eligible for ER funds.

- b. Traffic Control. For ER eligible roadways traffic control devices such as barrels, barricades and signs; the establishment of detour routes; and enforcement of detours and road closures by law enforcement personnel are eligible for funding. Reimbursement for traffic control can be handled on an area-wide basis with sufficient documentation of locations and type of work. ER reimburses the local agency and the state enforcement agencies for regular and overtime rates on ER eligible routes for performing disaster related traffic control activities. Documentation of hours, routes, etc., is required for reimbursement.
- c. Landscaping. Landscaping and functional planting are eligible when associated with major damage restoration through permanent repair methods.
- d. Active Construction Contracts. Damage due to the ER event within the limits of an active construction contract **may** also be eligible for ER funds. Damage must be due to the event and clearly not the responsibility of the contractor (e.g., not due to inadequate protection of disturbed areas). The work must be done by change order (Section 52.5). Also, if adequate precautions were made to protect a nearby project because of the event, that work may be eligible.
- e. Detour Routes. Establishment or construction of detours is eligible for ER funding. Routine maintenance of detours is not eligible, but repair of detour routes whether or not they are federal-aid eligible, is eligible for ER funding.
- f. Sites Damaged by Two Separate Storms. When a site suffers damage in a second eligible ER event prior to completion of the permanent restoration, that work can be funded as part of the second storm. Temporary work completed before the second storm should still be charged to the first storm. In this case all work must be coordinated with the Region Local Programs Engineer and FHWA.
- g. Administrative Expenses. Administrative expenses as listed below are also eligible for reimbursement.
 - (1) Regular and Extra Employees. Regular salaries, overtime salaries and wages of all the regular and extra employees directly engaged in work on ER projects are eligible for reimbursement. Time-keeping procedures should provide for allocating employees' time to projects and/or other activities each day on an hourly basis. The timekeeping document, such as a time slip, time and attendance report, or time book, is the source document which must be available for examination by audit personnel to support direct labor costs claimed on any ER project. The document should be signed by a responsible employee having knowledge that the time distribution is accurately reported.
 - (2) Payroll Additives. Usually referred to as a labor surcharge, a set percentage over and above the total direct labor costs charged to a project is eligible for participation. This surcharge is to cover costs of various types of leave allowances, industrial accident insurance coverage and other employee benefits. The allowable percentage rates will consist of the agency's calculated rates which normally vary from year to year. Therefore, the records used in developing percentage rates should be preserved under suitable control conditions to assure availability for examination when requested. The acceptable percentage rate may be applied only to direct labor costs.
- h. Engineering and Right-of-Way. Only that preliminary engineering, right-of-way, and construction engineering directly attributable to repair of eligible damages are eligible for ER reimbursement. Administrative costs are not eligible.
- i. Traffic Damage. Generally damages of roadway surfaces due to traffic damage is not eligible for ER funds, but may be for surface damage repair (1) on any public road when it is caused by vehicles making repairs to federal eligible roadways, (2) on any public road officially designated a detour route around a damaged federal eligible roadway, and (3) on any federal eligible roadway when damage is caused by vehicles responding to a disaster.
- j. Overlays. Where entire sections of roadway are damaged and need to be constructed, new surfacing is eligible. Roadways submerged during flooding, but suffering no significant damage, are not eligible.
- k. Raising Grades. For traditional flooding, temporary work, fill material and minimum riprap to raise roadway grades to maintain essential traffic service during flooding is eligible. Roadways temporarily raised to maintain essential traffic service and that suffer no significant damage as a result of the flood and work to permanently provide a higher grade (recompact fill and provide permanent surfacing) are not eligible. Contact your Region Local Programs Engineer to have them consult with FHWA on raising grades in basin flooding situations.
- l. Slides. The removal of rock and mud slides is eligible. To be eligible for correction to provide a safe roadway, such a slide must be associated with the overall natural disaster or by itself qualify as a natural disaster. Projects to stabilize the slide area to protect the roadway or to relocate the roadway are eligible when justified as a betterment.
- m. Traffic Control Devices. The cost of repair and replacement of traffic control devices (traffic signal, traffic control signs) is eligible only if such damage exceeds heavy maintenance.

34.1 General Discussion

The Highways and Local Programs Service Center of the Washington State Department of Transportation (WSDOT) and local agencies have developed a bridge replacement selection process for selecting and prioritizing bridges to be replaced using Federal Bridge Replacement (BR) Funds.

Section 34.2 of this chapter describes the roles, purpose, and membership of the committees and organizations integral to that process: the Bridge Replacement Advisory Committee (BRAC), the BRAC Technical Committee, and the WSDOT Bridge Preservation Section. Section 34.3 describes the funding eligibility and criteria for design, local match, and approach costs. Section 34.4 describes each step in the bridge replacement selection process. Section 34.5 outlines alternative procedures for defining the scope of bridge projects.

34.2 Bridge Replacement Advisory Committees

The primary committee specifically set up to facilitate selection of local agency bridges for replacement or rehabilitation is BRAC. The BRAC Technical Committee is a BRAC subcommittee, consisting of three members appointed by the Highways and Local Programs Assistant Secretary. WSDOT works extensively with these two Committees in the selection process. The role, purpose, and membership of these committees is outlined here:

.21 The Bridge Replacement Advisory Committee. BRAC reviews local agency bridge replacement candidates ranked by sufficiency rating, and recommends candidates for funding. BRAC usually meets twice a year (Spring and Fall). It consists of nine voting members: three state engineers, one each from WSDOT's Highways and Local Programs, Bridge and Structures, and Program Development divisions; three county members are appointed by the Washington State Association of County Engineers; and, three city members are appointed by the Association of Washington Cities. Each city and county member initially serves one year as a non-voting alternate, then serves in a voting capacity for a full, three-year term. One new city and county member is recommended for appointment each year. In the absence of a voting member, the non-voting member assumes their duties.

.22 The BRAC Technical Committee. This Committee reviews all bridge replacement candidates and reconciles any differences between the bridge sufficiency rating as originally calculated by the owner agency and the independent rating calculated by the Bridge Preservation Section. The bridges are then ranked by the revised sufficiency rating. When their review is complete, the Technical

Committee recommends a bridge's appropriateness for replacement (good, fair, or poor), to BRAC. The Technical Committee consists of three engineers: one each from a city, a county, and the state; all must be engineers with extensive bridge condition inspection and maintenance experience. The Highways and Local Programs Bridge Engineer for Local Agencies also provides input and answers questions for the technical committee.

.23 The WSDOT Bridge Preservation Section. For the fall meeting, bridges with sufficiency ratings qualifying them as candidates for replacement are evaluated by a team from the Bridge Preservation Section, a section within the WSDOT Bridge and Structures Office. The team performs a field inspection the first year a bridge is eligible for consideration, then reinspects it at least once every three years thereafter until it is either:

- funded for replacement,
- a decision is made not to fund it,
- falls out of eligibility.

34.3 Bridge Funding

The BR Funds provides federal funds to cities and counties to replace or rehabilitate bridges that are physically deteriorated and are structurally deficient or functionally obsolete. Other BR funded programs include Seismic Retrofit, Painting, Scour Mitigation and Rehabilitation (see Appendix 34.61A and B).

.31 Typical Bridge Replacement Criteria. BRAC recommends funding a bridge for replacement based on the "Typical Bridge Criteria." If an agency requests funding of items that are beyond the scope of a typical bridge, they will be required to submit documentation supporting their requests. These requests will be approved or denied on a case-by-case basis by Highways and Local Programs. All requests must be based on sound engineering judgment and/or economics.

- a. Design Year: The bridge construction year is to be 20 years from the start date of construction.
- b. Design Loading: HS25-44 or equivalent.
- c. Vertical Clearances: Clearance over roadways is to be 5 m (16.5 feet). Clearance over railroads is to be 7.2 m (23.5 feet).
- d. Bridge Width: The bridge curb-to-curb width is to be determined using the *Local Agency Guidelines* manual (LAG), Chapter 42, Design Standards. The ADT is to be based on a 20-year traffic study.
- e. Bridge Length: The length of the replacement bridge can be affected by one or both of the following factors.

1. The bottom of the superstructure will be .9 m (3 feet) above the 100-year flood.
 2. The abutment and pier location(s) of a new bridge generally reduces the existing backwater elevation. In fish bearing waters, acceptable rise in the backwater elevation is .06 m (0.2 foot) above current conditions, as referenced in WAC 220-110-070 (1) (h). For non-fish bearing waters, the acceptable rise in the backwater elevation is .3 m (1 foot) above current conditions.
- f. Bridge Type: The bridge type selected will be the most economical type for the span length needed, based on sound engineering judgment and/or economics. Consideration will be given to reducing the number of piers in the stream bed provided it does not substantially increase the cost of the structure.
- g. Bridge Foundation Type: The type and depth of the foundation elements will depend on the results of the geotechnical and scour analysis.
- h. Approach Roadway Cost: BR funds can be applied to the bridge approachment subjected to the limitation in 34.32.
- i. Bridge Aesthetics: The aesthetic aspects of the bridge will be reviewed on a case-by-case basis by Highways and Local Programs. The cost of aesthetics treatment will be compared to what is the standard practice statewide. BRAC funds will normally provide only the aesthetic treatment required in the approved NEPA documents. Typically, paints or pigmented sealers and fractured fin finishes on concrete structures will not be approved.
- d. Structural Excavation and Backfill for Bridge — includes abutments, wingwalls, footings, cofferdams, etc.
- e. Mobilization — prorated by cost of bridge and approach work.
- f. Riprap Protecting Bridge Structure Within the Right-of-Way — riprap placed within the right-of-way to protect the structure can be considered a bridge item.
- g. Approach Slab — the approach slab is a reinforced concrete element which protects the bridge end abutments from impacts and can be considered a bridge item.
- h. Approach Guardrail Transition Section — the approach guardrail is designed to perform as a structural unit to protect traffic from the bridge ends. Approach guardrail systems are installed in accordance with Standard Plans and are considered a bridge item provided site conditions do not require unusually long transitions.
- i. Retaining Walls (up to 6.1 m (20 feet) maximum distance from the abutment) — retaining walls are structural elements that serve the same function as the standard bridge wing walls and are designed by bridge designers. Retaining walls beyond these limits would be considered approach work.
- j. Bridge Drainage — this includes the drainage components necessary to carry water from the structure.

All other work items will be classified as approach or miscellaneous work, and thus are subject to the 15 percent limit, unless approved by Highways and Local Programs during the C3R process (Section 34.5 Bridge Scoping).

.32 Bridge Approach Costs. Local agencies have a 15 percent limit on approach costs for participation in the federal bridge program. WSDOT Headquarters Highways and Local Programs may authorize additional participation, provided there are unusual conditions that warrant additional funding and the agency submits a request with detailed cost estimates, layout, profiles, and other data to support the request.

The following bridge items are considered to be a bridge cost when determining the bridge and approach work percentages.

- a. Bridge Construction — all items typically detailed by bridge designers (concrete, re-bar, piling, barriers, expansion dams, etc.).
- b. Demolition of existing structures.
- c. Detour — all work items required to accommodate the construction of the new bridge. Traffic control for work zone — prorated by cost of bridge and approach work.

.33 Match Requirements. The required match for bridge funds is federally stipulated at 80 percent federal and 20 percent local. However, BRAC has adopted a more conservative match requirement in order to fund more projects.

Bridges estimated over \$10 million will require a funding proposal from the agency. This proposal must address the financing, available match, and the proposed timing of fund expenditures. These projects are generally phase obligated.

.34 Cost Containment Policy. The following are the policies established by BRAC for the purpose of managing the bridge funds. See the Highways and Local Programs website for latest changes to the cost containment policy.

a. Cost Containment for Projects Selected Prior to 1998

Bridge replacement funds are to be used to replace bridges based on the definition of a typical statewide bridge.

 <p>Washington State Department of Transportation</p>	<p>H & LP Service Center C3R Field Review Report</p>	<p>Date</p>
<p>Structure Ident.: Agency: Bridge Name: Bridge Number: Features Intersected: Features Carried: ADT: Year: Year Built: Detour:</p>	<p>Existing Bridge Characteristics</p> <p>Structure Type: <input type="checkbox"/> <input type="checkbox"/></p> <p>Number of Spans: _____</p> <p>Total Length: _____</p> <p>Max Span Length: _____</p> <p>Curb - Curb Width: _____</p> <p>Alignment <input style="width: 100%;" type="text"/></p>	
<p>Present at Field Review</p> <p>HQ Highways & Local Programs</p> <p><input type="checkbox"/> Larry Schofield <input type="checkbox"/> Greg Koile</p> <p>Region Highways & Local Programs Agency</p>	<p>C3R Consensus for New Bridge</p> <p>Structure Type: <input type="checkbox"/> <input type="checkbox"/></p> <p>Number of Spans: _____</p> <p>Total Length: _____</p> <p>Max Span Length: _____</p> <p>Curb - Curb Width: _____</p> <p>Alignment <input style="width: 100%;" type="text"/></p> <hr/> <p>Cost</p> <hr/> <p style="text-align: center;">Bridge:</p> <p style="text-align: center;">Total Project: _____</p>	
<p>Field Review Decisions and Comments:</p> 		
<p>Approved By: <input style="width: 200px;" type="text"/> Date: _____</p> <p style="margin-left: 100px;">Highways & Local Programs Operations Engineer</p> <p>Agreed To: _____</p> <p style="margin-left: 100px;">Authorized Local Agency Representative</p>		
<p>Office Review Comments:</p> 		

Criteria for Bridge Candidates

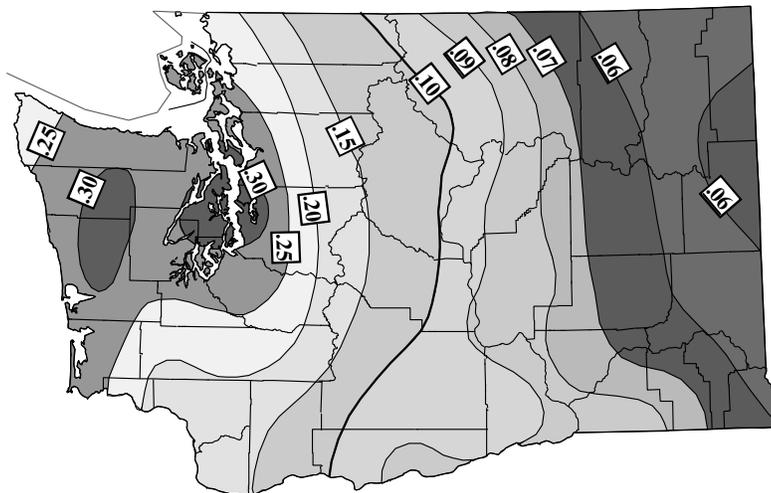
December 29, 1999

Grant applications for the Spring and Fall meetings will be due as stated in announcement letters. There are Federal Bridge funds available for Seismic Retrofit, Scour Mitigation, Painting, Rehabilitation, and Replacement. Use the *BRAC BRIDGE FUNDING QUESTIONNAIRE* application for Seismic Retrofit, Scour Mitigation, Painting, and Rehabilitation bridge candidates and send to Greg Kollé. For the Fall meeting, bridge replacement candidates will be selected from the WSBIS database and candidates are presented by Bridge Preservation.

Be sure to follow the eligibility criteria for your candidate. Eligibility is as follows:

- Bridge length and NBIS length must be 20 feet or greater as measured along centerline of roadway.
- Must be a bridge that carries public vehicle four-wheel traffic.
- For rehabilitation the Sufficiency Rating (SR) must be 80 or less.
- Rehabilitation costs shall not exceed 70% of estimated replacement costs.
- For replacement the SR must be less than 50.
- For painting or scour mitigation the SR must be 80 or less.
- All candidates must be structurally deficient (SD) or functionally obsolete (FO), except for seismic.
- For rehabilitation, seismic, and painting it shall be 15 years before the bridge is eligible for further Federal Bridge funds.
- Seismic retrofits will be on superstructure in-span hinges and joints at piers in Seismic Zones with acceleration coefficients greater than .10. The SR and SD or FO does not restrict use of Federal Bridge funds on seismic retrofits.

Seismic Acceleration Zones



If you have questions regarding BRAC issues, please call [the Highways and Local Programs Bridge Engineer](mailto:bridge@ohio.gov) at (360) 705-7379.

- .32 Superelevation.** In order to provide the same degree of safety and comfort on 3-R projects as on any other project, superelevation, including transitions, should be provided.

Rebuilding horizontal curves to larger radii and appropriate superelevation should always be considered, especially when accident data indicate that a problem exists.

Urban arterial streets and roads should be superelevated the same as rural roadways, within the constraints imposed by adjacent development, curbs, sidewalks, weather, and other conditions.

- .33 Pavement.** Pavement design should use the minimum depth practical to achieve a structural section capable of carrying projected loads over the design period. A pavement design should also use a surface that provides and retains adequate skid resistance. Refer to Appendix 42.31 for design information.
- .34 Geometric Cross-Section.** Foreslopes (fill slopes and ditch inslopes) and cut slopes may be affected as a result of proposed work on the roadway and shoulder surfaces. Refer to Appendix 42.31 for standards.
- .35 Alignment.** Alignment improvements should be undertaken in cases where the number of accidents has been high and where previously installed warning signs, markings, or other devices have not proven effective.
- .36 Curvature.** If the calculated design speed for a particular horizontal or vertical curve is less than 15 mph (24 km/h) below the designated speed limit of the adjacent sections, and the location is not an identified high accident location, proper signs and markings informing drivers of the condition may be used in lieu of reconstruction to meet standards for the assumed design speed. When the difference is 15 mph (24 km/h) or more, or when the design speed of the horizontal or vertical curve is less than 20 mph (32 km/h), corrective action should be undertaken. If improvement is not practicable, additional signs and markings and other provisions must be used to provide for proper speed transition.
- Sight distance on horizontal curves and at intersections can often be improved by minor cut slope flattening or selective clearing or both.
- .37 Grades.** Grades generally do not need to be flattened on 3-R projects. Steep grades and restricted horizontal or vertical curvature in combination, however, may warrant investigation.
- .38 Clear Zone.** For safety, it is desirable to provide a roadside recovery area that is as wide as practical. But since 3-R projects are constrained by topographic features and right-of-way, considerable judgment must be used. The clear zone must be given particular attention at identified high roadside accident locations (fixed object accidents). An adequate clear zone at some horizontal curves, especially

those at the end of a downgrade, should be provided if practicable. See the following chapter (Chapter 42) for applicable standards.

41.4 2-R Projects (Resurfacing and Restoration)

Refer to Section 41.3 and the following chapter (Chapter 42) for standards.

41.5 Low Volume Roads and Streets

Refer to Chapter 42 for standards. These roads and streets have volumes less than 400 ADT and have separately developed standards.

41.6 Deviations

- .61 General.** Requests for deviations from the standards in Chapter 42 will be submitted to the Region Local Programs Engineer and will be transmitted to the Assistant Secretary for Highways and Local Programs for approval or denial.

The CA Agency is authorized to design projects to the standards provided in Chapter 42, following the warrants and qualifying statements given. In the event all minimum recommendations cannot be incorporated into the design, the agency shall submit the deviation request for review and approval by Highways and Local Programs.

- .62 Documentation.** A local agency shall document their reasons for deviation from these standards. The deviation request shall include a description of the problem and its proposed solution and a vicinity map in sufficient detail to aid in evaluating the problem. The deviation request document should generally stand complete on its own, without references to other sources or documents. Appropriate quotes and excerpts should be used if necessary.

An analysis of the engineering and financial aspects of the proposal as compared to the standard and options considered shall be provided. The analysis shall specifically address safety issues, including accident history and projections. It shall address applicable operational characteristics, including traffic speeds, traffic volumes, capacity and route continuity. It should include financial considerations such as high construction costs, unusual or extraordinary site conditions, or environmental requirements that may impact the decision. The analysis may include a Benefit/Cost comparison, and/or Life Cycle Costing of alternatives considered. The analysis should also include any other information which may be helpful as a future reference.

The level of detail of the request should be based on the relative complexity and scope of the project and the deviation requested. Requests will be considered based on the merits presented. This analysis and deviation request shall be documented and completed prior to the agency's completion of PS&E documents.

.63 Format. Appendix 41.72 is a Sample Deviation Analysis Format sheet. The sample is intended to present format only.

41.7 Appendixes

41.71 Safety Checklist — A Guideline for 2-R and 3-R Projects

41.72 Sample Deviation Analysis Format

Chapter 42

Design Standards

42.1 General

This chapter defines the design standards that comply with the requirements of Title 23, USC Section 109(p) for Federal Highway Administration (FHWA) funded non-NHS public road projects on local streets and roads. The standards have been adopted by local agencies in accordance with RCWs 35.78 and 43.32 and apply to all arterial streets and roads. These standards cannot provide for all situations, but are intended to define the minimum elements for assistance to competent design professionals, without limiting innovation or creative engineering.

For FHWA funded projects, these standards apply to all non-NHS streets and highways on federal functionally classified streets and roads except for rural minor collector and local access roads. These standards have also been accepted by the Transportation Improvement Board (TIB) and the County Road Administration Board (CRAB) as the standards applicable to their funding programs.

To be eligible for federal funding, pavement depth shall be designed to provide an extended service life of 8 years and provide a minimum surfacing depth of 0.10 feet (30 mm) for structural deficiencies and 0.06 feet (18 mm) for correcting rutting skid resistance or other nonstructural problems.

The included text and tables illustrate the minimum standards that apply to most of the design elements for FHWA funded projects. For other items of design, refer to the WSDOT *Design Manual* (M 22-01) and the 1990 (English/1994 (Metric) AASHTO publication “A Policy on Geometric Design of Highways and Streets” (Green Book), (The 2001 Green Book is expected to be adopted in the Spring/Summer of 2002. Until officially adopted use the 1990/1994 Green book.) Design standards are provided in English and metric units to allow the designer a choice.

42.2 City and County Design Standards

Appendix 42.31 is incorporated into this manual for use in construction of local roads and streets. The statutory city and county design standards committee has adopted these publications for use on all public roads, classified as collector arterial or higher throughout Washington State. As updates are made by this committee, they will be included as an update to this manual.

42.3 Appendixes

- 42.31 City and County Design Standards — 1999 English and Metric Units

5:P65:DP/LAG4

The City Design Standards Committee and the County Design Standards Committee, in accordance with RCWs 35.78.030 and 43.32.020, met to review and update the City and County Design Standards that were adopted in 1994 and that had been published in both English and metric units.

The revisions included in this document are: (1) the separate English units and metric units document that were previously published have been combined in this dual units document, (2) additional guidance references have been included for the Americans with Disabilities Act (ADA), and (3) resource information references (not design standards or guidance) are included for roundabouts and traffic calming.

National standards to utilize for roundabouts have not yet been developed. The committee will consider these after they have been developed. Traffic calming tools are generally applicable to local access streets and roads; however, some of these tools are being used on arterials, primarily low volume collectors. The resource listed identifies traffic calming tools.

These standards apply to new construction and reconstruction projects, 2-R and 3-R projects, and low volume road and street projects on routes with federal functional classifications as Principal Arterials, Minor Arterials, and Collectors.

The Local Agency Engineer may approve use of minimum AASHTO and related standards as contained in the references. Construction utilizing lesser standards than these must have the approval of the Washington State Department of Transportation (WSDOT) Assistant Secretary for Highways and Local Programs in accordance with RCW 35.78.040 or RCW 36.86.080 as appropriate.

In adopting these standards, the committees seek to encourage standardization of road design elements where necessary for consistency and to assure that motoring, bicycling, and pedestrian public safety needs are met. Considerations include safety, convenience, pleasant appearance, proper drainage, and economical maintenance. The committees recognize that cities and counties must have the flexibility to carry out the general duty to provide streets, roads, and highways for the diverse and changing needs of the traveling public.

These standards cannot provide for all situations. They are intended to assist, but not to substitute for, competent work by design professionals. It is expected that land surveyors, engineers, and architects will bring to each project the best skills from their respective disciplines. These standards are also not intended to limit any innovative or creative effort which could result in better quality, better cost savings, or both. An agency may adopt higher standards to fit local conditions. Special funding programs may also have varying standards.

The decision to use a particular road design element at a particular location should be made on the basis of an engineering analysis of the location. Thus, while this document provides design standards, it is not a substitute for engineering judgment.

Engineers should take into account all available information, including available funding, and use the professional judgment that comes from training and experience to make the final design determination. There should be some record, not necessarily formal or cumbersome, of the matters considered during the design process that justify decisions made regarding the final project design.

The 1990 (English)/1994 (Metric) AASHTO publication, “A Policy on Geometric Design of Highways and Streets” (The 2001 AASHTO Green Book is expected to be adopted in the Spring/Summer of 2002. Until officially adopted use the 1990/1994 Green Book.) is referenced by page number, table, or figure number for design elements of the urban and rural highway. For those design elements not specifically identified, such as crown, superelevation, design speed, number of lanes, pavement design, intersection design, vertical clearance over walkway areas, etc., designers should refer to AASHTO.

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These design standards were developed with the approval and authorization of:

Kathleen B. Davis
Acting Director
Headquarters Highways and Local Programs

Design Standards for New Construction and Reconstruction

Definitions

Clear Zone. The clear zone is the roadside border area starting at the edge of the traveled lane that is available for safe use by errant vehicles. The available clear zone is the distance, measured in feet (meters), normal to the highway beginning at the edge of the traveled lane to the closest part of any fixed object or nontraversable obstacles. Establishment of a minimum width clear zone is recommended. Rigid objects and certain other obstacles within the zone should be removed, relocated to an inaccessible position outside the minimum clear zone, remodeled to make traversable, breakaway, or shielded. Traffic control signs and luminaires with breakaway supports are not considered obstacles. All new construction and reconstruction projects should consider a minimum clear zone distance.

Functional Classification. The roadway classifications referred to in this manual are the Federal Functional Classifications shown on the official functional class maps prepared by the Headquarters Planning and Programming Office of WSDOT.

New Construction. New construction is the building of a new roadway or structure on substantially new alignment, or the upgrading of an existing roadway or structure by the addition of one or more continuous traffic lanes.

Reconstruction. A reconstruction project involves major construction activity in excess of 3-R activity (see the Design Standards for 3-R Projects section). Reconstruction includes significant changes in cross section and/or shifts in vertical or horizontal alignment. If 50 percent or more of the project length involves significant vertical or horizontal alignment changes, the project will be considered reconstruction. Reconstruction may require acquisition of additional right-of-way, and may include all items or work usually associated with new construction. Reconstruction adds additional capacity for the through traffic lanes.

Traveled Lane. That portion of the roadway used for vehicle movement exclusive of the portion of the roadway width used or available for parking vehicles.

Average Daily Traffic (ADT). The general unit of measure for traffic defined as the total volume during a given time period (in whole days), greater than one day and less than one year, divided by the number of days in that time period.

Design Hourly Volume (DHV). The DHV is generally the 30th highest hourly volume (30 DHV) of the future year chosen for design. On the average rural road or arterial, DHV is about 15 percent of ADT. For urban areas, DHV is usually between 8 to 12 percent of the ADT.

3-R. Resurfacing, restoration, and rehabilitation of existing roadways with minimal changes to alignment or grade with no increase to capacity for the through traffic lanes.

2-R. Resurfacing and restoration of existing roadways by supplementing the existing road prism.

Low Volume Roads and Streets. For this document, a collector arterial or lower classified road or street with an ADT of less than 400.

Roadway Geometrics

The following table provides some basic references to the designer. The designer should read the text associated with the referenced tables and should also consider other related tables and text in the AASHTO policy. Additional design references are in the References for New Construction and Reconstruction, 3-R, and 2-R Standards section.

Design Elements	References
Stopping Sight Distance	AASHTO, "A Policy on Geometric Design of Highways and Streets," 1990 Edition for English Units; 1994 Edition for Metric Units. <u>(The 2001 AASHTO Green Book is expected to be adopted in the spring/summer of 2002. Until officially adopted use the 1990/1994 Green book)</u>
Passing Sight Distance	Stopping Sight Distance (wet pavement) Table III-1, page 120, and text on pages 469-470 (rural) and page 480 (urban).
Entering Sight Distance (for All Movements)	Single vehicle passing a single vehicle (Table III-5, page 133). Minimum passing sight distance single vehicle (Table VI-2B, page 471).
Horizontal Curvature (Radius)	Figures IX-32 through IX-40, pages 739-762, "Intersection sight distance at at-grade intersection."
Vertical Sag Curves	For speed up to 40 mph (60 km/h) in urban areas, use Figure III-18, page 190, "Maximum Safe and Comfortable Speed for Horizontal Curves on Low-Speed Urban Streets." In urban areas, for speeds over 40 mph (60 km/h) and rural areas, use Table III-6, page 154, "Maximum Degree of Curve" and "Minimum Radius Determined for Limiting Values of e and f," "rural highways and high-speed urban street."
Vertical Crest Curves	Table III-42, page 293, "Design controls for sag vertical curves based on stopping sight distance." A sag vertical curve for nonilluminated roadways should be long enough so that the light beam distance is nearly the same as the stopping sight distance Sag vertical curves shorter than shown may be justified for economical reasons in cases where an existing element, such as a structure that is not ready for replacement, controls the vertical profile.
Vertical Grade	Table III-40, page 284, "Design controls for crest vertical curves based on stopping sight distance."
	Table VI-3, page 472, Collector Rural and Urban up to 12 percent, or greater for short sections.

Geometric Cross-Section for Two-Way Roads and Streets (English Units)

Minimum Design Standards	Arterial											
	Principal^(h)			Minor^(h)				Collector^(h)				
	Curbed ^(d)	Shouldered		Curbed ^(d)	Shouldered			Curbed ^(d)	Shouldered			
	DHV All	DHV Below 200	DHV 200 and Over	DHV All	DHV Below 100	DHV 100 to 200	DHV 201 and Over	DHV 400 and Over	ADT 400 to 750	ADT 751 to 1000	DHV 100 to 200	DHV 201 and Over
Right-of-Way	Not less than required for all design elements.											
Roadway Width ^{(a)(b)(g)(i)}	24 ft	36 ft	40 ft	24 ft	32 ft	36 ft	40 ft	24 ft	26 ft	28 ft	34 ft	40 ft
Lane Width: (A) Exterior ^{(b)(i)}	12 ft	12 ft	12 ft	12 ft	12 ft	12 ft	12 ft	12 ft	10 ft	10 ft	11 ft	12 ft
(B) Interior Thru ^(b)	11 ft	11 ft	11 ft	11 ft	11 ft	11 ft	11 ft	11 ft	10 ft	10 ft	11 ft	11 ft
(C) 2-Way Left Turn ^(b)	11 ft	11 ft	11 ft	11 ft	11 ft	11 ft	11 ft	11 ft	10 ft	10 ft	11 ft	11 ft
(D) Exclusive Turn ^(b)	11 ft	11 ft	11 ft	11 ft	11 ft	11 ft	11 ft	11 ft	10 ft	10 ft	11 ft	11 ft
(E) Parking	10 ft ^(c)			10 ft ^(c)					(e)			
Shoulder Width ^{(f)(g)(i)}		6 ft	8 ft		4 ft	6 ft	8 ft		3 ft	4 ft	6 ft	8 ft
Clear Zone/Side Slopes	AASHTO											
Ditch Slope (in slope)	Slopes steeper than 4:1 should only be used when achieving a 4:1 slope is impractical.											

(a) For curbed, distance from face of curb to face of curb. For shouldered, distance from outside edge to outside edge of shoulder.

(b) May be reduced to minimum allowed by AASHTO.

(c) 8 feet may be acceptable when the lane is not likely to become a traffic lane in the foreseeable future.

(d) Curbed section is appropriate for urban setting.

(e) Industrial areas 8 feet to 10 feet. Residential areas 7 feet to 10 feet.

(f) When guardrail is necessary, provide 2 feet of widening or longer posts to ensure lateral support.

(g) For roads with traffic volumes of less than 400 ADT, the low volume road and street standards may be used.

(h) Federal functional classification defined by WSDOT (Planning and Programming Service Center).

(i) For guidance for one-way streets, see AASHTO, TRB Special Report 214, and the 1991 uniform fire code.

Note: DHV = (.08 to .12) x ADT to change DHV to ADT

<p>New Sidewalks (when provided)</p>	<ul style="list-style-type: none"> • Minimum Width — 60 inches continuous clear width or 36 inches clear width with 60 inch by 60 inch clear passing spaces at 200-foot minimum intervals. • Surface — Firm, stable, and slip resistant. • Crossslopes — 1:50 (2%) maximum. • Running Slope — Minimum feasible slope consistent with slopes established by the adjacent roadway. • Buffer — Separation from vehicular ways by curbs or other barriers. <p><i>Note:</i> For temporary work or alterations to existing sidewalks or pedestrian facilities, refer to ADA rules. For pedestrian paths off public rights-of-ways, the designer should refer to uniform building codes and WAC 51-30 for the appropriate standards.</p>
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Design Standards for 2-R Projects

General

Funding restrictions do not always allow improvement of existing roadways to the standards desired. Therefore, when pavement condition reaches a minimal condition, cost effective pavement improvements are needed.

Resurfacing and restoration (2-R) projects involve work to restore the existing roadway surface and appurtenances for safe and efficient highway operation. This type of project provides for resurfacing of the existing roadway to provide structural adequacy, to restore the roadway surface condition, and to consider making minor safety improvements.

Major improvements are not the intent of this type of project. In addition to 2-R allowing for maintenance overlays for preservation of the roadway, a 2-R project is defined as:

Resurfacing. The addition or replacement of a layer of paving material to provide additional structural integrity or improve serviceability and rideability.

Restoration. Work performed on either pavement sections or bridge decks to render them suitable for an additional stage of construction. This may include supplementing the existing roadway by increasing surfacing and paving courses to provide structural capability and minor shoulder widening to provide roadway section continuity. Restoration will generally be performed within the existing right-of-way.

Design Parameters

1. **Traveled Way and Roadway Width.** Resurfacing of the roadway will normally be to the existing width. This should consider paving of previously unpaved shoulders. If short lengths of narrower lanes or shoulders exist within the project limits, widening should be considered to provide roadway section continuity within the project limits.

2. **Pavement**

a. The existing pavement may be structurally adequate, but may require an overlay to correct other types of deficiencies. An 0.7 inch (18 mm) minimum depth of paving material should be used to correct deficiencies such as rutting, skid resistance, etc.

If a general structural deficiency exists, the design service life minimum of eight years shall be used to determine the solution. A minimum depth of 1.2 inches (30 mm) is required for any structural deficiency in the surface.

b. To the extent feasible, achieve standrd superelevation by adjusting surfacing depth.

3. **Safety Improvement.** Some safety improvements are normally considered in 2-R projects. During project development, a generalized roadside evaluation should be prepared to identify those high priority roadside elements to be considered for mitigation.

All high accident locations should be evaluated for treatment.

All signing and pavement markings shall be updated in compliance with the MUTCD.

The items below, in conjunction with the accident history and funding availability, should be considered in developing the project:

- Evaluate Bridge approach guardrail — The transition and attachment to all the bridge ends should be brought up to current standards. The leading or trailing guardrail ends should be upgraded if there is no existing approach guardrail, new approach guardrail should be installed on all bridge ends to the current standards. Evaluate bridge barrier systems. Consideration should be given to upgrades.
- Rail/Deck/Post Elements
- Approach Transitions
- Wood Elements (should be particularly considered for upgrades.)
- Remove unneeded guardrail.
- Upgrade all guardrail ends. The preferred upgrade would be to the current standards.
- Relocate, protect , or provide breakaway features fro sign supports and luminaires inside the clear zone.
- Adjust utilities for location with clear zone standards.
- Add or update traffic barriers/guardrail.
- Beveling or extend culverts.
- Slope flattening/ditch.
- Add channelization and/or illumination.
- Improve sight distance.

References for New Construction and Reconstruction, 3-R, and 2-R Standards

The designer may use the standards and rationales incorporated into the following manuals (see the following page for addresses to acquire reference materials).

AASHTO

- A Policy on Geometric Design of Highways and Streets, 1990 Edition for English Units and 1994 Edition for Metric Units (The 2002 AASHTO Green Book is expected to be adopted in the spring/summer of 2002. Until officially adopted use the 1990/1994 Green Book)
- Guide for Design of Pavement Structures
- Highway Drainage Guidelines
- Guide for Roadway Lighting
- Roadside Design Guide

Transportation Research Board (TRB)

- Highway Capacity Manual
- Special Report 214, Designing Safer Roads, “Practices for Resurfacing, Restoration, and Rehabilitation”

Washington State Department of Transportation (WSDOT)

- Standard Specifications for Road, Bridge, and Municipal Construction
- Supplement to MUTCD (WAC 468-95)
- Bridge Design Manual
- Highway Hydraulics Manual
- Standard Plans for Road, Bridge, and Municipal Construction
- Design Manual (except for 2R/3R)
- Pavement Design Manual
- A Guide for Local Agency Sidewalk Details, WSDOT Headquarters Highways and Local Programs, Washington State Technology Transfer Center

Institute of Transportation Engineers (ITE)

- Traffic Engineering Handbook

FHWA

- Manual of Uniform Traffic Control Devices (MUTCD)

ADA

- Federal/Register, June 20, 1994, Interim Final Rules, 36 CFR-Part 1191 Architectural and Transportation Barriers Compliance Board
- 1994 Uniform Building Code, Washington State Amendments

Roundabouts

- NCHRP Synthesis 264 — Modern Roundabout Practice in the United States, Transportation Research Board
- FHWA — Roundabouts, An Informational Guide
- WSDOT *Design Manual*, Chapter 915

Traffic Calming

- A Guidebook for Residential Traffic Management, Final Report, December 1994, WSDOT Highways and Local Programs Service Center, Washington State Technology Transfer Center

Addresses to Acquire Reference Materials

AASHTO American Association of State Highways
and Transportation Officials
444 North Capitol Street NW, Suite 249
Washington, DC 20001
(202) 624-5800
(202) 624-5806 (fax)

TRB Transportation Research Board
National Research Council
2101 Constitution Avenue NW
Washington, DC 20418

WSDOT Engineering Publications
Department of Transportation
Transportation Building, Room SD3
Olympia, WA 98504-7400
(206) 705-7430
(206) 705-6808 (fax)

ITE Institute of Transportation Engineers
525 School Street SW, Suite 410
Washington, DC 20024
(202) 554-8050
(202) 863-5486 (fax)

MUTCD Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402

ADA Office of the General Counsel
Architectural and Transportation Barriers
Compliance Board
1331 F Street NW, Suite 1000
Washington, DC 20004-1111
(202) 272-5434 (Voice), 272-5449 (TDD)
(202) 272-5447 (fax)

43.1 General Discussion

On all Federal Highway Administration (FHWA) funded transportation projects, local agencies must document location and design approval prior to preparation of plans, specifications, and estimates (PS&E).

As explained in Chapter 13, *Becoming Certified*, when an agency operates under Certification Acceptance (Chapter 13), the approving authority for design is the local agency. The Assistant Secretary for Highways and Local Programs may delegate responsibilities for project administration to the Region Local Programs Engineer on a case-by-case basis.

A project design shall not be approved until the project's environmental considerations have been approved by FHWA, and its public hearing requirements have been met.

For all but the largest and most complex projects, the Project Prospectus serves as the Location and Design Report and approval. Where the prospectus adequately covers the items required for design approval, the local agency may approve the design using the prospectus in lieu of a Design Report.

For high cost and major projects, a value engineering study should be performed and the results or summary included in the Design Report.

When there is a subsequent change to the project design or scope, an amended location-design approval is required.

43.2 Requirements for Design Approval

The items listed below, required for design approval, are normally included in the Project Prospectus. If the project is very large or complex (see Section 43.44), the local agency should prepare a separate Design Report that discusses project objectives, design criteria, and alternatives in greater depth than is possible in a prospectus. Examples of Design Reports and assistance in preparing them may be obtained from the Region Local Programs Engineer. This guidance is provided especially for those CA agencies that only have occasional FHWA funded projects.

- .21 Traffic Data.** Design-year ADT, the average daily traffic forecast during the design year should be included. The design year may be any point within 8 to 20 years from the projected start of construction.
- .22 Right-of-Way.** Refer to Chapter 25, Right-of-Way Procedures.
- .23 Horizontal-Vertical Alignment.** A plan showing the proposed horizontal alignment, existing streets, and proposed intersections shall be included. Show only sufficient detail to generally portray the scope of the project. If there is little change in the profile, do not

include a profile. If there is significant change, furnish a profile showing existing and recommended vertical alignments.

- .24 Roadway Section.** Provide typical roadway sections for each general type of roadway in the project. This is not required on signal projects if the lane description has been shown.
- .25 Pavement Design Criteria.** Rationale for selection of the pavement type and depth of surfacing.
- .26 Cost Estimate.** The costs submitted shall be included for the Project Prospectus and the Local Agency Agreement shall be used.
- .27 Environmental Considerations.** Documentation, including approval by FHWA.
- .28 Hearing Data.** Reviewing the above documentation, the local agency will determine whether the design is in conformance with all requirements. If the design is in conformance, if the necessary environmental actions (Chapter 24) have been completed and approved by FHWA, and if public hearing requirements have been met, the local agency will grant and publish design approval (see Appendixes 43.71 and 43.72).
- .29 Permits.** Refer to Chapter 24, Federal Environmental Process, and Appendix 44.78 for a sample list of permits that may be required.

43.3 Bridge Design Approval

- .31 Policy.**
 - a. The bridge site data should be prepared in conjunction with the Design Report. Extensive structural studies and the preparation of the bridge preliminary plans during the Design Report phase is not recommended. Expected changes to the roadway geometrics, project staging, construction costs, and other conceptual data will affect the structure and, therefore, impact the structural design effort.
 - b. For bridge projects that do not fall under categories described in c. or d. below, the local agency is the approving authority for location design.
 - c. For bridge projects that fall under the category of "major or unusual," the Assistant Secretary for Highways and Local Programs approval is required at the preliminary "Type, Size, and Location" (TS&L) stage. (The FHWA regulatory requirements for large or unusual bridges contained in the *Federal Aid Policy Guide* (FAPG) also apply to large or unusual structures, tunnels, or hydraulic facilities. The

definitions and requirements for major or unusual bridges will be addressed below; for other cases, refer to the FAPG.)

- d. For bridge projects on state routes and for any local agency bridge project that will be advertised and awarded by the Washington State Department of Transportation (WSDOT), design approval by the Assistant Secretary for Highways and Local Programs is required.

.32 Definitions. A “major bridge” is a bridge estimated to cost more than \$5 million. This criterion applies to individual units of separated dual bridges. An “unusual bridge” is a bridge involving difficult or unusual foundation problems, new or complex designs with unusual structures or operational features, or a bridge for which the design standards or criteria might be questionable.

.33 Submittal of Data. Refer to Section 34.42.

The Assistant Secretary for Highways and Local Programs approval of TS&L is required for major or unusual bridges before the local agency may approve the design and before the local agency may begin preparing the final PS&E.

.34 Bridges on State Right of Way. Bridge projects designed and constructed by a local agency within state right-of-way are to have a WSDOT representative assigned by the Region Administrator to serve as the Project Coordinator and WSDOT contact for all aspects of the project. This person is to assist in reviews by the Bridge Office and others and to ensure that adequate coordination between the local agency, region, and service center offices take place at each appropriate stage.

All pertinent review data submitted to the local agency by the Bridge Office concerning constructability, safety, aesthetics, or use of the bridge by the motoring public will be forwarded to the local agency through the Project Coordinator with a copy to the Highways and Local Programs Operations Engineer.

Local agencies, WSDOT, the Bridge Office, and other appropriate WSDOT representatives are to hold an early coordination meeting. Members present are to agree upon a list of key expectations and milestones that include but are not limited to: pre-scoping prior to consultant selection, design report review, prospectus stage, agreed upon periodic stage reviews of bridge plans, aesthetics, and selection of structure type. The WSDOT Project Coordinator is to ensure that all members reach agreement on the milestones and then collectively adjust or adhere to them.

43.4 Value Engineering

.41 Definition. Value Engineering (VE) is the systematic application of recognized techniques, by multidisciplined team(s). These techniques are:

- identify a product’s function or service;
- establish a function’s monetary value or worth;
- provide alternate ways, using creative techniques, to reliably accomplish necessary functions in the most effective and efficient manner.

Reducing the scope of a project, compromising the performance of an element, or simply substituting cheaper materials is not VE. VE is not just “good engineering.” It simply answers the question, “What else will accomplish the purpose of the product, service, or process we are studying?” All costs are taken into account over the entire life of the project.

.42 Authority for VE. Paragraph 4b of DOT Order 1395.1 Use of Value Engineering (VE) by the U.S. Department of Transportation, dated April 13, 1987, provides: “All DOT grant awards for major transportation projects should strongly encourage the use of VE in the planning, design, and/or construction phases. This may include the use of VE incentive clauses in construction contracts.”

.43 Why VE is Needed. The costs of highway needs far exceed the funds available for improvements. As the cost of highway construction increases, more emphasis is being placed on the maintenance and rehabilitation of existing facilities to maximize these available funds.

VE is a tool that can counteract these growing problems by providing (1) cost reduction, (2) product or process improvement, and (3) alternative means and materials for highway construction and maintenance.

.44 VE Application (General). VE may be applied at any point in highway development, operation, and maintenance. For maximum effectiveness, however, VE should be undertaken as early as possible (during the first 30 percent of design) when decisions on life-cycle costs are being made and valid project development recommendations can be implemented. When a complex, costly project is selected as a candidate for potential cost reductions, investigations should start as soon as a preliminary estimate is in hand.

VE should be employed when the ratio of potential savings to the cost of the VE study is significant. VE can also be used in evaluating standard details that are used repetitively on many projects. The cost of VE studies in preconstruction activities may be allocated to the preliminary engineering cost of the related project.

Local agencies are also encouraged to include a VE incentive clause in their construction specifications; such clauses encourage contractors to propose changes to the contract that fulfill a project’s function requirements at less cost.

44.1 General Discussion

After a project's location and design have been approved, work begins on the final version of its plans, specifications, and cost estimates (PS&E). These documents are used to award and administer a construction contract. The PS&E must be approved as defined in Chapter 13, *Becoming Certified to Administer FHWA Projects*, before the project can be advertised for construction.

PS&E approval is done by the local agency as identified in the Washington State Department of Transportation (WSDOT)/Local Agency Certification Acceptance (CA) Agreement. The approving authority identified on the CA Agreement must approve the plans and specifications, and a professional engineer licensed in the state of Washington must seal and date the plans and specifications.

The local agency should use the Project Development Checklist (Chapter 14, *Developing Projects Using Local Agency Guidelines*) to check for completeness of the contract plans prior to approving them.

The local agency should have a commitment file, when applicable, containing a summary of commitments made during project development. The file should be reviewed to ensure that the commitments are incorporated in the PS&E. These commitments typically involve right-of-way or environmental considerations (see Appendix 44.78 for list of possible required permits).

A copy of the bid documents should be furnished to Region Local Programs Engineers prior to advertisement for a check of completeness.

Any local agency project with work on state routes shall obtain PS&E approval from WSDOT.

On state ad-and-award projects, WSDOT will review and approve the PS&E prior to printing contract plans. An estimate of the cost of this service can be obtained from the Region Local Programs Engineer. Refer to forms for a checklist.

44.2 PS&E Requirements

.21 Wage Rates. For information on state law requirements, contact the Municipal Research and Services Center for a listing of current laws. State and federal wage rates must be included for all Federal Highway Administration (FHWA) projects advertised by a local agency. The wage rates used will reflect the latest rates approved by the Washington State Department of Labor and Industries (L&I) and the U.S. Department of Labor. Refer to CFR 29 part 30 and RCW 39.12 and RCW 49.28.

The Federal Davis-Bacon Act predetermined minimum wage must be paid to all covered workers on federal aid projects exceeding \$2,000 that are located on a federally classified highway. The Davis-Bacon requirements do not apply to force account work performed by agency forces.

If a project is located on a federally classified minor collector or below and is funded through either the bridge (BR), safety (HES) or enhancement category, the project is not subject to the federal wage rate requirement only the State law.

The applicability of Davis-Bacon to a transportation enhancement project is dependent on the relationship or linkage of the project to a federal aid highway. If the project is "linked" to a federal aid highway based on proximity or impact (i.e., without the federal aid highway the project would not exist), then Davis-Bacon requirements apply. Examples of such projects include the removal of outdoor advertising, a wetland to filter highway drainage, etc.

If the project is not "linked" to a particular federal aid highway and is eligible based solely on function (i.e., a transportation facility, such as an independent bike path, the restoration of a railroad station, etc.), then the Davis-Bacon requirements do not apply. However, the Davis-Bacon requirements apply to all projects greater than \$2,000 that are physically located within the existing right-of-way of a federal aid highway, regardless of the transportation enhancement characteristics.

Another Davis-Bacon issue is the acceptability of using volunteer labor on transportation enhancement projects. The Department of Labor states in its *Field Operations Handbook* (Section 15): "There are no exceptions to Davis-Bacon coverage for volunteer labor unless an exception is specifically provided for in the particular Davis-Bacon Related Act under which the project funds are derived." The Davis-Bacon Related Act for the Federal Aid Highway Program (23 U.S.C. Section 113) is silent on this subject. Therefore, on transportation enhancement projects subject to Davis-Bacon coverage, a contractor or subcontractor may not use volunteer labor. On the other hand, a state highway or local government agency may use volunteer laborers under their direct control as a force account effort.

Local agencies that have phone access to the WSDOT mainframe computer in Olympia may access the Wage Rate data file. If a local agency is not "on line," wage rates can be requested through the Region Local Programs Engineer.

The effective date for state and federal rates is determined as follows:

- a. **State Wage Rates.** L&I will use the date that bids are due as the effective date for determining prevailing wages provided that the contract is awarded within 60 days after bids are due (RCW 39.12). If the contract is not awarded within 60 days after bids are due, L&I will determine the prevailing wage on the date the contract is awarded.
- b. **Federal Wage Rates.** This data is received from the USDOL in a document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts." Modifications are issued weekly by the USDOL. The effective date for federal wage rates is the date of notice in the Federal Register or the date on which written notice is received by WSDOT, whichever occurs first. All modifications on projects to which the determination applies are effective if published before contract award. The following are exceptions:

- The effective date for determining state prevailing wage rates shall be the date of bid opening. For contracts awarded more than six months after the bid opening date, the effective date for determining the wage rates shall be the award date.
- The effective date for determining federal prevailing wage rates shall be ten days prior to bid opening (or less if the engineer determines an addenda can be issued prior to bid opening). For contracts awarded more than 90 days after the bid opening date, the effective date for determining the wage rates shall be the award date.

Prior to bid opening, the local agency may contact the Support Systems Engineer in the Plans Branch of WSDOT at (360) 705-7455, to see if wage rates have changed or pending.

To minimize the possibility of out-of-date state and federal wage rates at the time of bid opening, the wage rates should be requested from the Region Local Programs Engineer seven days before the advertising date.

.22 Other Requirements.

- a. **Form FHWA-1273.** Each set of contract documents shall include Form FHWA-1273, "Required Contract Provisions, FHWA Construction Contracts," and such amendments that modify the FHWA-1273. Copies of the FHWA-1273 Form and amendments are available from the Region Local Programs Engineer.
- b. **Affirmative Action.** See Chapter 27, Equal Employment Opportunity and Training.

- c. **DBE.** In accordance with FHWA and WSDOT efforts to increase DBE (Disadvantaged Business Enterprises) participation in FHWA projects, WSDOT has developed a management-by-objective goal-setting process for DBE participation. For additional information, see Chapter 26, Disadvantaged Business Enterprises.
- d. **"Buy-America" Requirements.** Steel that is permanently incorporated into the project shall consist of American-made materials, as outlined in the *Standard Specifications*, Division 1-99, Section 1-06.5, and any required GSP.

The local agency must include a provision containing the "Buy-America" requirements in each contract. General Special Provisions similar to those now used by WSDOT can be used by the local agency. These general special provisions are included in the *WSDOT Amendments and General Special Provisions* publication.
- e. **Traffic Control Plans.** Traffic Control Plans (TCP) shall be consistent with Part VI of the MUTCD and shall be referenced in the contract documents.
- f. **Justification for nonparticipating work items,** if included in the contract (tied bids), must be approved by the local agency. Combining of bid items shall not increase the cost of the federally funded project.
- g. **Justification for the use of agency-supplied materials** must be documented by the local agency. The materials must have been produced by agency forces or acquired through competitive bidding. Material purchased from a sole source may be used only with justification by the CA Agency.

.23 Local Ad and Award Projects. See Chapter 46.

.24 State Ad and Award Projects. See Chapter 45.

44.3 Document Requiring Professional Stamps

The following documents require a PE stamp upon completion. The Professional Engineer with responsible charge of the project will assure that appropriate engineering reports and documents are stamped in accordance with RCW 18.43.070. If a particular "Engineering Report or Document" is not listed, it is not necessarily exempt from the requirement.

In nearly all cases, the responsibility will rest with the agency or consultant PE, but if a WSDOT engineer has responsible charge of a particular item, they will also have the responsibility to stamp the appropriate document.

The list includes:

- Design Reports
- Right-of-Way Plans
- Type, Size, and Location Report

- Design Approval Report
- Design Decision Summary
- Plans, Specifications, and Estimates, including all plan sheets.
- Special Provisions
- Temporary Water Pollution Control Plan
- Plans for Falsework and Forms, normally the contractor's responsibility
- Bridge Design Report
- As Built Plans
- Technical Change Orders
- Value Engineering Study Report
- Standards Deviation Request
- Emergency Contracts that contain the equivalent of PS&E documents

44.4 Contract Plans

For state ad-and-award projects, the plans should be prepared in accordance with the *WSDOT Plans Preparation Manual* (M 22-31). For local ad-and-award projects, there are no federal or state requirements for plan sheet size or guidelines for preparing contract plans.

For both state and local ad-and-award projects, the plans shall carry the seal and signature of a registered Professional Engineer, in accordance with RCW 18.43.070.

44.5 Specifications

WSDOT publishes and distributes the *Standard Specifications*, and the *Amendments and General Special Provisions*.

- .51 Standard Specifications.** All FHWA funded projects, including local agency force projects, will be constructed in conformance with the current combined WSDOT and APWA *Standard Specifications for Road, Bridge, and Municipal Construction*, and such amendments that modify these specifications.
- .52 Amendment to the Standard Specifications.** These amendments are approved changes to the *Standard Specifications*.
- .53 General Special Provisions.** These are specifications that describe special project features in common usage.
- .54 APWA Amendments.** These are specifications unique to local agency projects. See *Standard Specifications APWA Supplement 1-99*.
- .55 Special Provisions.** Since Special Provisions are specifications governing matters peculiar to an individual project, they are not covered in the *Standard Specifications*. Their use should be held to a minimum and applicable *Standard Specifications* should be used instead. Issues mandated in the state and federal laws shall not be changed.

Special Provisions are required:

- a. For the presentation of all features of a project not covered by the *Standard Specifications* and *General Special Provisions*.
- b. Where the *Standard Specifications* are being amended.
- c. For any deviation from the *Standard Specifications* with regard to materials, construction details, measurement, and payment.
- d. When noted in the WSDOT Standard Item Table.

The following paragraphs discuss some pertinent aspects of special provisions.

- All nonstandard pay items shall be covered in the Special Provisions.
- For high cost and major projects, the local agency is encouraged to include a value engineering incentive clause in their construction specifications encouraging the contractor to propose changes in contract requirements that will accomplish the project's functional requirements at less cost.
- Traffic control must be in accordance with the MUTCD. A Special Provision shall be prepared outlining traffic control requirements and including any pay items.
- Neatline measurement of quantities is allowed by special provision. This specification may allow payment of the neatline measurement from the lines and grades as shown on the plans or as directed by the Engineer's stakes on the ground. This may apply to aggregates, base course, and surfacing. On asphalt quantities, the unit price could include the cost of coring to verify density and depths. Culvert and pipeline installation may be paid by the lineal foot-in-place with bedding, backfill, and compaction as incidental to the unit price. In these instances, an item should be added for extra excavation or backfill if the profile varies or is subject to change during the contract. Shoring must be paid as a separate bid item.
- Direct reference to proprietary specifications of national, regional, or local trade associations should not be included in FHWA contract specifications; such proprietary specifications are subject to change without notice to, or acceptance by, the state or FHWA. If proprietary specifications must be used, the complete text, or such parts as are applicable, should be incorporated into special provisions for the project.
- The use of trade names in specifications and on plans should be avoided. Instead, specifications should be formulated to assure full opportunity for competition among equivalent materials, equipment, and methods. References in specifications and on plans to single trade-name materials require justification. However, where satisfactory specifications based on laboratory

tests or other performance requirements cannot be developed or obtained from organizations which develop specifications, a CA Agency may use trade name designations, provided that at least three names of acceptable materials or products, if available, are listed. Experimental and research items require FHWA approval.

44.6 Estimates

The engineer's estimate of a proposed project's cost shall include the estimated quantity and estimated unit price for each proposed work item. Bridge items shall be segregated from roadway items. A tabulation for each bridge showing its applicable items shall be submitted.

If materials salvaged from the project are to be used for roadway purposes, the value of such materials should not be included in the project cost.

The estimate shall separately list the costs of nonparticipating items, local agency force work, and local agency furnished materials.

The separate cost groups shall be summarized and totaled on the first sheet of the estimate.

- | The Region Local Programs Engineer may be contacted for assistance in preparing the estimate. A sample estimate is shown
- | in Appendix 44.76.

44.7 Appendixes

- 44.72 Sample Proposal (Metric/English)
- 44.73 Sample Contract
- 44.74 Sample City Letter of Financial Responsibility
- 44.75 Sample County Letter of Financial Responsibility
- 44.76 Sample Estimate and Grouping (Metric/English)
- 44.77 Permits
- 44.78 Local Agency Plans Preparation Checklist
- 44.79 Subcontractor List
- 44.80 Disadvantaged Business Enterprise Utilization Certification

Forms

FHWA Form 1273 Required Contract Provisions,
FHWA Construction Contracts

FHWA Form LLL Disclosure of Lobbying Activities

DOT Form 272-006A Contract

DOT Form 272-036D Proposal

DOT Form 272-036H Non-Collusion Declaration

Washington State Transportation Commission
Department of Transportation
Transportation Building
P.O. Box 47390
Olympia, Washington 98504-7308

Re:

(State Ad & Award)
Award of Project

Attn:
Assistant Secretary, Highways and Local Programs

Gentlemen:

The Mayor of the city of _____ gives permission to award the above noted project after advertisement and bid opening, where the bid to be awarded is not more than 10 percent above the current engineer's estimate.

Should the award bid exceed the current municipal agreement dated _____ the city agrees to assume the responsibility for arranging project financing in excess of the agreement after the contract is awarded.

Mayor

Date

**Sample County Letter of Financial
Responsibility (for State Ad and Award Only)**

Washington State Transportation Commission
Department of Transportation
Transportation Building
Olympia, Washington 98504

Re:

(State Ad & Award)
Award of Project

Attn:
Assistant Secretary, Highways and Local Programs

Gentlemen:

The Board of County Commissioners of _____ County gives permission to award the above noted project after advertisement and bid opening, where the bid to be awarded is not more than 10 percent above the current engineer's estimate.

Should the award bid exceed the current municipal agreement dated _____ the county agrees to assume the responsibility for arranging project financing in excess of the agreement after the contract is awarded.

Chairman

Date

This chapter is used by local agencies wanting the Washington State Department of Transportation (WSDOT) to advertise and award their Federal Highway Administration (FHWA) construction contracts at the service center level or at the regional level. For these agencies, Chapter 51, WSDOT Administered Projects, will also apply.

45.1 General Discussion

The Regional Administrator will appoint a WSDOT Project Engineer to administer project construction (Chapter 51). The Project Engineer will administer the project in accordance with the *Local Agency Guidelines* manual and in the same manner as other FHWA funded projects.

The documents that the local agency must submit to WSDOT in order to have a project advertised and awarded by the state are listed in Chapter 51, which describes the procedures for advertising and awarding a construction contract when WSDOT is the awarding authority.

45.2 Submittals

When WSDOT is to advertise and award a construction contract on an FHWA project, the local agency will prepare and submit the following documents to WSDOT. (Additional details on the content and format of these documents are found in Chapter 44, Plans, Specifications, and Estimates, and in the WSDOT *Construction Manual*.)

.21 Contract Plans, Specifications, and Estimates (PS&E).

The originals and one copy of these shall be submitted to the Region Local Programs Engineer. Review of the PS&E and bridge plans by WSDOT must be scheduled well in advance of the advertising date of the project. WSDOT review time on complex projects varies between 12 to 18 weeks depending on the type of project and whether the project is advertised by the region or by the service center. Contact the Region Local Programs Engineer to coordinate the submittal time of the PS&E and bridge plans, and for an advance estimate of the time and cost for the reviews.

.22 Local Agency Letter of Financial Responsibility. See Chapter 44, Plans, Specifications, and Estimates, and Appendix 44.74.

45.3 Procedures

.31 WSDOT Olympia Headquarters Advertising and Award. The following process will be used for reviewing contract documents, advertising for bids, evaluating bids, and awarding a construction contract.

- a. The local agency prepares the PS&E package and submits it to the Region Local Programs Engineer.
- b. The Region Local Programs Engineer reviews the PS&E package for completeness and sends it to the

Region Plans Engineer. The Region Administrator assigns a WSDOT Project Engineer to administer the project construction (see Chapter 51).

- c. The Region Plans Engineer reviews the PS&E and sends it to the WSDOT Headquarters Plans Branch for review and approval by the State Design Engineer. At this time, an advertising date is set.
- d. After its review, the Plans Branch sends out office copies of the PS&E to the local agency and other offices within WSDOT for their final review prior to advertising.
- e. WSDOT advertises the project for at least three weeks.
- f. WSDOT receives bids during the period set aside for bid preparation and receipt.
- g. On the date established in the bid advertisement, WSDOT opens and reads the bids received.
- h. WSDOT tabulates and evaluates the bids, and sends the bid results to the Region Local Programs Engineer.
- i. The Region Local Programs Engineer advises the local agency of the bid results.
- j. The Local Agency Agreement must be supplemented if any overrun or underrun occurs beyond the authorized amount. See Section 22.3.
- k. WSDOT awards the construction contract to the lowest responsible bidder.
- l. The WSDOT Region Administrator and the Headquarters Construction Office administer the project in the same manner as other FHWA projects and in accordance with departmental policy.

.32 Region Advertising and Award. Whenever requested by the local agency, the region advertises and awards projects in accordance with WSDOT's directive D 27-02. No project cost limitation applies. When the engineer's contract estimate exceeds \$50,000, the bid participants are required to furnish a bid deposit and a contract bond and they shall be prequalified under Section 1-02.1 of the *Standard Specifications*. The region will publish the call for bids in not less than one trade paper of general circulation in the state. Bid notices will be submitted to the local chapter of the Associated General Contractors (AGC), the established minority and women's association within the region, any other organization expressing interest in the project, and others as directed by WSDOT's Pre-Contract Administration.

The following process will be used for reviewing contract documents, advertising for bids, evaluating bids, and awarding a construction contract:

- a. The local agency prepares the PS&E and proposal forms and submits them to the Region Local Programs Engineer for region advertisement and award of the contract. Amendments and General Special Provisions of the *Standard Specifications* should be used to the maximum extent possible.
- b. The Region Local Programs Engineer reviews the PS&E package for completeness and sends it to the Region Plans Engineer for region review and final approval. At this time, an advertising date is set. The Region Administrator assigns a WSDOT Project Engineer to administer project construction.
- c. After the region's review, the Region Plans Engineer sends office copies of the PS&E out to the local agency, Region Local Programs, and other offices within the region office for their final review prior to advertising.
- d. The region advertises the project for at least three weeks.
- e. The region receives bids during the period set aside for bid preparation and receipt.
- f. On the date established in the bid advertisement, the region opens and reads the bids received.
- g. The region tabulates and evaluates the bids, and sends the bid results to the local agency via the Region Local Programs Engineer.
- h. The Region Local Programs Engineer consults with the local agency prior to the project award.

If the lowest responsible bid does not exceed the engineer's contract estimate by 10 percent or more, the region awards the contract.

If the lowest responsible bid exceeds the engineer's estimate by 10 percent or more, the Regional Administrator shall submit a copy of the bid, a tabulation of all bids, justification to accept or reject the bid, and any other related documents to the local agency for approval or disapproval.
- i. If approval is made by the local agency, the region will award and execute the contract to the lowest responsible bidder.

(*Note:* Before award, the Local Agency Agreement must be supplemented when the contract amount is greater than the authorized amount.)
- j. The WSDOT Region Administrator and Region Construction Office administer the project in the same manner as other federal aid projects and in accordance with department policy.
- k. The region bills the agency in accordance with the terms of the Local Agency Agreement.

53.1 General Discussion

After substantial completion of the work, the agency shall diligently pursue contract completion. In cases where the contractor is not diligently pursuing completion, the agency shall impose liquidating damages penalties, completion of remaining work with local forces or unilateral closure and claims against the contractor.

After the construction phase of a non-NHS FHWA transportation project, done either by competitive bidding or by local agency forces, specific procedures are carried out to terminate the project’s finances and review project performance. These procedures are necessary in order to settle any outstanding contract obligations, and to ensure that funds were expended properly.

Chapter 53 lists requirements for closing the project accounts at WSDOT and FHWA and discusses project management reviews and project audits.

Consistent with criteria established for FHWA oversight, the following chart establishes responsibilities for preparation of project closing documents and actions for FHWA (F), WSDOT (S), and Local CA agencies (L):

	Local CA Agency non-NHS	Local non-CA Agency non-NHS
Documents		
a. Completion Letter	L	S/L
b. Material Certification	L	S/L
c. List of Change Orders	L	S/L
d. WSDOT Final Accep. Date	L	S/L
e. Comparison of Quantities	L	S/L
f. DOT 140-500	S	S
Actions		
a. Nonpart. Approval	S	S
b. Advance FMIS Steps	F	F
c. Final Voucher	S/F	S/F

(FMIS = Federal Management Information Systems)

53.2 Closure

After the construction contract is complete, a 90-day project closure period begins. This closure period is initiated upon receipt of either a completion letter from the local agency or a final inspection of the project from the Region Local Programs Office. During this period, the local agency must complete the requirements described below.

No further payment will be made after the date indicated on the 90-day closure letter without the approval of the Assistant Secretary for Highways and Local Programs.

The local agency may request, however, that the 90-day closure period be extended. In this case, the local agency shall submit a written request to the Assistant Secretary for Highways and Local Programs justifying an extended closure period.

- .21 Completion Letter.** Within 15 calendar days of completion as defined in Division 1-99 of the Standard Specifications, the local agency shall submit a physical completion letter to the Region Local Programs Engineer.
- .22 WSDOT Project Review.** The Region Local Programs Engineer will conduct the final field inspection. It is suggested that the Region Local Programs Engineer be invited to the final project inspection with the contractor. If the final inspection reveals items that must be corrected or resolved before the project can be closed, these will be noted in the final inspection report. The Region Local Programs Engineer will work with the local agency to make the necessary corrections or to accomplish resolutions. If there is an unresolvable item indicating that a portion of project work is ineligible for FHWA reimbursement, WSDOT will issue a letter of notification outlining the ineligible work items and related costs.
- .23 Final Billing.** Within 90 calendar days of the completion date, the local agency shall submit the following documents to the Region Local Programs Engineer, clearly marked “Final Billing:”
 - a. The local agency’s final billing on Form PPC2.
 - b. Written justification for billings exceeding the Local Agency Agreement amount. These require approval by the Assistant Secretary for Highways and Local Programs.

Upon receipt of the final billing, WSDOT will pay the federal share or bill the local agency as appropriate.
- .24 Project Approval.** The Assistant Secretary for Highways and Local Programs will inform the local agency when FHWA has approved the Final Voucher and will explain what records must be retained and for how long.

53.3 Project Management Review

In order to be reasonably certain that local agencies are administering FHWA funds in accordance with the *Local Agency Guidelines*, the Highways and Local Programs Operations Engineer will conduct project management reviews annually on selected local agency ad-and-award projects. These reviews will cover:

- General procedural compliance items noted in OMB Circular A-128.
- Procedures in the *Local Agency Guidelines*.

- Items of special interest developed from State Auditor’s reports, recommendations from FHWA, and previous process reviews.
- Compliance with “Equal Employment Opportunity” and “Disadvantaged Business Enterprise” programs.

.31 Preparation. The Assistant Secretary for Highways and Local Programs, through the Region Local Programs Engineer, will schedule management reviews with the designated agencies and will request that the local agency managers participate. The local agency should have all pertinent documentation ready for the scheduled review. Typical procedural review questions are listed in Appendix 53.51. Typical documents to be examined during this review are also listed in Appendix 53.51. All deficiencies will be identified for the agency at the Project Management Review (PMR). Copies of documentation not available at the time of review shall be submitted through the Region Local Programs Engineer within 21 days. After the 21-day period, the final PMR letter will be sent to the agency.

.32 Deficiencies. If no major deficiencies are found in the local agency’s project management methods, the local agency will be informed in writing of the review team’s findings and recommendations.

If major deficiencies exist, the local agency will be asked to take corrective action within 60 days. If the deficiencies include ineligible work, WSDOT will issue a citation letter.

If deficiencies exist in the agency’s procedures, management practices, or systems, or if specific project errors are found, WSDOT’s administrative response might be one or more of the following:

- No action against the agency.
- Joint conference with the Local Agency, Region Local Programs Engineer, and the Assistant Secretary of Highways and Local Programs or his designee.
- Limit or withhold the agency’s future Certification Acceptance authority (Chapter 13) to the extent deemed necessary:
 - a. Allow Certification on a project-by-project basis.
 - b. Direct WSDOT to assign a Project Engineer to each project for supervision, inspection, and administration.
 - c. Contract the supervision, inspection, and administration to a consulting firm.
 - d. Delay project authorization until adequate supervision, inspection, and administration is available from the local agency, WSDOT, or consultants.
- Establish a repayment plan when violations to procedures make certain expenditures ineligible for federal reimbursement. Per Section VII of the Local

Agency agreement, withholding of funds from the local agency’s gasoline tax distribution may be necessary if a satisfactory repayment plan is not established within 45 days.

53.4 Financial and Compliance Audit

.41 By the State Auditor. The local agency is responsible for ensuring that an audit is performed in accordance with OMB Circular A-128. WSDOT is also responsible for ensuring that FHWA funds are properly expended. The State Auditor will therefore audit each local agency.

.42 By WSDOT. A project audit by WSDOT Auditors is triggered by deficiencies found during:

- a. A routine audit by the State Auditor, either on an FHWA project or on any other project where federal funds are involved.
- b. A project management review.

.43 Project Records. Project records shall be maintained in accordance with the terms of the Local Agency Agreement and shall be made available to the audit personnel upon request. It is helpful if field notes and other documentation are available in sufficient detail to facilitate the audit review.

.44 Audit Report. The state auditor will submit a formal audit report to the Assistant Secretary for Highways and Local Programs and to FHWA. If findings on a particular audit arise, Highways and Local Programs will contact the agency to confirm the findings and coordinate resolution with the agency and Highways and Local Programs. Audit findings must be resolved within six months of the date that the audit report is issued. Audits will normally include the following categories:

- Interagency Agreements
- Land Development or Land Acquisition Projects
- Tier Contracting Procedures
- Fund Management — Transactions
- Accounting Methods — Cash or Accrual
- DBE-EEO Practices
- Use of Grant Acquired Equipment

53.5 Appendixes

- 53.51 Local Agency Documentation Review Checklist
- 53.52 Final Inspection of Federal Aid Project
- 53.53 Quarterly Report of Amounts credited as DBE Participation

Local Agency Documentation Review Checklist

Appendix 53.51

Agency: _____ Date: _____
 Project Title: _____
 Federal Aid Project No.: _____ Contract No.: _____
 Reviewers: _____

**LAG
Ref.**

13 Table of Organization and CA Agreement Review:

<u>Action</u>	<u>Approving Authority</u>
Design Approval	_____
PS&E Approval	_____
Tied Bids	_____
Contract Award	_____
Change Orders	_____

Preliminary Engineering:

43.1 Design Approved By: _____ Date: _____
 44.1 PS&E Approved By: _____ Date: _____
 44.22 Agency Supplied Materials Approved By: _____
 44.22 Sole Source Items? Yes _____ No _____
 If Yes, FHWA Approval Date: _____
 52 Changes in Scope, Limits, Character, Cost? Yes _____ No _____
 If Yes, FHWA Approval Date: _____
 44.22 Tied Bids Approved By: _____ Date: _____

Advertising and Award:

46.21 FHWA Construction Authorization Date: _____
 46.24 Advertising Dates: _____
 46.24 Three Week Advertising Period? Yes _____ No _____
 46 Affidavits of Publication in File? Yes _____ No _____
 46.25 Bid Opening Date: _____
 46.27 Award Date: _____
 46.26 Award to Lowest Bidder? Yes _____ No _____
 If Not, Explain: _____
 46.28 Contract Execution Date: _____
 46.28 Contract Award Amount: _____
 46.3 Award Information Transmitted to WSDOT? Yes _____ No _____
 52 First Working Day: _____ No. of Working Days: _____
 No. of Working Days Complete: _____
 52.2 Preconstruction Conference Minutes Review:
 Comments: _____

Minutes Sent To:	Region Local Programs Engineer?	Yes _____	No _____
	Contractor?	Yes _____	No _____
	All Invitees?	Yes _____	No _____

LAG Ref.

52.51 Claims by Contractor? Yes _____ No _____
 Comments: _____

52 & 53 Project Diaries and Inspector's Daily Reports Signed and Up to Date? Yes _____ No _____

Payrolls:

Wage Rates Included in Contract? Yes _____ No _____
 Payrolls on File? Yes _____ No _____
 Certified by Contractor? Yes _____ No _____
 Checked and Initialed by Agency? Yes _____ No _____

<u>Prime/Subs</u>	<u>Wage Rate Interview</u>	<u>Intent to Pay Wages</u>	<u>Affidavit Wages Paid</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Standard Any L&I Violations on Contract? Yes _____ No _____
 Specification If Yes, How Resolved? _____

27 EEO Compliance:

PE Right-of-Way Yes _____ No _____
 Consultant Yes _____ No _____
 Hearings (Title VI) Yes _____ No _____
 Monthly Employment Utilization Reports (820-010) on File
 for Prime and Subs (Greater Than \$100,000) Yes _____ No _____
 PR-1391 on File and Sent to Region Local Programs? Yes _____ No _____

Comments: _____

Training:

Training Goal Set? Yes _____ No _____ Hours _____
 Training Plan Approved by Agency? Yes _____ No _____
 Training Goal Met? Yes _____ No _____ Hours _____

Comments: _____

26 DBE Compliance:

26.2 DBE Goal Set: \$ _____
 26.2 DBE Condition of Award Amount: \$ _____
 26.2 How Was DBE Certification Verified Prior to Award? _____
 26.2 DBE On-Site Review Conducted for Each Sub? Yes _____ No _____
 52.5 Change Orders Affects on DBEs: Yes _____ No _____
 52.5 Additional Work Provided to DBEs? Yes _____ No _____
 52.5 Any Changes to DBE Goals? Yes _____ No _____
 26.2 Approved by Region Local Programs Engineer? Yes _____ No _____
 53.53 Quarterly Report of Amounts Credited as DBE Participation
 Sent to Region Local Programs Engineer? Yes _____ No _____

Bridge Construction Projects:

Bridge Rail Crash Tested Design Used? Yes _____ No _____
(New Construction Only, Any Funding Program)

Contract Completion:

52.81 Completion Date: _____
52.81 Completion Letter to Contractor Date: _____
52.83 End of Project Materials Certification From Project Engineer to Approving Authority Date: _____



Washington State
Department of Transportation

Quarterly Report of Amounts Credited as DBE Participation

Quarter (1st, 2nd, 3rd, 4th) or Final _____ of Year _____	State Contract Number Federal Employer I.D. Number
---	---

Contractor _____

DBE Participant Name and Federal Employer I.D. Number	Contract Type	Date of Payment	*Dollar Credit Amount

Contract Type: S = Subcontractor A = Agent
 M = Manufacturer R = Regular Dealer
 J = Joint Venture V = Service Provider

I, the undersigned, do hereby certify that in connection with all work on the project for which this statement is submitted, each DBE participant contracted by me has been paid on the dates shown. *Further, I certify that the amounts shown under "Dollar Credit Amount" are in accordance with the "DBE Eligibility" portion of the DBE Special Provision.

Signature _____ Title _____

This form is due on the 20th of the month following the end of the respective Quarter (April, July, October, January). This form replaces "Affidavit of Amounts Paid MBE/WBE Participants" (DOT Form 421-023)

Glossary of Terms

ADA — The Americans with Disabilities Act of 1990 which mandates sweeping changes in building codes, transportation, and hiring practices to prevent discrimination against persons with disabilities, not just in projects involving federal dollars, but all new public places, conveyances, and employers.

Ad and Award — Advertising and award of a construction contract. Includes all aspects of contract administration.

Administrative Settlement — A negotiated settlement of a right of way acquisition case in which the acquiring agency has administratively approved payment in excess of fair market value as shown on the agency's approved determination of value (DV).

Agency Administrator — A local agency official empowered by position or delegated the authority to administer transportation projects.

Agency-Force Work — Construction work done by an agency's employees, or by one public agency for another.

Annual Average Daily Traffic (AADT) — The estimate of typical daily traffic on a road segment for all days of the week, Sunday through Saturday, over the period of one year.

Annual Element — The first year of a local agency's six-year Street or Road Program which is reviewed each year by the Areawide Clearinghouse to ensure intergovernmental coordination of transportation programs.

Annual Seasonal Factors — The set of 12 factors, one for each month of the year, that is used to adjust coverage counts to estimates of AADT. Annual seasonal factors make use of the full year's data collected by continuous counters.

Approval Authority — The position title designated in the Certification Acceptance Qualification Agreement as responsible for approving a document or stage of a federal aid transportation project.

APWA Amendments — A supplement to the WSDOT/APWA Standard Specifications.

Areawide Clearinghouse — A regional planning agency that reviews the transportation programs of constituent agencies to ensure areawide coordination.

Automatic Traffic Recorder — A device that records the continuous passage of vehicles across all lanes of a given section of roadway by hours of the day, days of the week, or months of the year.

CA — Certification Acceptance, the process of approving local agencies to administer their federal aid transportation projects.

CAAA — The Clean Air Act Amendments of 1990 identify "mobile sources" (vehicles) as primary sources of pollution and call for stringent new requirements in metropolitan areas and states where attainment of National Ambient Air Quality Standards (NAAQS) is or could be a problem.

CE (NEPA) — Categorical exclusions, actions that do not individually or cumulatively have a significant effect on the environment.

CE (SEPA) — Categorical exemptions, actions that do not individually or cumulatively have a significant effect on the environment. CEQ — Federal Council on Environmental Quality.

CFR — The codified administrative regulations of the federal government.

CM/AQ — The Congestion Mitigation and Air Quality Program is a \$6 billion funding program contained in Title I of ISTEA. Funds are provided for projects and activities which reduce congestion and improve air quality.

CMS — Congestion Management Systems require large metropolitan areas (200,000 population or more) and states to develop management plans which make new and existing transportation facilities more effective through the use of travel demand management and operational management strategies.

COG — Council of Governments is a voluntary consortium of local government representatives, from contiguous communities, meeting on a regular basis and formed to cooperate on common planning and to solve common development problems of their area.

C3R — Close, repair, rehabilitate, or replace options to improving existing public bridges.

CTR — The Commute Trip Reduction legislation which requires major employers in the eight most populated counties in the state to take measures to reduce the number of single occupant vehicle (SOV) trips and the number of vehicle miles traveled (VMT) by their employees.

City/County, Local Agency, or Agency — Any municipal corporation within the state of Washington.

Class I Projects — Those projects likely to have a significant impact and requiring an EIS.

Class II Projects — Those projects with no significant impact and excluded from environmental documentation requirements.

Class III Projects — Those projects in which the significance of impacts is not established. Such projects require an EA to evaluate the extent of the project impacts.

Coastal Zone Management — Applicants for federal permits or licenses must certify that their project will comply with the State Coastal Zone Management Program (Shoreline Management Act—RCW 90.58—applies to projects within 61 m (200 feet) of a shoreline).

Coast Guard Permit — A permit issued by the Coast Guard for all structures in navigable waterways (Rivers and Harbors Act (33 USC9).

Commitment File — A file containing a summary of local agency commitments made to other agencies or groups during project development which will be incorporated into the design and construction of a project.

Community — A major subdivision of a municipality, composed of neighborhoods, considered as a unit for planning purposes.

Completion Letter — A letter from the local agency Engineer notifying the construction contractor that a project is complete. A letter from the local agency notifying the Regional Highways and Local Programs Engineer that the project is complete subject to inspection, audit, and acceptance by the state. The letter is required on competitive bid contracts and local agency force projects.

Construction — Those activities that are involved in the building of a new road facility or improvement of an existing facility to a higher geometric or structural standard or serve to increase the capacity or efficiency of an existing facility.

Consultant — An individual, public or private organization or institution of higher learning having expertise in professional disciplines applicable to transportation programs.

Consultant Service — Utilization of professional expertise external to an agency, on a contract basis, to perform a specific study, project, or task. Does not include personal-service contracts for routine, continuing, and necessary tasks.

Continuous Counter — An automatic traffic recorder that operates continuously for all hours of a year.

Corridor Hearing — See location hearing.

Coverage Count — A traffic count taken as part of the requirement for system-level estimates of traffic. The count is typically short-term, and may be volume, classification, or weigh-in-motion.

DBE — Disadvantaged business enterprise, a small business concern: (a) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly-owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Declaration of Non-significance (SEPA Document) — The written decision by the agency administrator that a proposal will not have a significant environmental impact and no EIS is required (WAC 197-11-340).

Declaration of Significance (SEPA Document) — The written decision by the agency administrator that a proposal could have significant adverse impact and, therefore, requires an EIS (WAC 197-11-340).

DEIS — Draft Environmental Impact Statement, a document identifying a course of action, alternative actions, analysis of the environmental impacts of alternates considered, and proposed mitigation of impacts. The DEIS is circulated to other agencies and the public for review and comment.

Design Hearing — A public hearing to examine the design features of a proposed transportation facility.

Design Report — A formal documentation of design considerations and conclusions reached in the development of a project. The design report is prepared to record the evaluations of the various disciplines which result in design recommendations. This report is then reviewed and, upon concurrence, results in approval of the design. For most projects, the Project Prospectus serves as the design report.

Determination of Value — The agency's approved fair market value of a right of way acquisition.

Deviation or Design Deviation — Departure from applicable design standards.

Discipline Report — A report documenting findings concerning impacts of a project relative to an individual area of expertise (e.g., botany, acoustics, sociology). The report evaluates the impacts of the proposal and, where appropriate, includes recommendations concerning the course of action considered most desirable to fulfill the requirements of environmental laws and regulations addressed by the discipline.

DNS — Declaration of Non-Significance (SEPA Document), the written decision by the agency administrator that a proposal will not have a significant environmental impact and no EIS is required (WAC 197-11-340).

Draft Environmental Impact Statement (DEIS) — A document identifying a course of action, alternative actions, analysis of the environmental impacts of alternates considered, and proposed mitigation of impacts. The DEIS is circulated to other agencies and the public for review and comment.

EA — Environmental Assessment, a document prepared for federally funded, permitted, or licensed projects, that are not categorical exclusions (CE) but do not appear to be of sufficient magnitude to require an EIS. The EA provides sufficient analysis and documentation to determine if a Finding of No Significant Impact (FONSI) can be adopted or if an EIS must be prepared.

EAC — The Enhancement Advisory Committee sets criteria for projects to receive funding from the Surface Enhancements Program and advises WSDOT in project selection.

EEO — Equal Employment Opportunity. A general term referring to all contract provisions relative to EEO.

EIS — Environmental Impact Statement, a detailed written statement of project environmental effects required by state and/or federal law. This term refers to either a Draft or Final Environmental Impact Statement, or both, depending on context.

Environmental Checklist (SEPA Document) — A local agency document used to determine whether an action will significantly impact the environment. The checklist form contained in WAC 197-11-960 is used for all actions not categorically exempt or not clearly requiring an EIS.

Environmental Document — A term used for any document that identifies the social, economic, and environmental effects of a proposed action.

ER — Emergency Relief, a federal aid funding program administered by FHWA and WSDOT.

ESU — Evolutionarily Significant Unit. A designation the National Marine Fisheries (NMFS) uses for certain, genetically unique, local salmonid populations or “runs.” These designations are treated as individual species under the act.

Fair Offer — An offer to acquire real property for just compensation, which is the approved appraisal of the property’s fair market value.

Federal Aid Requirement Checklist — A list of requirements for acquiring right-of-way on federal aid projects.

Federal Aid Project Prospectus — Page 1 is used for the FHWA federal aid programming purposes. Pages 2 and 3 give the state and FHWA additional information about the proposed project.

FEIS — Final Environmental Impact Statement, a document containing an evaluation of the course of action that an agency intends to follow. It contains the same information required for the DEIS, with appropriate revisions reflecting comments received from circulation of the DEIS and from public meetings.

Final Estimate — An estimate of the total cost of a project prepared after completion of the construction contract and used as the basis for final payment to the contractor.

Financial Responsibility Letter — A letter from the local agency approving authority advising the Highways and Local Programs Engineer that a construction contract may be awarded and that the agency will arrange for project funding above the amount in the current Local Agency Agreement.

Flood Hazard — Construction affecting a flood-control zone, through flooding, erosion, or deposition of materials.

Flood Control Zone — A zone subject to flooding, as defined on maps available from the WSDOT Regional Highways and Local Programs Engineer. **FONSI** — Finding of No Significant Impact, a federal lead-agency document presenting the reasons why a proposal will not significantly affect the environment and an EIS will not be prepared. The FONSI includes the EA and references any other related environmental documents.

Force-Account Work — Construction work not covered in the contract documents and of a type not amenable to definition by a change order. Force-account reimbursement is used when it is difficult to provide adequate measurement or to estimate the cost of certain items of work. The contractor is reimbursed for the cost of the work plus profit using established weighted wage rates, equipment-rental rates, and the invoice cost of materials.

Foreslopes — The roadway fill slope or ditch in slope.

Functional Classification — The roadway classifications referred to in this manual are the federal functional classifications shown on the official functional class maps prepared by the Planning and Programming Service Center of WSDOT. Examples: principal arterial, minor arterial, collector arterial.

Functional Classification — The grouping of streets and highways into classes, or systems, according to the character of service they are intended to provide. The recognition that individual roads do not serve travel independently and most travel involves movement through a network of roads is basic to functional classification.

Functional System — Highways of a similar type as determined by functional classification.

FTA — Federal Transit Administration (formerly the Urban Mass Transit Administration, UMTA).

FWS — Is an abbreviated acronym for USFWS (the United States Fish and Wildlife Service).

GSP — General Special Provisions, construction contract specifications supplementing the Standard Specifications.

Hearing Summary — Summary of comments received from the hearings and those received from the evaluation of the DEIS.

Highway Traffic Data — Estimates of the amounts of person or vehicular travel, vehicle usage, or vehicle characteristics associated with a system of highways or with a particular location on a highway. These types of data include estimates of the number of vehicles traversing a section of highway or system of highways during a prescribed time period (traffic volume), the portion of such vehicles that may be of a particular type (vehicle classification), the weights of such vehicles including weight of each axle and associated distances between axles on a vehicle (vehicle weight), or the average number of persons being transported in a vehicle (vehicle occupancy).

HHS, HES

HOV — High-occupancy vehicle, e.g. bus, van, carpool.

HPA — Hydraulic Power Approval permit is issued by the Washington Department of Fish and Wildlife. The Hydraulic Code (RCW 75.20.100-160) requires that any person, organization, or government agency wishing to conduct any construction activity in or near state waters must do so under the terms of a permit (the Hydraulic Project Approval - HPA, to be exact) issued by the Washington State Department of Fish and Wildlife. State waters include all marine waters and fresh waters of the state.

IDT — Interdisciplinary Team, a team composed of appropriate disciplines that identifies and evaluates social, economic, and environmental impacts of proposed projects.

Improvement — Betterment in traffic service without major changes in the existing facility. This includes widening, signals, illumination, curbs, gutters, drainage, sidewalks, and other items which add value to the existing facility.

ISTEA — Intermodal Surface Transportation Efficiency Act of 1991.

Lead Agency — A federal, state, or local agency taking primary responsibility for preparing an environmental document.

Liquidated Damages — Amounts of money to be assessed against a contractor for late completion. These amounts must be related to the actual damages suffered by the owner because of the late completion.

Local Agency Agreement — An agreement to allocate federal funds to a transportation project. Negotiated between a local agency and WSDOT.

Local Agency, City/County, or Agency — Any municipal corporation within the state of Washington.

Local Match — That portion of a project's cost paid for with local agency funds.

Location Hearing — A public hearing to examine the location of a proposed transportation facility, also called corridor or route hearing.

LRP — Long-Range Plan is a 20-year forecast plan, now required at both the metropolitan and state levels, which must consider a wide range of social, environmental, energy, and economic factors in determining overall regional goals and how transportation can best meet these goals.

Maintenance — Those activities that ensure that the right-of-way and each type of roadway, roadway structure and facility remain, as nearly as practical in its original, as constructed condition or its subsequently improved condition, and the operation of roadway facilities and services to provide satisfactory and safe motor vehicle transportation.

Matching Funds — See local match.

MPO — Metropolitan Planning Organization is the agency designated by the Governor (or governors in multistate areas) to administer the federally required transportation planning in a metropolitan area. An MPO must be in place in every urbanized area over 50,000 population. The MPO is responsible for the long-range plans and the transportation improvement program. The official name for an MPO may also be Council of Governments, Planning Association, Planning Authority, Regional or Area Planning Council, Regional or Area Planning Commission.

MUTCD — Manual on Uniform Traffic Control Devices for Streets and Highways, USDOT and FHWA.

MSA and CMSA — Metropolitan Statistical Area is the census classifications for areas having a population over 50,000. The MSA may contain several urbanized areas, but contains one or

more central city or cities. When the commuting patterns of two MSAs have caused them to merge, the result is a Consolidated Metropolitan Statistical Area (CMSA).

NAAQS — National Ambient Air Quality Standards were set by the Environmental Protection Agency to define air pollution. EPA established NAAQS measures for six pollutants: carbon monoxide, ozone, particulate matter, lead, sulfur dioxide, and nitrous oxide.

Neighborhood — A secondary subdivision of a municipality, a portion of a community, considered as a unit for planning purposes.

New Construction — The building of a new roadway or structure on substantially new alignment, or the upgrading of an existing roadway or structure by the addition of one or more lanes. If 50 percent or more of the project length involves vertical or horizontal alignment changes, the project is new construction. The following types of projects are not classed as new construction, and the 3-R standards apply:

- Modernization of an existing street or road by resurfacing, widening lanes, adding shoulders, or adding turn lanes at intersections.
- Temporary replacement of a street or roadway, immediately after the occurrence of a natural disaster or catastrophic failure, to restore the facility for the health, welfare, and safety of the public.

Nonparticipating Items — Items of project work that are not a part of the federal aid funding.

Notice of Intent — A federal notice, printed in the Federal Register, advising that an EIS will be prepared and considered for a proposal.

OA — Obligation Authority. Under ISTEA, it is vested with WSDOT except for STP funded projects within TMA boundaries.

Opportunity for Hearing — Soliciting public interest in holding a hearing by publishing notice.

PL — Public law, the designation for a law passed by the U.S. Congress before codification into the USC.

P&PSC — Planning and Programming Service Center. WSDOT's branch responsible for coordinating with local agencies on planning issues.

PONTIS — A bridge management system created cooperatively by FHWA, the state of California, and six "technical advisory" states. Meets ISTEA requirements.

Prequalifying Prospective Bidders — A process by which a contracting agency in advance of considering, opening, or accepting bids, or in advance of issuing bid proposals, establishes limitations on amounts and types of work contractors are permitted to bid on and to have underway at one time.

Preservation — Those specialized maintenance activities that serve to extend the originally estimated useful life of each type of roadway, roadway structure and facility but do not increase its capacity or efficiency.

Progress Billing — A request from a local agency or contractor to WSDOT for state/federal reimbursement for work completed on a federal aid transportation project during a defined time period.

Progress Estimate — An estimate of the total amount of work completed by a contractor as of the estimate date listed by work item.

Progress Payment — A payment by a public agency to a consultant or construction contractor for work completed on a federal aid transportation project during a defined time period.

Project — An undertaking to construct.

Project Application Checklist.

Project Engineer — The person designated by a local agency to oversee development of a project.

Project Management Review (PMR) — A review of an agency's project administration conducted by the WSDOT Highways and Local Programs Operations personnel.

Project Prospectus — A document prepared by a local agency and submitted to WSDOT describing a proposed transportation project. Used to support authorization of federal funds.

Proprietary Specifications — Those referring to specific products by trade name and model.

Proximity Damages — An element of severance damages caused by the proximity of the remainder of a land parcel to the improvement being constructed, such as a highway. It may also arise from proximity to an objectionable site or improvement, or from all causes such as dirt, noise, or vibration.

Public Involvement Plan — A required, integral part of an environmental study plan which outlines procedures for presenting information to the public, obtaining public comment, and considering public opinion.

Quad County (Quad-Co) — A Regional Transportation Planning Organization that includes Adams, Grant, Kittitas, and Lincoln Counties.

Qualifying Low Bidders — A process by which a contracting agency proceeds, after bid opening, to consider the qualifications of the apparent low bidder to perform the work.

Record of Decision — A document prepared by the federal lead agency, after an EIS has been completed, outlining the final decision on a proposal. It identifies the decision, alternatives considered, and measures to minimize harm; and it outlines a monitoring or enforcement program.

Regional Administrator — The Engineer in charge of each of the six transportation regions in the state.

Regional Representative — A designee of the Regional Administrator responsible for WSDOT monitoring of a federally-assisted local agency project.

Regional Highways and Local Programs Engineer — The region's designated representative for local agency and WSDOT liaison.

Rehabilitation — Similar to "Restoration" except the work may include reworking or strengthening the base or subbase, recycling or reworking existing materials to improve their structural integrity, adding underdrains, improving or widening shoulders. Rehabilitation may include acquisition of additional right of way.

Relocation Plan — A plan for relocating persons and personal property displaced by public projects.

Remainder — The portion of a land parcel not acquired for public right-of-way.

Repair — Replacement or rebuilding of a facility which is worn out, destroyed, or damaged. Repair includes overlays 18-mm (0.75-inch) thick or thicker. Crushed surfacing placed to 18-mm (0.75-inch) thick or thicker and covering more than 10 percent of the original surface area may be considered repair.

Restoration — Work performed on pavement or bridge decks to render them suitable for resurfacing. This may include supplementing the existing roadway by increasing surfacing and paving courses to provide structural capability, and widening up to a total of 3 meters (10 feet). Restoration will generally be performed within the existing right-of-way.

Resurfacing — The addition of a layer or layers of paving material to provide additional structural integrity, improved serviceability, and rideability.

Right-of-Way Certification — A letter from a local agency to the Highways and Local Programs Engineer certifying that right of way has been acquired in accordance with federal regulations.

Right-of-Way Project Analysis — WSDOT Form 262-060 required on all federal aid projects as part of the R/W Certification.

Roadway Width — The portion of a street or road, between curbs or including shoulders, intended for vehicular use. This definition is for use in Design Standards only.

ROD — Record of Decision, a document prepared by the federal lead agency, after an EIS has been completed, outlining the final decision on a proposal. It identifies the decision, alternatives considered, and measures to minimize harm; and it outlines a monitoring or enforcement program.

Route Hearing — See location hearing.

RRP, RRS — Railway-Highway Grade Crossing, a federal aid funding program administered by FHWA and WSDOT.

Rural Area — Any land area outside the boundaries of the federally-designated urban areas as shown on the official urban area maps on file at WSDOT.

Scoping — A process for identifying issues and alternatives for an EIS.

Section 4(F) Evaluation — A document presenting the consideration, consultations, mitigative measures, and alternatives studied for the use of properties identified in Section 4(F) of the U.S. Department of Transportation Act as amended (49 USC 1653H).

Section 4(F) Lands — Generally, public parks, recreation areas, wildlife refuges, and historic sites.

See Effects — Social, economic, and environmental effects.

SEPA Checklist — See "environmental checklist."

Severance Damages — The reduction of the market value of a remaining area because of a partial acquisition of property or property rights (damage to the remainder). See also proximity damages.

Shoreline Management — See Coastal Zone Management.

Six-Year Road or Street Program — See TIP.

Small Business Concern — A small business as defined according to Section 3 of the Small Business Act and other relevant regulations.

Small Purchase Procedures — Procedures to utilize external personal service or equipment rental for routine, continuing, and necessary tasks.

Socially And Economically Disadvantaged Individuals — Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans, and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act. These individuals must be U.S. citizens or lawfully admitted permanent residents.

Special Provisions — A portion of the construction contract specifications separate from the General Provisions and covering conditions unique to a specific project.

Standard Specifications — Sets of typical construction contract specifications.

Stipulated Settlement — Final settlement of a right of way acquisition case through the acquiring agency's attorney that is stipulated (agreed to) by the property owner and any other interested parties prior to trial, and evidenced by a stipulated Judgment and Decree of Appropriation being filed in the superior court having jurisdiction.

Study Plan — An outline of the study process for the development of a project requiring an environmental impact statement.

Surety — A bonding company, for example.

Surfaced Width — The portion of a street or road for use by moving vehicles, between curbs or shoulders, including turning lanes where such lanes are appropriate, but excluding parking lanes and/or shoulders.

TCM — Transportation Control Measures are implemented to enable nonattainment areas meet their emissions goals. They can include Transportation Demand Management measures, parking policies and pricing, or other system improvements which reduce congestion.

TDM — Transportation Demand Management measures try to reduce the proportion of SOV commuters. TDM measures can include portion of non-SOV modes of transportation, car and vanpool formation assistance, transit subsidies, and a variety of other measures.

TEA-21 — Transportation Equity Act for the 21st Century.

Tied Bids — The practice of letting a single construction contract for two or more projects. Usually done to take advantage of economies of scale, such as more favorable unit prices for larger quantities of material.

TIP — Transportation Improvement Program is a three-year transportation investment strategy, required at the metro-politan level, and a two-year program at the state level, which addresses the goals of the long-range plans and lists priority projects and activities for the region. (At the state level, the TIP is also known as a STIP, not to be confused with a SIP.)

TMA — Transportation Management Areas. Any area over 200,000 population is automatically a Transportation Management Area, which subjects it to additional planning requirements but also entitles it to earmarked funds for large, urbanized areas under the Surface Transportation Program. There are three TMAs: PSRC, SWRTC, and SRTC.

Traffic Data Collection Session — The collection of highway traffic data for a defined period of time at a specific highway location.

Traffic Monitoring Guide (TMG) — The FHWA's statement of good traffic monitoring practices. The TMG describes the number and duration of traffic data collection sessions and the adjustments that need to be made to the collected data in order to develop location or system level estimates of the average traffic volume. The TMG also describes vehicle classification and truck weight data collection programs.

Tri-County (Tri-Co) — A Regional Transportation Planning Organization that includes Ferry, Stevens, and Pend Orielle Counties.

True Cost Estimate — The most refined estimate of all acquisition costs of all parcels within a project.

TRS — Is a designation meaning Township, Range, and Section.

TS&L — The type, size, and location stage of design development of bridges. A specific report (TS&L Report) which must be prepared on major or unusual bridges.

Urbanized Area — An area with a population over 50,000 within boundaries established by the U.S. Census Bureau or by responsible state and local officials in cooperation with each other. There are nine in Washington: Seattle-Everett, Tacoma, Yakima, Spokane, Vancouver, Tri-Cities, Bellingham, Olympia-Lacey-Tumwater, and Kelso-Longview.

Urban Area — Any land area within the boundaries of the federally-designated urban areas (population over 5,000) as shown on the official urban-area maps on file at WSDOT.

UZA — Urbanized Area is a census classification for areas having a population of 5,000 or more which meet certain population density requirements.

Walkway — A continuous way designated for pedestrians and separated from through lanes for motor vehicles by a curb, space, pavement marking, or other barrier.

Wetlands — Lands covered by shallow water or lands where the water table is at or near the surface; includes marshes, swamps, bogs, natural ponds, wet meadows and river overflow.

Withholding Resolution — A resolution passed by the local agency legislative body authorizing WSDOT to withhold a portion of the agency's fuel-tax allotment to pay for a transportation project being administered by the state. **WOAP** — Work Order Accounting Plan.

4.61 Percent Program — "1/2¢ Gas Tax," "Arterial Fund."

6.92 Percent Program — "Gas Tax," "Road" or "Street Fund" (formerly 6-7/8¢ Program).

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