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Remarks:

All LAG Manual and CD Holders:

To download the March 2004 LAG manual changes in their entirety electronically, go to:
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Summary of Changes:

Please Note: The following list is a brief overview of each revision. The actual revision should be reviewed in-depth to become completely knowledgeable of the revision.

Chapter 12, Appendixes 12.63 - 12.65 MPO/RPTO Directory

Information in the directory was updated with current information. The map of MPO's and RTPO's was updated.

Chapter 13 – Certification Acceptance Qualification Agreement

Signature title block was revised. Assistant Secretary title was changed to Director.

Chapter 14, Section 14.3 Standards

This section of chapter 14 was deleted to eliminate duplication.

Chapter 21, Appendix 21.43 – Instructions for Completing the Project Prospectus

MPO information for Whatcom Council of Governments was updated.

Chapter 22, Appendix 22.41, Local Agency Agreement

Appendix was updated with a current agreement.

Chapter 27, Section 27.32 EEO Reports

The revision deletes verbiage that references an obsolete form. "Monthly Employment Utilization Report Worksheet."

Chapter 41, Sections 41.1 – General Discussion and 41.21 (m) – New Construction/Reconstruction Projects

This revision clarifies what chapter design standards are located in and corrects a RCW reference.

Chapter 44, Section 44.22 (d) – Other Requirements

Verbiage was deleted to correct a reference to the Standard Specifications.

Chapter 44, Section 44.22 (f) – Other Requirements

Verbiage was added to clarify the procedure for tied bids and titles of other sections.

Chapter 44, Appendix 44.72 – Sample Proposal

A column for unit bid price was added to the proposal.

Chapter 46, Sections 46.3 Submittal of Award Data and Section 46.4 Appendixes

Revision deletes an item on the submittal list and removes an incorrect description.

Chapter 52, Section 52.3 – Quality Control

Language was added to extend the use of WSDOT mix designs with contractor certification.

Chapter 52, Section 52.5 – Changes and Extra Work

This revision clarifies change order requirements.

Chapter 52, Appendix 52.94 – Sample Materials Certification

Erroneous references were corrected.

Chapter 53, Appendix 53.51, Local Agency Documentation Review Checklist

Minor corrections to format and verbiage were made.

Chapter 63, Section 63.3 – Standards

An incorrect reference to WSDOT Design Manual section 430 was deleted.

Appendix 63.81 – List of Local Agency NHS Mileage

The acronym “WCCOG” was updated to “WCOG.”

Acronyms and Glossary of Terms

This revision corrects an incorrect acronym.

Instructions:

Page numbers and corresponding sheet-counts are given in the table below to indicate portions of the *Local Agency Guideline* that are to be removed and inserted to accomplish this revision.

| Chapter | Remove | | Insert | |
|---|--------|--------|--------|--------|
| | Pages | Sheets | Pages | Sheets |
| Contents | vii-xv | 5 | vii-xv | 5 |
| Acronyms | 1-4 | 2 | 1-4 | 2 |
| Chapter 12 | 11-12 | 1 | 11-12 | 1 |
| Appendix 12.62 thru Appendix 12.66 | 13-20 | 4 | 13-20 | 4 |
| Chapter 13 Certification Acceptance Qualification Agreement | 1-2 | 1 | 1-2 | 1 |
| Chapter 14 | 1-4 | 2 | 1-4 | 2 |
| Appendix 21.42 – 21.43 | 5-10 | 3 | 5-10 | 3 |
| Appendix 22.41 | 3-6 | 2 | 3-6 | 2 |
| Chapter 27 | 1-4 | 2 | 1-4 | 2 |
| Chapter 41 | 1-4 | 2 | 1-4 | 2 |
| Chapter 44 | 1-4 | 2 | 1-4 | 2 |
| Appendix 44.72 | 5-8 | 2 | 5-8 | 2 |
| Chapter 46 | 1-4 | 2 | 1-4 | 2 |
| Chapter 52 | 1-4 | 2 | 1-4 | 2 |
| Appendix 52.94 | 9-10 | 1 | 9-10 | 1 |
| Appendix 53.51 | 3-6 | 2 | 3-6 | 2 |
| Chapter 63 | 1-2 | 1 | 1-2 | 1 |
| Appendix 63.81 | 3-4 | 1 | 3-4 | 1 |

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Contents

| | Page | Revision Date |
|--|--------------|----------------------|
| Foreword | i | Sept. 2002 |
| Local Agency Guidelines Committee Members | ii | Sept. 2003 |
| Local Agency Guidelines Committee Members E-mail Listing | iii | Feb. 2002 |
| Comment Request Form | v | June 2000 |
| Acronyms | 1 | March 2004 |
| Guidelines Overview | | |
| Chapter 11 Introduction | | |
| Purpose | 11-1 | July 1999 |
| Organization of the Manual | 11-1 | July 1999 |
| Updating Process | 11-1 | July 1999 |
| Chapter 12 FHWA Funding Programs | | |
| 12.1 General Discussion | 12-1 | Feb. 2002 |
| 12.2 Coordination With Planning Agencies | 12-1 | Feb. 2002 |
| | 12-2 | Feb. 2002 |
| | 12-3 | Feb. 2002 |
| 12.3 Non-NHS Funding Sources | 12-4 | Dec. 2000 |
| | 12-5 to 7 | Feb. 2002 |
| | 12-8 | June 2000 |
| 12.4 FHWA Discretionary Programs | 12-9 | Feb. 2002 |
| | 12-10 | June 2000 |
| | 12-11 | Dec. 2000 |
| 12.5 Transfer of STP, Enhancement, and CM/AQ Funds to the Federal Transit Administration (FTA) | 12-12 | March 2004 |
| 12.6 Appendixes | 12-12 | March 2004 |
| 12.62 MPO Planning Flow Chart | 12-13 | June 2000 |
| 12.63 Map of MPOs and RTPO's | 12-14 | March 2004 |
| 12.64 Vacant | 12-15 | March 2004 |
| 12.65 MPO/RTPO Directory | 12-16 to 19 | March 2004 |
| 12.66 STP Lead Agencies | 12-20 | March 2004 |
| 12.67 Six Year Transportation Improvement Program Instructions | 12-21 and 22 | Dec. 2000 |
| 12.68 Six Year Transportation Improvement Program Sheet | 12-23 | Dec. 2000 |
| Chapter 13 Becoming Certified to Administer FHWA Projects | | |
| 13.1 General Discussion | 13-1 | June 2000 |
| 13.2 Certification Acceptance Features | 13-1 | June 2000 |
| 13.3 Certification Acceptance Requirements | 13-1 | June 2000 |
| 13.4 Application for Certification Acceptance | 13-1 | June 2000 |
| 13.5 Certification Acceptance Compliance | 13-2 | Dec. 2000 |
| Certification Acceptance Qualification Agreement (2 pages) | | March 2004 |
| Certification Acceptance Interview Form (4 pages) | | July 1999 |

| | Page | Revision Date |
|--|--------------|--------------------------|
| Chapter 14 | | |
| Developing Projects Using the Local Agency Guidelines | | |
| 14.1 General Discussion | 14-1 | March 2004 |
| 14.2 Project Development Process Overview | 14-1 | March 2004 |
| 14.3 Standards | 14-3 | March 2004 |
| 14.4 Projects Within Interstate Rights-of-Way | 14-3 | March 2004 |
| 14.5 Project Development Process Flow Chart and Checklist | 14-3 | March 2004 |
| 14.6 Appendixes | 14-3 | March 2004 |
| 14.61 Project Development Process Flow Chart | 14-5 | July 1999 |
| 14.62 Project Development Checklist | 14-6 and 7 | July 1999 |
| | 14-8 | July 2001 |
| | 14-9 | July 1999 |
| | 14-10 and 11 | Sept. 2002 |
| | 14-12 | July 2001 |
| | 14-13 | July 1999 |
| | 14-14 | March 2003 |
| | 14-15 | Sept. 2003 |
| | 14-16 to 18 | July 1999 |
| | 14-19 | Sept. 2002 |
| | 14-20 | July 1999 |
| General Project Development | | |
| Chapter 21 | | |
| The Project Prospectus | | |
| 21.1 General Discussion | 21-1 | Sept. 2003 |
| 21.2 Procedure for Submitting the Planning/TDM Application Package | 21-1 | Sept. 2003 |
| 21.3 Procedure for Compiling the Project Application Package | 21-1 | Sept. 2003 |
| 21.4 Appendixes | 21-1 | Sept. 2003 |
| 21.41 Prospectus Submittal Checklist | 21-3 | Feb. 2002 |
| 21.42 Instructions for Project Application Transmittal Items | 21-4 | Feb. 2002 |
| | 21-5 | July 1999 |
| 21.43 Instructions for Completing Project Prospectus | 21-6 | March 2004 |
| | 21-7 | March 2004 |
| | 21-8 to 10 | March 2004 |
| 21.44 List of County Code Numbers and WSDOT Region Numbers | 21-11 | July 2001 |
| 21.45 List of City Code Numbers | 21-12 and 13 | |
| | 21-14 | Sept. 2003 |
| 21.46 List of Urban Area Numbers | 21-15 | July 1999 |
| 21.47 Local Agency Federal Aid Project Prospectus | 21-16 to 18 | March 2003 |
| 21.48 Puget Sound Legislative Districts | 21-19 | Sept. 2003 |
| 21.49 Statewide Legislative Districts | 21-20 | Sept. 2003 |
| 21.50 Washington State Congressional Districts | 21-21 | Sept. 2003 |
| Chapter 22 | | |
| The Local Agency Agreement | | |
| 22.1 General Discussion | 22-1 | Dec. 2000 |
| 22.2 Preparation Procedure | 22-1 | Dec. 2000 |
| 22.3 Supplemental Agreement | 22-1 | Dec. 2000 |
| 22.4 Appendixes | 22-1 | Dec. 2000 |
| 22.41 Local Agency Agreement | 22-3 to 6 | March 2004 |
| 22.42 Instructions for Preparing Local Agency Agreement | 22-7 and 8 | Feb. 2002 |
| 22.43 Local Agency Supplemental Agreement | 22-9 | Dec. 2000 |
| 22.44 Instructions for Preparing Supplemental Agreement | 22-10 | Dec. 2000 |
| 22.45 Sample Withholding Resolution for Construction Financing Method B | 22-11 | July 1999 |

| | Page | Revision Date |
|---|--------------|----------------------|
| Chapter 23 Progress Billing (Reimbursement Costs) | | |
| 23.1 General Discussion | 23-1 | Feb. 2002 |
| 23.2 Billing Procedures for Local Agency Ad and Award and Agency Force Work | 23-1 | Feb. 2002 |
| 23.3 Billing Procedures for State Ad and Award | 23-1 | Feb. 2002 |
| 23.4 Number and Timing of Submittals | 23-1 | Feb. 2002 |
| 23.5 Identification of Federal Aid Participating and Nonparticipating Charges | 23-1 to 3 | Feb. 2002 |
| 23.6 Appendixes | 23-3 | Feb. 2002 |
| 23.61 Sample Form PPC2, "Federal Aid Request for Payment" | 23-5 | Feb. 2002 |
| 23.62 Instructions for Completing Form PPC2 | 23-6 and 7 | Feb. 2002 |
| | | |
| Chapter 24 Environmental Processes | | |
| 24.1 General Discussion | 24-1 | Feb. 2002 |
| 24.2 Project Classification | 24-2 and 3 | Feb. 2002 |
| | 24-4 to 6 | Feb. 2002 |
| 24.3 Procedures for Class I Projects | 24-7 | June 2000 |
| | 24-8 | July 1999 |
| | 24-9 | Nov. 1999 |
| | 24-10 | July 1999 |
| | 24-11 | Nov. 1999 |
| | 24-12 | June 2000 |
| 24.4 Procedures for Class II Projects | 24-13 | Nov. 1999 |
| 24.5 Procedures for Class III Projects | 24-13 | Nov. 1999 |
| 24.6 Project Reevaluation | 24-14 | Nov. 1999 |
| 24.7 Biological Assessments | 24-15 | Feb. 2002 |
| | 24-16 | March 2003 |
| | 24-17 to 20 | Nov. 1999 |
| 24.8 Section 106 Process | 24-21 | August 2000 |
| | 24-22 | March 2003 |
| | 24-23 and 24 | March 2003 |
| 24.9 Project Reviews | 24-25 | March 2003 |
| 24.10 Appendixes | 24-26 | March 2003 |
| 24.101 Instructions for Completing the Environmental Classification Summary | 24-27 and 32 | Sept. 2002 |
| 24.102 Biological Assessment Coordination Process | 24-33 | Sept. 2002 |
| 24.103 ESA Species Listings Requests — Agency Contacts | 24-34 | Sept. 2002 |
| 24.104 ESA Species Listings Request Letter Template | 24-35 | Sept. 2002 |
| 24.105 "No Effects" BA Letter Template | 24-36 | Sept. 2002 |
| 24.106 "May Affects" BA Template | 24-37 to 40 | Sept. 2002 |
| 24.107 7(d) Request Letter Template | 24-41 | Sept. 2002 |
| 24.108 Definitions | 24-42 | Sept. 2002 |
| 24.109 27 Tribes and Treaty Ceded Areas of Washington | 24-43 | Sept. 2002 |
| 24.110 Local Agency Environmental Classification Summary | 24-44 to 50 | Sept. 2002 |
| | | |
| Chapter 25 Right-of-Way Procedures | | |
| 25.01 General Discussion | 25-1 | Sept. 2002 |
| 25.02 Right-of-Way Acquisition Procedures | 25-2 | Sept. 2002 |
| 25.03 Voluntary Acquisition | 25-2 | Sept. 2002 |
| 25.04 Funds for Right-of-Way | 25-2 | Sept. 2002 |
| 25.05 Appraisal | 25-3 and 4 | Feb. 2002 |
| 25.06 Title | 25-5 | Feb. 2002 |
| 25.07 Negotiations | 25-5 | Feb. 2002 |
| 25.08 Donated Property | 25-6 | Sept. 2002 |
| 25.09 Administrative Settlements | 25-6 | Sept. 2002 |

| | Page | Revision Date |
|---|--------------|---------------|
| 25.10 Relocation | 25-7 | Sept. 2002 |
| 25.11 Right-of-Way Certification | 25-7 | Sept. 2002 |
| 25.12 Property Management | 25-7 | Sept. 2002 |
| 25.13 Document Retention | 25-8 | Sept. 2002 |
| 25.14 Appendixes | 25-8 | Sept. 2002 |
| 25.142 Right-of-Way Procedures | 25-9 and 10 | July 1999 |
| 25.143 Right-of-Way Project Funding Estimate Sample | 25-11 to 12 | July 1999 |
| | 25-13 | Feb. 2002 |
| 25.144 True Cost Estimate Sample | 25-14 to 16 | July 1999 |
| 25.145 Appraisal Report Forms (Sample) | 25-17 and 18 | July 1999 |
| 25.146 Appraisal Waiver Procedure (Sample) | 25-19 to 22 | July 1999 |
| 25.147 Review Appraiser Form (Sample) | 25-23 and 24 | July 1999 |
| 25.148 Donation Statements (Sample) | 25-25 and 26 | July 1999 |
| 25.149 Certification #1 (Sample) — All Right-of-Way Acquired | 25-27 | July 1999 |
| 25.150 Certification #2 (Sample) — Right to Occupy All Right-of-Way Acquired | 25-28 and 29 | July 1999 |
| 25.151 Certification #3 (Sample) — All Right-of-Way Not Acquired | 25-30 and 31 | July 1999 |
| 25.152 Coordinators Worksheets (Sample) | 25-32 to 34 | July 1999 |
| 25.153 Federal Aid Requirement Checklist | 25-35 and 36 | July 1999 |
| 25.154 Process Flow Chart | 25-37 | July 1999 |
| 25.155 Government Agreement for Aid | 25-39 to 42 | Sept. 2003 |

Chapter 26 Disadvantaged Business Enterprises

| | | |
|--|------------|------------|
| 26.1 General Discussion | 26-1 | March 2003 |
| 26.2 Procedures | 26-1 to 4 | March 2003 |
| 26.3 Consultant Agreement Goals | 26-5 | March 2003 |
| 26.4 Appendixes | 26-5 and 6 | March 2003 |
| 26.41 Quarterly Report of Amounts Credited as DBE Participation | 26-7 | Dec. 2000 |
| 26.42 Disadvantaged Business Enterprise Utilization Certification | 26-8 | Dec. 2000 |

Chapter 27 Equal Employment Opportunity and Training

| | | |
|-------------------------------------|------|------------|
| 27.1 General Discussion | 27-1 | March 2004 |
| 27.2 Training | 27-1 | March 2004 |
| 27.3 Contract Administration | 27-2 | March 2004 |
| 27.4 Monitoring During Construction | 27-2 | March 2004 |
| 27.5 Compliance Review | 27-3 | March 2004 |

Special Project Development

Chapter 31 Using Consultants

| | | |
|---|-----------|------------|
| 31.1 General Discussion | 31-1 | Sept. 2003 |
| 31.2 Advertisement/Solicitation | 31-1 | Sept. 2003 |
| 31.3 Pre-Award Audits | 31-2 | Sept. 2003 |
| 31.4 Consultant Selection Process | 31-2 to 5 | Sept. 2003 |
| 31.5 Standard Agreement and Exhibits | 31-5 | Sept. 2003 |
| 31.6 Supplements to the Agreement | 31-6 | Sept. 2003 |
| 31.7 Oversight of the Agreement and Project Closure | 31-6 | Sept. 2002 |
| 31.8 Appendixes | 31-7 | Sept. 2003 |
| 31.81 Sample Advertisement | 31-9 | Nov. 1999 |
| | 31-10 | Feb. 2002 |
| 31.82 Sample Record of Negotiations | 31-11 | Nov. 1999 |
| 31.83 Information Required in Agreements for Non-CA Agencies | 31-12 | Nov. 1999 |

| | Page | Revision Date |
|---|---|--------------------------|
| 31.84 | Sample Invoice Tracking Sheet | 31-13 Nov. 1999 |
| 31.85 | WSDOT Performance Evaluation Consultant Services | 31-14 Nov. 1999 |
| | Performance Evaluation Instructions | 31-15 Nov. 1999 |
| | Consultant Services Evaluation Supplement | 31-16 to 19 Nov. 1999 |
| 31.86 | Sample Personal Services Contract for Appraiser | 31-20 to 22 Nov. 1999 |
| 31.87 | Sample Consultant Agreement for Negotiation Services | 31-23 to 30 Nov. 1999 |
| 31.88 | Independent Estimate for Consulting Services | 31-31 Dec. 2000 |
| 31.89 | Local Agency Standard Consultant Agreement | 31-32 to 39 Dec. 2000 |
| | Exhibit A-1 | 31-40 Dec. 2000 |
| | Exhibit A-2 | 31-41 Dec. 2000 |
| | Exhibit A-3 | 31-42 Dec. 2000 |
| | Exhibit A-4 | 31-43 Dec. 2000 |
| | Exhibit B-1 | 31-44 Dec. 2000 |
| | Exhibit B-2 | 31-45 and 46 Dec. 2000 |
| | Exhibit C-1 | 31-47 and 48 Dec. 2000 |
| | Exhibit C-2 | 31-49 to 51 Dec. 2000 |
| | Exhibit C-3 | 31-52 and 53 Dec. 2000 |
| | Exhibit C-4 | 31-54 Dec. 2000 |
| | | 31-55 July 2001 |
| | Exhibit C-5 | 31-56 Dec. 2000 |
| | Exhibit D-1 | 31-57 Dec. 2000 |
| | Exhibit D-2 | 31-58 Dec. 2000 |
| | Exhibit E | 31-59 Dec. 2000 |
| | Exhibit F | 31-60 Dec. 2000 |
| | Exhibit G | 31-61 Dec. 2000 |
| | Exhibit G-1 | 31-62 Dec. 2000 |
| | Exhibit G-2 | 31-63 Dec. 2000 |
| | Exhibit H | 31-64 Dec. 2000 |
| 31.90 | Supplemental Agreement | 31-65 Dec. 2000 |
| 31.91 | Supplemental Signature Page for Standard Consultant Agreement | 31-66 Dec. 2000 |
| Chapter 32 Railroad/Highway Crossing Program | | |
| 32.1 | General Discussion | 32-1 Sept. 2002 |
| 32.2 | Selection of Appropriate Warning Devices | 32-1 Sept. 2002 |
| 32.3 | Project Development Process | 32-2 Feb. 2002 |
| | | 32-3 Sept. 2002 |
| 32.4 | Other Projects With Railroad Involvement | 32-4 Sept. 2003 |
| 32.5 | Appendixes | 32-4 Sept. 2003 |
| | 32.51 Signal Design — Shoulder Section (Metric/English) | 32-5 July 1999 |
| | 32.52 Signal Design — Curb Section (Metric/English) | 32-7 July 1999 |
| | 32.53 Railroad/Highway Grade Crossing Protection Sight Distance Diagram and Gate Warrant Form (Metric/English) | 32-9 July 1999 |
| | 32.54 Railroad Project Data Form | 32-11 July 1999 |
| | 32.55 Washington State Short Line Contact List | 32-12 Sept. 2003 |
| | 32.56 Sample Letter — Type 3 Party Agreement | 32-13 July 1999 |
| | 32.57 Local Agency Railway Agreement | 32-15 and 16 Dec. 2000 |
| Chapter 33 Emergency Relief Program | | |
| 33.1 | Steps Following a Disaster | 33-1 Feb. 2002 |
| 33.2 | FHWA's Emergency Relief Program Guidelines | 33-2 Feb. 2002 |
| 33.3 | Reimbursable Expenses | 33-3 and 4 Feb. 2002 |
| | | 33-5 July 1999 |
| 33.4 | Types of Emergency Relief Work | 33-6 to 9 July 1999 |
| 33.5 | Contracts | 33-9 July 1999 |

| | Page | Revision Date |
|--|-------------|--------------------------|
| 33.6 Additional Project Requirements | 33-9 | July 1999 |
| 33.7 Funding | 33-10 | July 1999 |
| 33.8 FEMA Program Guidelines | 33-10 | July 1999 |
| 33.9 Appendixes | 33-11 | Dec. 2000 |
| 33.91 Local Agency Proclamation | 33-13 | July 1999 |
| 33.92 Governor’s Proclamation | 33-14 | July 1999 |
| 33.93 Local Agency Damage Inspection Report | 33-15 | Dec. 2000 |
| Chapter 34 Bridge Selection and Scoping | | |
| 34.1 General Discussion | 34-1 | Feb. 2002 |
| 34.2 Bridge Replacement Committees | 34-1 | Feb. 2002 |
| 34.3 Bridge Funding | 34-1 | Feb. 2002 |
| | 34-2 | Feb. 2002 |
| 34.4 Bridge Selection | 34-3 | June 2000 |
| 34.5 Bridge Scoping | 34-4 | June 2000 |
| 34.6 Appendixes | 34-5 | June 2000 |
| 34.61 Sample C3R Review Form | 34-7 | Feb. 2002 |
| 34.61A Criteria for Bridge Candidates | 34-8 | Feb. 2002 |
| 34.61B Bridge Rehabilitation Criteria | 34-9 | June 2000 |
| 34.62 BRAC Bridge Funding Questionnaire | 34-10 | June 2000 |
| 34.63 Bridge Rehabilitation/Replacement Worksheet | 34-11 | June 2000 |
| 34.64 Bridge Construction Costs | 34-12 | June 2000 |
| Design | | |
| Chapter 41 General | | |
| 41.1 General Discussion | 41-1 | March 2004 |
| 41.2 New Construction/Reconstruction Projects | 41-1 | March 2004 |
| 41.3 3-R Projects (Resurfacing, Restoration, and Rehabilitation) | 41-2 | March 2004 |
| 41.4 2-R Projects (Resurfacing and Restoration) | 41-3 | March 2004 |
| 41.5 Low Volume Roads and Streets | 41-3 | March 2004 |
| 41.6 Deviations | 41-3 | March 2004 |
| 41.7 Appendixes | 41-4 | March 2004 |
| 41.71 Safety Checklist — A Guideline for 2-R and 3-R Projects | 41-5 and 6 | July 1999 |
| 41.72 Sample Deviation Analysis Format | 41-7 | June 2000 |
| Chapter 42 Design Standards | | |
| 42.1 General | 42-1 | March 2003 |
| 42.2 City and County Design Standards | 42-1 | March 2003 |
| 42.3 Appendixes | 42-1 | March 2003 |
| 42.31 City and County Design Standards | | |
| Contents | i | March 2003 |
| Introduction | 1 and 2 | Sept. 2002 |
| Committee Membership | 3 | Sept. 2003 |
| Design Standards for New Construction and Reconstruction | 5 | Feb. 2002 |
| Roadway Geometrics | 6 | March 2003 |
| Bridge Criteria | 7 | Sept. 2003 |
| Other Criteria | 7 | March 2003 |
| Roadway Elements | 8 | July 1999 |
| Geometric Cross-Section for Two-Way Roads and Streets (English Units) | 9 | Sept. 2003 |
| Design Standards for 3-R Projects | 10 | March 2003 |
| Definitions | 10 | March 2003 |
| General Discussion | 11 | March 2003 |

| | Page | Revision Date |
|---|---------------|--------------------------|
| Design Standards for 2-R Projects | 13 | March 2003 |
| General | 13 | March 2003 |
| Design Parameters | 13 | March 2003 |
| References for New Construction and Reconstruction, 3-R, and 2-R Standards | 15 | March 2003 |
| Addresses to Acquire Reference Materials | 16 | March 2003 |
| Chapter 43 | | |
| Location and Design Approval | | |
| 43.1 General Discussion | 43-1 | March 2003 |
| 43.2 Requirements for Design Approval | 43-1 | March 2003 |
| 43.3 Bridge Design Approval | 43-1 and 43-2 | March 2003 |
| 43.4 Value Engineering | 43-3 to 4 | July 1999 |
| 43.5 Additional Data Required for Special Projects | 43-4 | July 1999 |
| 43.6 Design Approval Notices | 43-4 | July 1999 |
| 43.7 Appendixes | 43-4 | July 1999 |
| 43.71 Sample Request to Publish Notice of Design Approval | 43-5 | July 1999 |
| 43.72 Sample FHWA Project Notice of Approval of Location and Design | 43-6 | July 1999 |
| 43.73 Sample Format — VE Assessment Report | 43-7 | July 1999 |
| Chapter 44 | | |
| Plans, Specifications, and Estimates | | |
| 44.1 General Discussion | 44-1 | March 2004 |
| 44.2 PS&E Requirements | 44-1 | March 2004 |
| 44.3 Documents Requiring Professional Stamps | 44-3 | March 2004 |
| 44.4 Contract Plans | 44-3 | March 2004 |
| 44.5 Specifications | 44-3 | March 2004 |
| 44.6 Estimates | 44-4 | March 2004 |
| 44.7 Appendixes | 44-4 | March 2004 |
| 44.72 Sample Proposal | 44-5 to 8 | March 2004 |
| 44.73 Sample Contract | 44-9 and 10 | Dec. 2000 |
| 44.74 Sample City Letter of Financial Responsibility | 44-11 | Feb. 2002 |
| 44.75 Sample County Letter of Financial Responsibility | 44-12 | Dec. 2000 |
| 44.76 Sample Estimate and Grouping (Metric/English) | 44-13 to 20 | Dec. 2000 |
| 44.77 Permits | 44-21 to 23 | Dec. 2000 |
| 44.78 Local Agency Plans Preparation Checklist | 44-24 to 27 | Dec. 2000 |
| 44.79 Subcontractor List | 44-28 | Dec. 2000 |
| 44.80 Disadvantaged Business Enterprise Utilization Certification | 44-29 | Dec. 2000 |
| Chapter 45 | | |
| State Advertising and Award Procedures | | |
| 45.1 General Discussion | 45-1 | Feb. 2002 |
| 45.2 Submittals | 45-1 | Feb. 2002 |
| 45.3 Procedures | 45-1 and 2 | Feb. 2002 |
| Chapter 46 | | |
| Local Advertising and Award Procedures | | |
| 46.1 General Discussion | 46-1 | March 2004 |
| 46.2 Procedures | 46-1 and 2 | March 2004 |
| 46.3 Submittal of Award Data | 46-3 | March 2004 |
| 46.4 Appendixes | 46-3 | March 2004 |
| 46.41 Sample Request for Concurrence to Award | 46-5 | July 1999 |
| 46.41a Sample Advertisement | 46-6 | March 2003 |
| 46.42 Sample Condition of Award Letter (DBE Contract Goals) | 46-7 | Sept. 2003 |
| 46.43 Sample Condition of Award Letter (DBE Prime Contractor) | 44-8 | Sept. 2003 |
| 46.44 Sample Contract Bond | 44-9 | July 1999 |

| | | Page | Revision Date |
|---|---|----------------|------------------|
| Construction and Post-Construction | | | |
| Chapter 51 | WSDOT Administered Projects | | |
| | 51.1 General Discussion | 51-1 | July 1999 |
| | 51.2 Preconstruction Conference | 51-1 | July 1999 |
| | 51.3 Changes and Extra Work | 51-1 | July 1999 |
| Chapter 52 | Local Administered Projects | | |
| | 52.1 General Discussion | 52-1 | March 2004 |
| | 52.2 Preconstruction Conference | 52-1 | March 2004 |
| | 52.3 Quality Control | 52-1 | March 2004 |
| | 52.4 Progress Payments | 52-2 | March 2004 |
| | 52.5 Changes and Extra Work | 52-2 | March 2004 |
| | 52.6 Termination of Contract | 52-3 | March 2004 |
| | 52.7 Compliance With Federal Contract Provisions | 52-3 | March 2004 |
| | 52.8 Physical Completion of Construction | 52-3 | March 2004 |
| | 52.9 Appendixes | 52-4 | March 2004 |
| | 52.91 Sample Preconstruction Conference Agenda | 52-5 | July 1999 |
| | 52.92 Sample Preconstruction Conference Minutes | 52-7 | July 1999 |
| | 52.93 Sample Letter Requesting WSDOT Project Inspection and Acceptance | 52-8 | July 1999 |
| | 52.94 Sample Materials Certification | 52-9 | March 2004 |
| | 52.95 Timeline for Construction Contracts | 52-10 | July 1999 |
| | 52.96 Weekly Statement of Working Days Sample Sheet | 52-11 | Dec. 2000 |
| | 52.97 Change Order | 52-12 | Dec. 2000 |
| | 52.98 Exceptions to the WSDOT Construction Manual | 52-13 to 53-16 | Sept. 2003 |
| Chapter 53 | Project Closure | | |
| | 53.1 General Discussion | 53-1 | Feb. 2002 |
| | 53.2 Closure | 53-1 | Feb. 2002 |
| | 53.3 Project Management Review | 53-1 | Feb. 2002 |
| | 53.4 Financial and Compliance Audit | 53-2 | Feb. 2002 |
| | 53.5 Appendixes | 53-2 | Feb. 2002 |
| | 53.51 Local Agency Documentation Review Checklist | 53-3 to 6 | March 2004 |
| | 53.52 Final Inspection of Federal Aid Project | 53-7 | Dec. 2000 |
| | 53.53 Quarterly Report of Amounts Credited as DBE Participation | 53-9 | Feb. 2002 |
| Miscellaneous | | | |
| Chapter 61 | Local Agency Force Projects | | |
| | 61.1 General Discussion | 61-1 | July 1999 |
| | 61.2 PS&E Requirements | 61-1 | July 1999 |
| | 61.3 PS&E Approval | 61-1 | July 1999 |
| | 61.4 Fund Authorization | 61-1 | July 1999 |
| | 61.5 Contract Number | 61-1 | July 1999 |
| | 61.6 Construction Administration | 61-1 | July 1999 |
| | 61.7 Project By One Agency for Another Agency | 61-2 | July 1999 |
| | 61.8 Appendixes | 61-2 | July 1999 |
| | 61.81 Sample Local Agency Force Preconstruction Conference | 61-3 | July 1999 |

| | Page | Revision Date |
|---------------------------------------|--|--------------------------|
| Chapter 62 | Enhancement Projects and Heritage Corridors Program | |
| 62.1 | General Discussion | 62-1 Dec. 2000 |
| 62.2 | Standards | 62-2 Dec. 2000 |
| 62.3 | Special Requirements | 62-2 Dec. 2000 |
| 62.4 | Eligible Projects | 62-2 Dec. 2000 |
| 62.5 | Minimum Contents of Bid Package | 62-3 Dec. 2000 |
| 62.6 | Project Closure Package | 62-3 Dec. 2000 |
| 62.7 | Appendixes | 62-3 Dec. 2000 |
| | 62.71 Enhancement and Scenic Standards | 62-3 Dec. 2000 |
| 62.8 | References | 62-3 Dec. 2000 |
| Chapter 63 | The National Highway System | |
| 63.1 | General Discussion | 63-1 March 2004 |
| 63.2 | Types of Eligible Projects | 63-1 March 2004 |
| 63.3 | Standards | 63-1 March 2004 |
| 63.4 | NHS Certification Acceptance | 63-1 March 2004 |
| 63.5 | Projects Within Interstate Rights-of-Way | 63-1 March 2004 |
| 63.6 | Project Approval Actions | 63-2 March 2004 |
| 63.7 | NHS Components | 63-2 March 2004 |
| 63.8 | Appendixes | 63-2 March 2004 |
| | 63.81 List of Local Agency NHS Routes | 63-3 March 2004 |
| | 63.82 Local Agency NHS Route Termini | 63-4 and 5 July 2001 |
| Chapter 64 | Bridge Inspections | |
| 64.1 | General Discussion | 64-1 June 2000 |
| 64.2 | Qualifications/Training of Inspection Personnel | 64-1 June 2000 |
| 64.3 | Records and File Requirements | 64-1 June 2000 |
| 64.4 | Inspection Types and Frequencies | 64-1 June 2000 |
| 64.5 | Bridge Load Ratings | 64-1 June 2000 |
| 64.6 | Bridge Scour Analysis | 64-1 June 2000 |
| 64.7 | Quality Assurance Reviews | 64-1 June 2000 |
| 64.8 | Major Bridge Repair Reports | 64-1 June 2000 |
| 64.9 | WSDOT and Other Inspection Services | 64-1 June 2000 |
| Chapter 65 | Management Systems | |
| 65.1 | General Discussion | 65-1 July 1999 |
| 65.2 | Review of Maintenance | 65-1 July 1999 |
| 65.3 | Management Systems | 65-1 July 1999 |
| | | 65-2 June 2000 |
| | | 65-3 and 4 July 1999 |
| List of Forms | | 1 July 2001 |
| Acronyms and Glossary of Terms | | 1 June 2000 |
| Acronyms | | 1 to 4 March 2004 |
| Glossary of Terms | | 5 Feb. 2002 |
| Index | | 1 June 2000 |

AASHTO — American Association of State Highway and Transportation Officials

ACHP — Advisory Council on Historic Preservation

ACP — Asphalt Concrete Pavement

ADA — Americans with Disabilities Act

ADT — Average Daily Traffic

AG — Agricultural

AGC — Associated General Contractors

AMRL — AASHTO Materials Reference Laboratory

ANSI — American National Standards Institute

APE — Area of Potential Effects

APWA — American Public Works Association

ATB — Asphalt Treated Base

BA — Biological Assessment

BE — Biological Evaluation

BIC — Bridge Inspection Committee

BFRC — Benton-Franklin Regional Council

BMP — Best Management Practices

BMS — Bridge Management System

BO — Biological Opinion

BRAC — Bridge Replacement Advisory Committee

BRR — Bridge Replacement and Rehabilitation, a federal aid funding program administered by FHWA and WSDOT

CA — Certification Acceptance

CAAA — Clean Air Act Amendments of 1990

CAO — Critical Area Ordinance

CAPP — County Arterial Preservation Program

CCIS — Construction Contracts Information System

CCRL — Cement and Concrete Reference Laboratory

CE — Construction Engineering

CE (NEPA) — Categorical Exclusions

CE (SEPA) — Categorical Exemptions

CEQ — Federal Council on Environmental Quality

CFDA — Catalog of Federal Domestic Assistance

CFR — Code of Federal Regulations

CM/AQ — Congestion Mitigation and Air Quality Program

CMS — Congestion Management System

COA — Condition of Award

COE — U.S. Army Corps of Engineers

COG — Council of Governments

CRAB — County Road Administration Board

C3R — Close, Repair, Rehabilitate, or Replace

CTR — Commute Trip Reduction Legislation

CUF — Commercially Useful Function (DBE)

CZMP — Coastal Zone Management Program

CZMA — Coastal Zone Management Act

DAF — Damage Assessment Forms

DB — Disadvantaged Business

DBE — Disadvantaged Business Enterprise

DCD/DEM — Department of Community Development/
Division of Emergency Management

DEIS — Draft Environmental Impact Statement

DFO — Disaster Field Offices

DHV — Design Hourly Volume

DIR — Damage Inspection Report

DNR — Department of Natural Resources

DNS — Declaration of Non-Significance (SEPA Document)

DOC — Federal Department of Commerce

DOE — Washington State Department of Ecology

DOI — Federal Department of the Interior

DOT — Federal Department of Transportation (same
as USDOT)

DPS — Distinct Population Segment

DRM — Disaster Recovery Manager

DSR — Damage Survey Reports

DS&S — Decent, Safe, and Sanitary (housing)

DT — Diagnostic Team

DV — Determination of Value

Acronyms

| | |
|--|---|
| EA — Environmental Assessment; Economic Area | HBRRP — Highway Bridge Replacement and Rehabilitation Program |
| EAC — Enhancement Advisory Committee | HCP — Heritage Corridor Programs |
| ECR — External Civil Rights | HHS, HES — High Hazard and Hazard Elimination |
| ECS — Environmental Classification Summary | HOV — High-occupancy Vehicle |
| EEO — Equal Employment Opportunity | HPA — Hydraulic Project Approval |
| EIS — Environmental Impact Statement | HPR — Highway Planning and Research Projects |
| EMD — Emergency Management Division | HUD — Federal Department of Housing and Urban Development |
| EO — Executive Order | H&LP — Highways and Local Programs |
| EPA — Federal Environmental Protection Agency | |
| EQA — Environmental Quality Administrator | IC — Interstate Completion |
| ER — Emergency Relief | IDT — Interdisciplinary Team |
| ERFO — Emergency Relief for Federally-Owned Lands | IM — Instructional Memorandum (FHWA document) |
| ESA — Endangered Species Act | IM — Interstate Maintenance |
| ESU — Evolutionarily Significant Unit | IMS — Intermodal Management System |
| | ISTEA — Intermodal Surface Transportation Efficiency Act of 1991 |
| FA — Federal Aid | ITE — Institute of Transportation Engineers |
| FAA — Federal Aviation Administration | |
| FAPG — Federal Aid Policy Guide | KP — Kilometer Post |
| FBD — Ferry Boat Discretionary | |
| FCR — Final Cost Report | LA — Local Agency |
| FEIS — Final Environmental Impact Statement | LAG — Local Agency Guidelines |
| FEMA — Federal Emergency Management Agency | LF — Load Factor |
| FERC — Federal Energy Regulatory Commission | LPA — Local Public Agency |
| FFRF — Federal Forest Reserve Fund | LRFD — Load and Resistance Factor Design |
| FHWA — Federal Highway Administration | LRP — Long-Range Plan |
| FLH — Federal Lands Highway | LTAP — Local Technical Assistance Program |
| FMIS — Federal Management Information System | L&I — Washington State Department of Labor and Industries |
| FMSIB — Freight Mobility Strategic Investment Board | |
| FMV — Fair Market Value | MOA — Memorandum of Agreement |
| FONSI — Finding of No Significant Impact | MP — Milepost |
| FTA — Federal Transit Administration | MPO — Metropolitan Planning Organization |
| FWCA — Fish and Wildlife Coordination Act | MSA and CMSA — Metropolitan Statistical Area |
| FWPCA — Federal Water Pollution Control Act | MSD — Material Sources Data |
| F&WS — Federal Fish and Wildlife Service (also USFWS) | MUTCD — Manual on Uniform Traffic Control Devices |
| GAR — Governor's Authorized Representative | |
| GMA — Growth Management Act | |
| GSP — General Special Provisions | |

| | |
|---|--|
| NAAQS — National Ambient Air Quality Standards | PMS — Pavement Management System |
| NACHP — National Advisory Council for Historic Preservation | P&PSC — Planning and Programming Service Center |
| NBI — National Bridge Inventory | PPM — Policy and Procedure Memorandum |
| NBIS — National Bridge Inspection Standards | PR — Preliminary Report |
| NCHRP — National Cooperative Highway Research Program | PSRC — Puget Sound Regional Council |
| NEPA — National Environmental Policy Act; see also SEPA | PS&E — Plans, Specifications, and Estimates |
| NHPA — National Historic Preservation Act | PTMS — Public Transportation Management System |
| NHS — National Highway System | RCW — Revised Code of Washington |
| NICET — National Certification in Engineering Technologies | RFP — Request for Proposal |
| NMFS — National Marine Fisheries Service | RFQQ — Request for Quotation and Qualification |
| NPDES — National Pollutant Discharge Elimination System | RLPE — Regional Local Programs Engineer |
| NPS — National Park Service of the Federal Department of the Interior | ROD — Record of Decision |
| NR — New/reconstruction | RRP, RRS — Railway-Highway Grade Crossing |
| NWPMA — Northwest Pavement Management Association | RTPO — Regional Transportation Planning Organization |
| | R&D — Research and Development |
| OA — Obligation Authority | R/R — Railroad, Railway |
| OAHP — Office of Archaeological and Historic Preservation | R/W — Right-of-Way |
| OEO — WSDOT's Office of Equal Opportunity | SCS — Soil Conservation Service (US Department of Agriculture) |
| OFCCP — Office of Federal Contract Compliance Programs (Department of Labor) | SDWA — Safe Drinking Water Act |
| OFM — Washington State Office of Fiscal Management | SEIS — Supplemental Environmental Impact Statement |
| OJT — On-the-Job Training | SEPA — State of Washington Environmental Policy Act |
| OMB — Federal Office of Management and Budget | SHPO — Washington State Historical Preservation Officer |
| OMWBE — Washington State Office of Minority and Women's Business Enterprise | SIP — State Implementation Plan |
| OST — Office of the Secretary of Transportation | SMS — Safety Management System |
| | SMSA — Standard Metropolitan Statistical Area |
| PCAA — Washington State Planning and Community Affairs Agency | SOV — Single Occupancy Vehicle |
| PCC — Portland Concrete Cement | SRTC — Spokane Regional Transportation Council |
| PDA — Preliminary Damage Assessment | SSP — Stormwater Site Plan |
| PDEIS — Preliminary Draft Environmental Impact Statement | STIP — Statewide Transportation Improvement Program |
| PE — Preliminary engineering; also Professional Engineer | STP — Surface Transportation Program |
| PFE — Project Funding Estimate | STRAHNET — Strategic Highway Network |
| PL — Public Law | SWIBS — State of Washington Inventory of Bridges and Structures |
| PM — Project Manager | SWRTC — Southwest Washington Regional Transportation Council |
| PMR — Project Management Review | SWW — Southwest Washington |

Acronyms

TCP — Traffic Control Plan

TCM — Transportation Control Measures

TDM — Transportation Demand Management

TEA-21 — Transportation Equity Act for the 21st Century

TESC — Temporary Erosion Sedimentation Control

THPO — Tribal Historic Preservation Officer

TIB — Transportation Improvement Board

TIP — Transportation Improvement Program

TMA — Transportation Management Areas

TMS — Traffic Monitoring System

TRB — Transportation Research Board

TRICO — Tricounty

TRPC — Thurston Regional Planning Council

TSM — Transportation System Management

TSME — Transportation Systems Management Element

TS&L — Type, Size, and Location Stage of Design

T2 — Technology Transfer

UBIT — Under Bridge Inspection Truck

USC — United States Code

USDA/USDOA — United States Department of Agriculture

USDOL — United States Department of Labor

USDOT — United States Department of Transportation
(same as DOT)

USFS — United States Forest Service

USFWS — United States Fish and Wildlife Service
(also F&WS)

UZA — Urbanized Area

VE — Value Engineering

WAC — Washington Administrative Code

WBE — Women's Business Enterprise

WCOG — Whatcom Council of Governments

WDFW — Washington State Department of Fish and
Wildlife

WDW — Washington State Department of Wildlife

WOAP — Work Order Accounting Plan

WRIA — Water Resource Inventory Area

WS — Working Stress

WSBIS — Washington State Bridge Inspection System

WSDES — Washington State Department of Emergency
Services

WSDOT — Washington State Department of Transportation

WSEO — State of Washington Energy Office

WST2 — Washington State Technology Transfer

WUTC — Washington Utilities and Transportation
Commission

YVCOG — Yakima Valley Council of Governments

2-R — Resurfacing and Restoration

3-R — Resurfacing, Restoration, and Rehabilitation

- 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

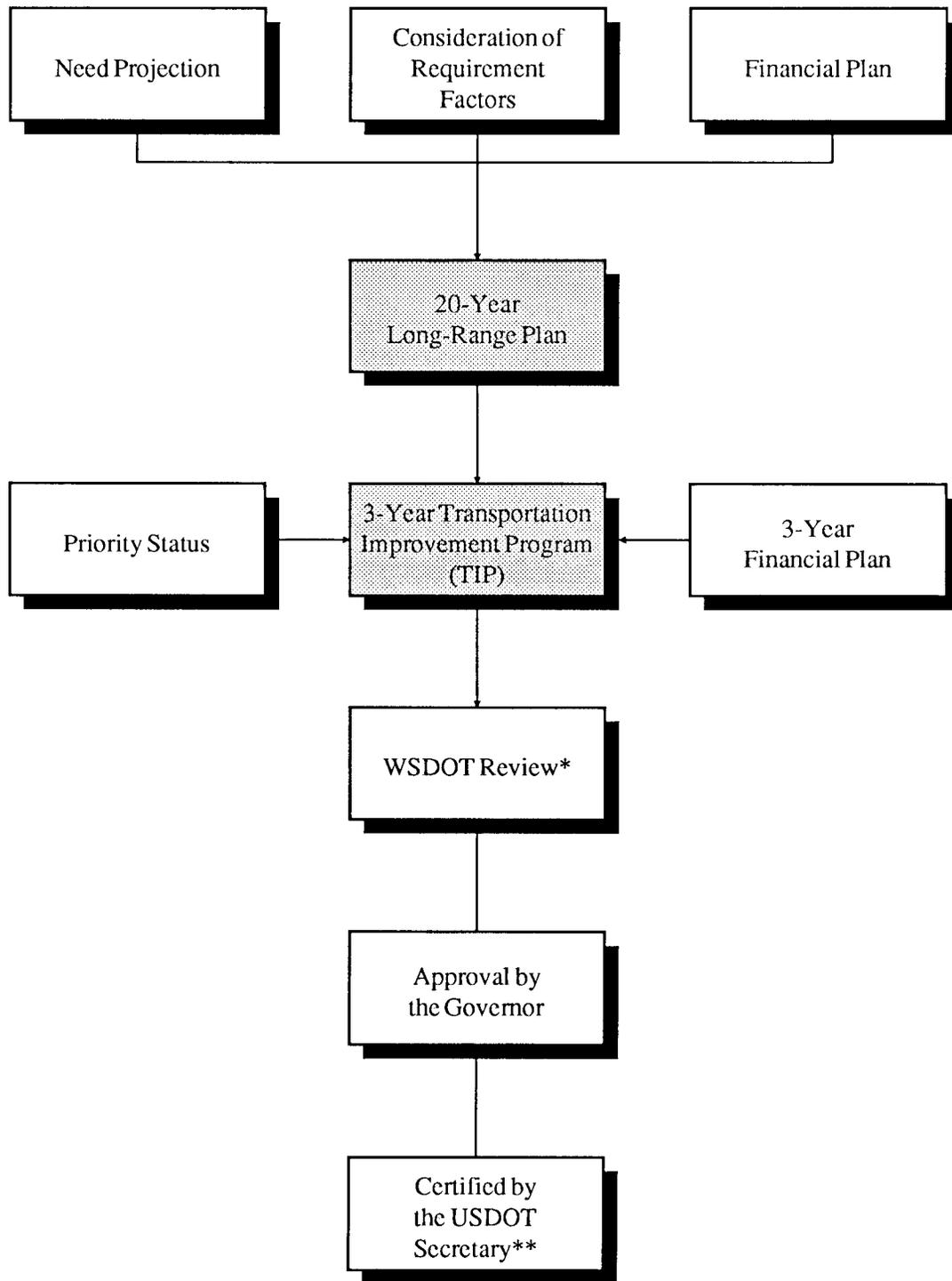
| | FTA | FHWA |
|--|-----|------|
| Transit Rolling Stock | X | |
| Park and Ride Lots | X | X |
| Pedestrian Ways | X | X |
| Refueling Bus | X | |
| Carpool and Vanpool | X | X |
| Regional Rideshare | X | X |
| Commute Trip Reduction | X | X |
| Bikeways | | X |
| Intermodal Station | X | |
| Bus 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

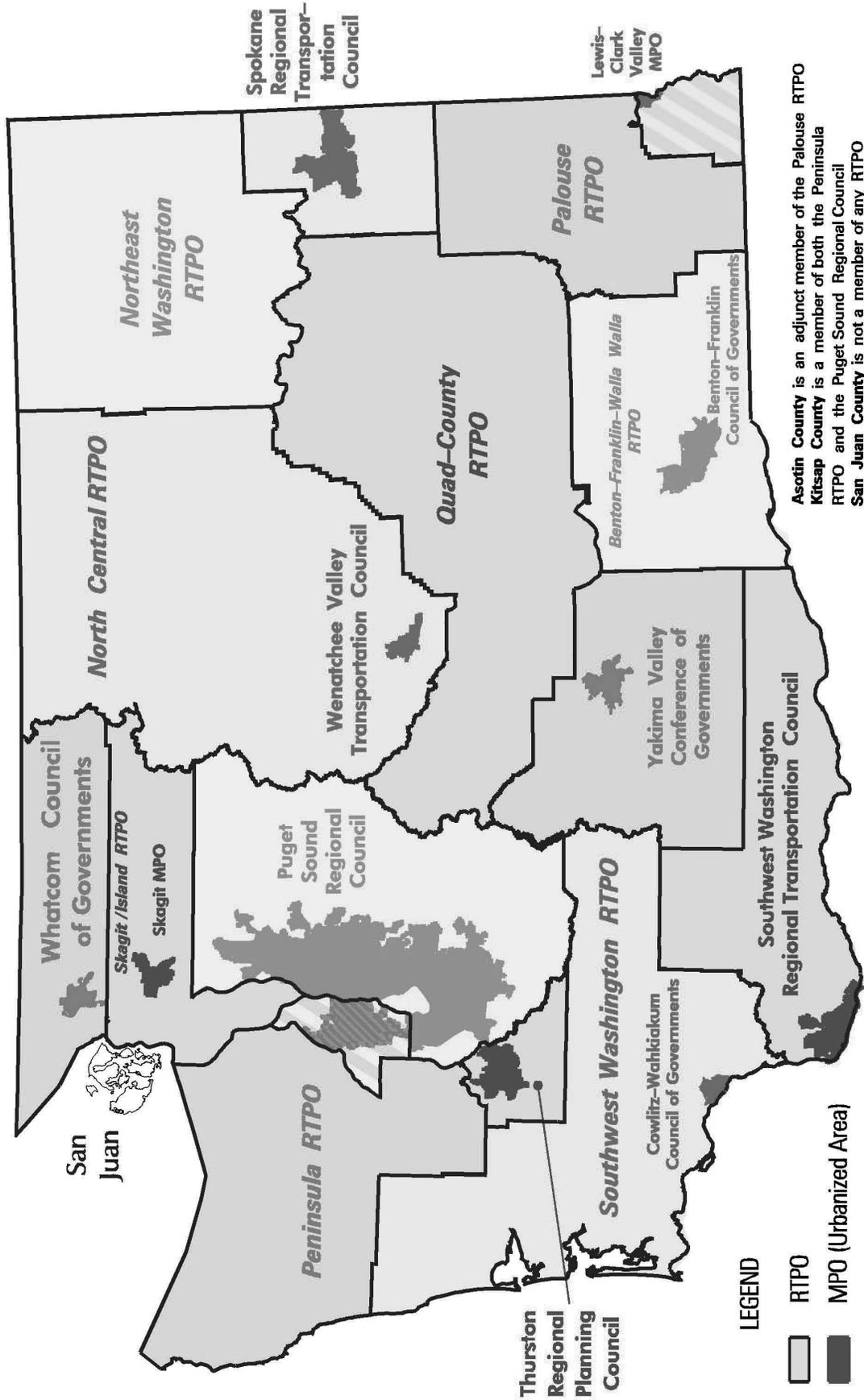
- 12.62 MPO Planning Flow Chart
- 12.63 Map of MPOs and RTPOs
- 12.64 Vacant
- 12.65 MPO/RTPO Directory
- 12.66 STP Lead Agencies
- 12.67 Six Year Transportation Program Instructions
- 12.68 Six Year Transportation Program Worksheet



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

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

Regional and Metropolitan Transportation Planning Organizations



| MPO/RTPO | Counties | Lead Agency |
|--|--|--|
| * Benton-Franklin Council of Governments (BFCG) Benton-Franklin Walla Walla RTPO (BFWW) | Benton Franklin Walla Walla | BFCG 1622 Terminal Drive PO Box 217 Richland, WA 99352-0217 Phone: (509) 943-9185 Fax: (509) 943-6756 Gwen Luper, Executive Director gwen-bfcog@transedge.com Mark Kushner, Transportation Director, mark-bfcog@transedge.com Ken Alford, Transportation Planner ken-bfcog@transedge.com Len Pavelka, Transportation Planning Specialist 3 len-bfcog@transedge.com Brian Malley, Transportation Planner/Modeler, brian-bfcog@transedge.com |
| * Cowlitz-Wahkiakum Council of Governments (CWCOG) Southwest Washington RTPO (SWRTPO) | Cowlitz Grays Harbor Lewis Pacific Wahkiakum | Cowlitz-Wahkiakum Council of Governments 207 4th Avenue N Administration Annex Kelso, WA 98626-4195 Phone: (360) 577-3041 Fax: (360) 425-7760 Steve Harvey, Director, steveharvey@cwco.org Rosemary Siipola, Transportation Planner/Manager, rsiipola@cwco.org Anisa Kisamore, Accountant, akisamore@cwco.org Erin Dahlquist, TIP, modeling edahlquist@cwco.org |
| Lewis Clark Valley (LCV) MPO | Asotin Nez Perce | Lewis Clark Valley PO Box 759 Asotin WA 99402 Phone: (208) 746-1318 Fax: (208) 746-5595 Steve Watson, Provisional Coordinator, swatson@cityoflewiston.org Don Scheibe, Chair Kevin Poole, Vice Chair |
| N.E.W. RTPO (Tri-County) | Ferry Pend Oreille Stevens | N.E.W. RTPO 347 W 2nd, Suite A Colville, WA 99114-2300 Phone: (509) 684-4571 Fax: (509) 684-4788 Jeni Forman, Executive Director, jforman@pplx.com Nicolee Bradbury, N.E.W. RTPO Chair, kettle@theofficenet.com Dave Keeley, RTPO Coordinator, (509) 684-4571, keeley.tedd@pplx.com Rick Galloway, Kalispel Tribe Transportation Planner, goon@earthlink.net |

*Indicates also an MPO.

| MPO/RTPO | Counties | Lead Agency |
|---------------------------------------|---|---|
| Palouse RTPO | Asotin Columbia Garfield Whitman | Palouse Economic Development Council 222 Diagonal Street Clarkston, WA 99403-1935 Phone: (509) 751-9144 Ken Olson, Executive Director, jackt@palouse.org Jim Hudak, Consultant, (509) 334-3579 |
| Peninsula RTPO | Clallam Jefferson Kitsap Mason | Olympic Region MS: 47440 PO Box 47440 Tumwater, WA 98504-7440 Phone: (360) 357-2600 Fax: (360) 357-2601 Randy Hain, Regional Administrator, (360) 357 2605 Bob Jones, Transportation Planning Manager, (360) 357-2630 George Kovich, (360) 704-3207, kovichg@wsdot.wa.gov |
| * Puget Sound Regional Council (PSRC) | King Kitsap Pierce Snohomish | PSRC 1011 Western Avenue, Suite 500 Seattle, WA 98104-1035 Phone: (206) 464-7090 Fax: (206) 587-4825 Bob Drewel, Executive Director, (206) 464-7515, bdrewel@psrc.org Eli Cooper, Transportation Director, (206) 464-7122, ecooper@psrc.org King Cushman, Regional Strategy Advisor, (206) 464-6174, kcushman@psrc.org Rick Olson, Director, Government Relations, (206) 587-5060, rolson@psrc.org Karen Richter, TIPs, (206) 464-6343, krichter@psrc.org Dick Callahan, TIPs, (206) 464-6171, dcallahan@psrc.org Mark Gulbranson, CEO, Budget/Work Program, (206) 464-7524, mgulbranson@psrc.org Larry Blaine, Forecasting and Modeling, (206) 464-5402, lblaine@psrc.org Joel Pfundt, ITs, (206) 464-7599, jpfundt@psrc.org Larry Chapin, financial, (206) 587-4820, lchapin@psrc.org |
| QUAD-County RTPO (QUADCO) | Lincoln Grant Adams Kittitas | Adams County (Lead Agency for QUADCO) Department of Public Works 210 W. Alder Ritzville, WA 99169 Phone: (509) 659-3276 Fax: (360) 659-3295 Todd O'Brien, Public Works Director, (509) 659-3277 toddo@co.adams.wa.us Scott Yaeger, financial, (509) 659-3279 scotty@co.adams.wa.us Gerry McFaul, QUADCO Chair, (City Engineer, Moses Lake), (509) 766-9218 or (509) 766-9392 Bill Wiebe, HQ-Olympia, (360) 705-7965 |

*Indicates also an MPO.

| MPO/RTPO | Counties | Lead Agency |
|--|--------------------------------|--|
| * Skagit Council of Governments | | Northwest Region MS: NB 82 15700 Dayton Avenue North PO Box 330310 Seattle, WA 98133-9710 Phone: (206) 440-4000 Fax: (206) 440-4806 |
| Skagit/Island RTPO | Skagit | Skagit Council of Governments Dan Pike, Transportation Director, (360) 416-7877, danp@scog.net 204 Montgomery Street Mt. Vernon, WA 98273-3843 Phone: (360) 416-7877 Fax: (360) 336-6116 Internet: scog@sos.net |
| | Island | Island County Public Works Mike Morton, Transportation Planner PO Box 5000 Coupeville, WA 98239 Phone: (360) 679-7331 Fax: (360) 678-4550 Internet: mikem@co.island.wa.us |
| * Southwest Washington Regional Transportation Council (SWRTC) | Clark Klickitat Skamania | SWRTC 1300 Franklin Street, Floor 4 PO Box 1366 Vancouver, WA 98666-1366 Phone: (360) 397-6067 Fax: (360) 397-6132 info@rtc.wa.gov Dean Lookingbill, Transportation Director, (360) 397-6067 x5208, dean.lookingbill@rtc.wa.gov Lynda David, Senior Transportation Planner, (360) 397-6067 x5205, lynda.david@rtc.wa.gov Gayle Burgess, Accountant, (360) 397-6067 x5210, gayle.burgess@rtc.wa.gov Shinwon Kim, Forecasting, (360) 397-6067 x5213, shinwon.kim@rtc.wa.gov Dale Robins, TIPS, (360) 397-6067 x5212, dale.robins@rtc.wa.gov Bob Hart, Air Quality, (360) 397-6067 x5206, bob.hart@rtc.wa.gov |
| * Spokane Regional Transportation Council (SRTC) | Spokane | SRTC 221 W First Avenue, Suite 310 Spokane, WA 99201-3645 Phone: (509) 343-6370 Fax: (509) 343-6400 Glenn Miles, Transportation Manager, srtransportation@qwest.net Sue Arnesen, TIPS and Financials, (509) 343-6386 suearnesen@qwest.net |

*Indicates also an MPO.

| MPO/RTPO | Counties | Lead Agency |
|---|-------------------------------|---|
| * Thurston Regional Planning Council (TRPC) | Thurston | <p>TRPC 2404 Heritage Court SW #B MS: 0947 Olympia, WA 98502-6031 Phone: (360) 786-5480 Fax: (360) 754-4413</p> <p>Lon Wyrick, Executive Director, wyrickl@trpc.org V. Thera Black, Planner, (360) 786-5480, blackvt@trpc.org Paul Grewster, FFC, Communications, Data, brewstp@trpc.org Jailyn Brown, ITS, Freight, Rail, brownj@trpc.org Karen Parkhurst, ACCT, CTR, Legislative, parkhuk@trpc.org Bhanu Yerra, Regional Planning Engineer, yerrab@trpc.org Polly Flanagan, Accountant, flanagp@trpc.org</p> |
| * Wenatchee Valley Transportation Council (WVTC) | Chelan Douglas Okanogan | <p>WVTC 300 South Columbia Street 3rd Floor Wenatchee, WA 98801 Phone: (509) 663-9059 Fax: (509) 663-2022</p> <p>Jeff Wilkens, Executive Director, (509) 663-9059 x228, jeff@wvtc.org Kerri Sullivan, Transportation Planner, (509) 663-9059 x229, kerri@wvtc.org Kathy Bruno, Administrative Assistant, (509) 663-9059 x230, kathy@wvtc.org</p> |
| North Central RTPO (NCRTPO) | | |
| * Whatcom Council of Governments (WCOG) | Whatcom | <p>WCOG 314 East Champion Street Bellingham, WA 98225-4502 Phone: (360) 676-6974 Fax: (360) 738-6232</p> <p>Jim Miller, Executive Director, jim@wcog.org Gordon Rogers, Deputy Director/Director of Planning, gordon@wcog.org Ron Cubellis, Finance Manager, ron@wcog.org Ellen Barton, Scenic Byways, ellen@wcog.org Leslye Asher, Office Manager, leslye@wcog.org Hugh Conroy, Project Manager for IMTC, hugh@wcog.org Melissa Miller, Project Assistant for IMTC, melissa@wcog.org Angela Jacobs, Associate Transportation Planner Susan Horst, CTR Program Manager</p> |
| * Yakima Valley Conference of Governments (YVCOG) | Yakima | <p>YVCOG 6 South Second Street, Suite 605 Yakima, WA 98901 Phone: (509) 574-1550 Fax: (509) 574-1551</p> <p>Don Skone, Director, skoned@yvcog.org Germaine Beveridge, Senior Transportation Planner, beveridgeg@yvcog.org Nazmul Alam, Transportation Planner Dorothy Hiatt, Accountant, hiattd@yvcog.org</p> |

*Indicates also an MPO.

Adams County
Asotin County
Benton-Franklin Council of Governments
Chelan County
Clallam Long Range Transportation Planning Office
Columbia County
Cowlitz-Wahkiakum Council of Governments
Douglas County
Ferry County
Franklin County
Garfield County
Grant County
| Grays Harbor Council of Governments
Island County
Jefferson County
Kittitas County
Klickitat County
Lewis County
Lincoln County
Mason County
Okanogan County
Pacific Council of Governments
Pend Orielle County
Puget Sound Regional Council
San Juan County
| Skagit Council of Governments
Skamania County
Southwest Washington Regional Transportation Council
Spokane Regional Transportation Council
Stevens County
Thurston Regional Planning Council
Wahkiakim County
Walla Walla County
| Wenatchee Valley Transportation Council
Whatcom County Council of Governments
Whitman County
Yakima Valley Conference of Governments

Certification Acceptance Qualification Agreement

AGENCY _____ AGENCY NO. _____

The agency agrees to comply with the following requirements when developing all Federal Highway Administration (FHWA) projects under _____ CA status.

1. Adherence to the *Local Agency Guidelines* and all policies and procedures promulgated by the Washington State Department of Transportation (WSDOT) which accomplish the policies and objectives set forth in Title 23, U.S. Code, Highways, and the regulations issued pursuant thereto.

2. The overall approval authorities and conditions will be as follows:

a. The project prospectus will be reviewed and approved by the following official.

Position Title Only

b. The local agency agreement will be reviewed and approved by the following official or officials.

Position Title Only

c. The designs and environmental documents will be reviewed and approved by the following state of Washington registered Professional Civil Engineer.

Position Title Only

d. The hearing's findings (if required) will be reviewed and approved by the following official or officials.

Position Title or Titles Only

e. The contract plans, specifications and estimate of cost will be reviewed and approved by the following state of Washington registered Professional Engineer.

Position Title or Titles Only

f. Agreements will be signed by the following responsible local official:

(1) Railroad _____
Position Title Only

(2) Utility _____
Position Title Only

(3) Consultant _____
Position Title Only

(4) Technical Services _____
Position Title Only

g. The award of contract will be signed by the following responsible local official.

Position Title Only

h. All projects will be constructed in conformance with the Washington State Department of Transportation/American Public Works Association (WSDOT/APWA) current *Standard Specifications for Road, Bridge, and Municipal Construction* and such specifications that modify these specifications as appropriate. Multimodal enhancement projects shall be constructed in conformance with applicable state and local codes.

- i. The contract administration will be supervised by the following state of Washington registered Professional Civil Engineer.

Position Title Only

- j. Construction administration and material sampling and testing will be accomplished in accordance with the WSDOT *Construction Manual* and the *Local Agency Guidelines*.
- 3. The agency agrees that they have the means to provide adequate expertise and will have support staff available to perform the functions being subdelegated. The support staff may include consultant or state services.
- 4. The agency agrees that the signature on each project prospectus and local agency agreement will be consistent with section 2 above.
- 5. All projects under Certification Acceptance shall be available for review by the FHWA and the state at any time and all project documents shall be retained and available for inspection during the plan development and construction stages and for a three year period following acceptance of the project by WSDOT.
- 6. Approval of the local agency certification by the Assistant Secretary for Highways and Local Programs may be rescinded at any time upon local agency request or if, in the opinion of the Assistant Secretary for Highways and Local Programs, it is necessary to do so. The rescission may be applied to all or part of the programs or projects approved in the local agency certification.

Mayor or Chairman

Date

**WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION**

Approved By: _____
Director, Highways and Local Programs

Date

14.1 General Discussion

The previous three parts of this manual explained how local agencies may qualify to receive Federal Highway Administration (FHWA) funding for their transportation projects. The remainder of the manual explains procedures for developing specific projects.

Once a local agency has qualified to receive FHWA funds, as described in Chapter 12, the next action is to apply for funds to develop specific projects in its transportation program. Depending on their size and complexity, different projects may require different development procedures. The remaining parts of the manual are arranged to reflect these differences.

The next part, “General Project Development,” Chapters 21-27, describe activities required during preliminary engineering on all projects.

The part entitled “Special Project Development Processes,” Chapters 31-34, describes activities that may be required on some projects.

The parts entitled “Design” and “Construction and Post Construction,” Chapters 41-46 and 51-53, offer the local agency a choice of procedures, depending on whether its projects are located in urban or rural areas and whether it or the state will administer its construction contracts.

The part entitled “Miscellaneous,” Chapters 61-65, describe the activities that are required on projects with an agency’s own forces, for work on transportation enhancements, or work on the National Highway System (NHS).

The specific requirements for a project may change as project development progresses and as more information about a project becomes available. Further details of the specific requirements are shown in the Project Development Process Flow Chart and Checklist. The meanings of unfamiliar terms may be found in the Glossary. Once the local agency has identified the steps required on a particular project, only the parts in the manual that deal specifically with those steps need be referred to.

14.2 Project Development Process Overview

This section describes the project development process by setting forth project phases, documentation requirements, options for construction administration, and required reviews and approvals.

.21 Phases of Authorization. FHWA funds may be authorized for the following project phases:

- a. Preliminary engineering (Planning (STP and CM/AQ funds)).
- b. Right-of-way acquisition.
- c. Construction.

Requests for preliminary engineering funds generally should be made in advance of the right-of-way acquisition, environmental studies, or public hearings to receive proper reimbursement for the costs.

Construction funds may be requested with preliminary engineering funds when:

- a project does not require any of the items mentioned in the previous paragraph,
- the final Environmental Classification Summary (ECS) completed, and
- the local agency will start construction within six months of fund authorization.

.22 Documentation Required for Authorization of Funds.

- a. **Planning With STP Funds.** “Urban Transportation Planning” is an interdisciplinary process for developing and monitoring long- and short-range transportation plans and improvement programs. These plans and programs are formulated with due consideration of present and anticipated future social, economic, and environmental factors and the safety and mobility needs of the population of the urban area. It is a dynamic process, in that it is continuously monitored to accommodate changes of land use, economic conditions and other factors influencing travel patterns. Because of the vast amount of capital expenditures required in the implementation of transportation systems (both highway and transit related), these projects could radically influence land use development in an area or region. Due to the substantial influences that transportation improvements have on the character of the land, it is important that transportation improvements reflect the overall regional social and economic objectives pertaining to community development.

FHWA funded planning activities and studies are identified in Title 23, Part 420 USC, as activities not included in a work program but necessary in development of procedures and project identification.

For planning and Transportation Demand Management (TDM) funding, the following documents are required:

1. Project prospectus for planning projects
 2. Local Agency Agreement.
 3. Evidence of STIP inclusion.
- b. Preliminary Engineering Funds. When applying for preliminary engineering funds only, the following documents are required:
1. Project Prospectus (Chapter 21).
 2. Local Agency Agreement (Chapter 22).
 3. Typical sections, vicinity map, and evidence of STIP inclusion.
- c. Right-of-Way Funds. When applying for right-of-way funds, after preliminary engineering funds have developed right-of-way plans, the following documents are required, if appropriate:
1. Supplement to original Local Agency Agreement (Chapter 22).
 2. FHWA approval of environmental documents (Chapter 24).
 3. Relocation plan, if relocation is required (Chapter 25).
 4. Right-of-way plan (Chapter 25).
 5. Right-of-way Project Funding Estimate or True-Cost estimate (Chapter 25).
 6. Evidence of STIP inclusion.
- d. Construction Funds. The following documents must be submitted to request construction funds:
1. Supplement to Local Agency Agreement.
 2. Right-of-way certification (if required).
 3. Final FHWA approval of environmental documents (Chapter 24).
 4. Evidence of STIP inclusion.
- e. Combined Preliminary Engineering and Construction Funds (no right-of-way acquired). When applying for preliminary engineering and construction funds simultaneously, the following documents are required:
1. Project Prospectus.
 2. Local Agency Agreement.
 3. Final FHWA approval of environmental documents (Chapter 24).
 4. Typical sections, vicinity map, and evidence of STIP inclusion.

.23 Construction Contract Administration. The local agency has the option of:

- a. Administering the contract if it has approved certification acceptance procedures and operates in compliance with Chapter 13.
- b. Requesting that WSDOT administer the contract.
- c. Using its own forces to perform the work if operating under Certification Acceptance (CA) (Chapter 61).
- d. Requesting that another public agency (one operating under CA) perform the work (Chapter 13).
- e. Performing contract administration by a consultant (Chapter 31 under CA).
- f. Referring to Chapter 62 for administering enhancement projects.

.24 Reviews and Approvals. The chart below shows required approvals for NHS and non-NHS projects using local CA or non-CA agencies. These actions apply to the NHS and non-NHS, regardless of project funding source. New/ reconstruction (N/R) includes HOV, park and ride, and PCC pavement rehabilitation projects.

| Action | Local non-NHS | Local non-CA non-NHS | LA NHS |
|--|---------------|----------------------|--------|
| a. PE Fund Auth. and Modif./Supp. | F | F | F |
| b. Exceptions to Design Stan. | S | S | S |
| c. Design App. (inc. prelim. and adv. detail br. plan app. | L | S | S |
| d. Experimental Work Plans | F | F | F |
| e. PS&E Approval | L | S | S |
| f. State furnished mat., cost-effective etermination | L | S | S |
| g. Prop item, pub. int. find. | L | S | S |
| h. Concurrence in Award | L | S | S |
| i. Buy America Exemption | F | F | F |
| j. Tied Bids | L | L | L |
| k. State Forces Work | S | S | S |

F = FHWA
 S = State
 L = Local CA Agency

When the local agency is the approving authority for any phase of work, it must operate within the *Local Agency Guidelines* and all applicable federal, state, and local laws and regulations. As outlined in Chapter 13, WSDOT will monitor the agency’s procedures. WSDOT or another CA agency is the approval authority when the local agency is not certified.

14.3 Vacant

14.4 Projects Within Interstate Rights-of-Way

Since all projects within the Interstate rights-of-way (R/W) have the potential to impact safety and operations on the Interstate route, they must incorporate Interstate design criteria and construction quality. It is the Federal Highway Administration's (FHWA) policy that all projects within the Interstate R/W should be administered by WSDOT. However, given the scope and extent of non-Interstate projects within the Interstate R/W, it is recognized that local agency administration of some projects may be acceptable, and all requests will be considered on a case-by-case basis.

Whenever a local agency proposes a project within the Interstate R/W, they must develop an agreement with WSDOT that clearly outlines their duties and responsibilities to maintain the integrity of the Interstate facility, from both the safety and quality perspectives. The agreement should be executed prior to design approval and must be executed prior to advertising for bids. The following requirements must be incorporated into the agreement:

Responsibilities: WSDOT and the local agency must each assign a project engineer.

Design: WSDOT must review and approve all highway plans, profiles, deviations, structural plans, false-work plans, shoring plans, and traffic control plans for any work within the Interstate R/W.

Plans, Specifications, and Estimates: WSDOT must review and approve the plans and specifications for any work within Interstate R/W.

Advertising and Award: The local agency must confer with the WSDOT project engineer on any pre-award issues affecting the quality and timing of the contract.

Construction: All construction, materials, and quality control requirements contained in the current editions of the WSDOT *Standard Specifications* and *Construction Manual* must be incorporated into the agreement.

Contract Changes: All contract changes affecting work within the Interstate R/W must have the prior concurrence of the WSDOT project engineer.

Final Inspection: The final inspection of the project must be performed by WSDOT Olympia Service Center or the Region Construction (Operations) Engineer and must evidence their approval.

Only local agencies with full certification acceptance authority may enter into such an agreement with the WSDOT.

The agreement must be submitted to FHWA. FHWA reserves the right to assume full oversight of the project.

14.5 Project Development Process Flow Chart and Checklist

The flow chart (see Appendix 14.61) and checklist (see Appendix 14.62) depict the sequence of major activities necessary to develop transportation projects using FHWA funds. The forms required for a project are shown on the list of forms. Since the type of work varies on projects, see the WSDOT *Construction Manual*, Chapter 11, "Forms," for additional required forms.

It is recommended that a copy of the checklist be inserted in the project file and used to initiate and document the activities necessary to complete a project.

14.6 Appendixes

14.61 Project Development Process Flow Chart

14.62 Project Development Checklist

13. Tied Bids

If the project has tied bids (see Chapter 44), indicate the approval date. If the project is tied to another federally funded project, include the federal aid project number of the project, along with other information outlined in Section 44.

4:P65:DP/LAG2

Appendix 21.43

Instructions for Completing Project Prospectus

Ensure that reproductions are readable.

Federal Aid Project Number

Code the PREFIX and ROUTE number as outlined below:
(Do not fill in () to be used by WSDOT)

| Prefix Code | Description |
|-------------|--|
| STPUL | STP Urban Funds, population greater than 200,000 (Seattle/Everett, Spokane, Clark County) |
| STPUS | STP Urban Funds, population 5,000 to 200,000 |
| STPR | STP Rural Funds, population less than 5,000 |
| STPE | Enhancement Program (Section 12.32C) |
| STPF | Flex Program |
| CM | Congestion Mitigation/Air Quality Program Nonattainment Areas, population greater than 200,000 |
| STPX | Safety program, elimination of rail-highway hazards on federal aid system |
| STPXP | Safety program, installation of rail-highway protective devices |
| STPH | Safety program, hazard elimination program |
| BRS | Bridge replacement project on rural system, financed with Bridge Replacement Funds |
| BHS | Bridge rehabilitation project on rural system, financed with Bridge Replacement Funds |
| BRM | Bridge replacement project on urban system financed with Bridge Replacement Funds |
| BHM | Bridge rehabilitation project on urban system financed with Bridge Replacement Funds |
| BROS | Bridge replacement project not on the federal aid system but financed with Bridge Replacement Funds |
| BHOS | Bridge rehabilitation project not on the federal aid system but financed with Bridge Replacement Funds |
| ER | Project financed with Emergency Relief Funds |

Route Code Federal Aid Project Route Number

| Description | Single Route | Multiple Routes |
|------------------------------------|--|--|
| Seattle, Everett Metropolitan Area | 4-digit federal route number | Number is 9999 |
| STPUS/STPUL | 4-digit federal route number | Number is 99 followed by county number |
| STPR | 4-digit federal route number | Number is Z9 followed by county number |
| STPH | 4-digit federal route number | Number is 000S |
| STPE | If statewide selection: 1. For federally functionally classified work, 4-digit federal route number nearest or parallel to 2. Use off-system rules If not statewide selection: Number is EN followed by funding year (i.e., EN94) | Same as single routes Same as single routes |
| STPF | WSDOT to assign | WSDOT to assign |
| STPX/STPXP On-System Urban | 4-digit federal route number | N/A |
| STPX/STPXP On-System Rural | 4-digit federal route number | N/A |
| STPX/STPXP Off-System Urban | Number is city number | N/A |
| STPX/STPXP Off-System Rural | Number is 70 followed by county number | N/A |
| ER | Feds to assign | Feds to assign |
| BRS/BHS | 4-digit federal route number | Number is Z9 followed by county number |
| BRM/BHM | 4-digit federal route number | Number is 99 followed by county number |
| BROS/BHOS | Use off-system rules | Same as single routes |
| Off-System County | Number is 20 followed by county number | Same as single routes |
| Off-System City | Number is city number | Same as single routes |

| | |
|---------------------------------------|--|
| Date | Form is filled out. |
| Local Agency Project Number | Limited to eight (8) alpha/numeric characters that your agency identifies. |
| Federal Employer Tax ID Number | Required. Indicate the agency's tax identification number. |
| Agency | Required. This is your agency's name. |
| Federal Program Title | Enter the program number or title from the following list: 20.205 Highway Planning and Construction 20.209 Public Land Highways Most local agency projects are 20.205. |
| Project Title | Write the project's title, as shown in TIP/STIP. |
| Project Latitude and Longitude | Enter the project start and end latitude and longitude in the format below: Latitude N XX-XX-XX.XX Longitude W XXX-XX-XX.XX |
| Project Termini | Indicate the beginning and ending limits of the section to be improved. For railway/highway grade crossing projects, show the name of the railroad involved. For intersection projects write the name of the crossroad. |
| From: To: | Indicate MP to MP or KP to KP. |
| Length of Project | Project's length in miles or kilometers. |
| Award Type | Mark the appropriate type. |
| Federal Agency | Indicate where the federal funds are coming from FHWA, etc. |
| City Number | For a city project, write the city number from Appendix 21.45. |
| County Number | Write your county number from Appendix 21.44. |
| County Name | Write the county the project is in. |
| WSDOT Region | Locate your WSDOT region number from Appendix 21.44 or 21.45. |
| Congressional District | Indicate the number of the congressional district or districts in which this project is located. |
| Legislative District | Indicate legislative district(s). |
| Urban Area Number | For projects inside urban areas, locate the appropriate urban area number from Appendix 21.46. |
| TMA/MPO/RTPO | For projects inside urban areas (population greater than 50,000), give the code which represents the MPO for your area. Code MPO BFCG Benton-Franklin Council of Governments RTC Regional Transportation Council PSRC Puget Sound Regional Council SRTC Spokane Regional Transportation Council YVCOG Yakima Valley Conference of Governments TRPC Thurston Regional Planning Council WCOG Whatcom Council of Governments CWCOG Cowlitz-Wahkiakum Council of Governments SCOG Skagit Council of Governments SWRTC Southwest Washington Regional Transportation Council WVTC Wenatchee Valley Transportation Council |
| Total Estimated Cost | Required for each phase of the project; estimate to the nearest hundred dollars. |
| Local Agency Funding | Required for each phase of the project; estimate to the nearest hundred dollars. |
| Federal Funds | Required for each phase of the project; estimate to the nearest hundred dollars. |
| Phase Start Date | Enter the month and year which expenditure for the phase will begin. |

Description of Existing Facility

In one or two paragraphs, give a detailed description of the existing facility including but not limited to: (1) type, pavement, lane and shoulder width, horizontal and vertical alignment; and (2) condition of existing surfacing and roadway within project limits, and on adjacent sections at each end of the project. Note any substandard existing alignment and grade or other project deficiencies.

Description of Proposed Work

Check whether the project is new construction, 3-R or 2-R as described in Chapter 42. Explain the nature of the improvement proposed such as widening of existing roadway for additional lanes or left-turn channelization; or to provide signalization to an intersection. Give the purpose of the improvement, such as upgrade facility to current standards, or to remedy a hazardous situation, or reduce congestion. Indicate the major work involved, such as grading, surfacing, bridge construction, drainage, etc. Give a contact person for the project in case there are questions.

Design Approval

On all federal aid transportation projects, agencies should place location and design report in the project file before requesting approval to acquire right-of-way or the preparation of the PS&E.

A project design cannot be approved before the environmental considerations have been approved by FHWA.

In most cases, the Project Prospectus serves as the location and design report.

A CA agency Professional Engineer with the appropriate approval authority signs and dates the form, indicating design approval.

A Non-CA agency will send the form to their respective Region Local Programs Engineer for design approval.

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

Geometric Design Data

Refer to design report data and/or Chapter 42.

Accidents

Enter the required accident information in the appropriate blanks according to the following definitions.

There are three categories of accidents differentiated by increasing degrees of severity — property damage, injury, and fatal. An accident, irrespective of the number of vehicles involved or the number of persons killed or injured, is entered as one accident and defined as follows:

- a. Property Damage Accident: If there is damage to one or more vehicles or property, with no injuries and no fatalities, this equals one property damage accident.
- b. Injury Accident: If one or more persons are injured, regardless of property damage, this equals one injury accident.
- c. Fatal Accident: If one or more persons are killed regardless of property damage, this equals one fatal accident.

Examples:

- 1. Vehicle leaves roadway and hits utility pole, but driver is not hurt.

Category: Property Damage Acc.

- 2. Vehicle slows on roadway, is hit from behind and pushed into vehicle ahead. Two persons are injured.

Category: Injury Accident (two persons injured)

3. Two vehicles collide at intersection and involve two other vehicles. Two people are killed, three occupants are injured, and one pedestrian is injured.

Category: Fatal Accident (two fatalities, four injuries)

If the above examples were all of the accidents for a location during a year, the total annual accident experience would indicate:

| | |
|---|-----------------|
| 1 | Property damage |
| 1 | Injury accident |
| 1 | Fatal accident |
| 3 | Accidents total |
| 6 | Persons injured |
| 2 | Persons killed |

All accident, injury, and fatality information must be derived from official records.

Performance of Work

PE: Indicate who will be performing the work and the percentage of the work they will do.

CN: Indicate if work is to be done by contract and/or local forces and the percentage to be done by each.

Environmental Classification

Mark the appropriate NEPA class of the project as defined in Chapter 24.2.

Class I, if the nature of the proposed improvement is likely to have a significant impact on the environment and an "Environmental Impact Statement" (EIS) is required. Check the box pertaining to the NEPA/SEPA/Section 404 Interagency Agreement if the project requires an individual permit from the U.S. Corps of Engineers.*

Class II, if the project is not expected to have a significant impact on the environment and a "Categorical Exclusion" (CE) is determined. Completion of the Environmental Classification Summary (ESC) is required.*

Class III, when the significance of the impact on the environment is not clearly established and an "Environmental Assessment" (EA) will be required. Check the box pertaining to the NEPA/SEPA/Section 404 Interagency Agreement if the project requires an individual permit from the U.S. Corps of Engineers.*

***This includes a biological assessment effect determination for each project.**

Environmental Considerations

If the box for either a Class I or Class III category action is checked under the Environmental Classification section, make reference to the enclosed Environmental Classification Summary Form marked preliminary. If the project is a Class II "Projects That Require Documentation and FHWA Approval," make reference to the enclosed Environmental Classification Summary Form, if available at this time, or in a brief narrative, describe the environmental impact of the proposed project.

Right-of-Way Requirements

- a. No right-of-way required. Projects need only check no right-of-way.
- b. Right-of-way required. A Right-of-Way Project Funding Estimate or True Cost Estimate, a Right-of-Way Plan, and a Relocation Plan (if required).

If right-of-way acquisition becomes necessary on a job previously submitted as having no right-of-way, a Project Funding Estimate or True Cost Estimate would need to be submitted to the Regional Highways and Local Programs Engineer.

**Description of Utility Relocation or
Adjustments and Existing Major
Structures Involved**

Indicate the agency responsible for any relocation and/or adjustments.

- a. Existing utilities-type of utility, publicly or privately owned, and other pertinent information.
- b. Existing major structures — number, year built, overall length and conditions, roadway width, estimated or posted capacity, and proposed treatment of any substandard structures to remain in place.



Local Agency Agreement

Agency _____
 Address _____

CFDA No. 20.205
 (Catalog of Federal Domestic Assistance)
Project No. _____
Agreement No. _____
 For OSC WSDOT Use Only

The Local Agency having complied, or hereby agreeing to comply, with the terms and conditions set forth in (1) Title 23, U.S. Code Highways, (2) the regulations issued pursuant thereto, (3) Office of Management and Budget Circulars A-102, A-87 and A-133, (4) the policies and procedures promulgated by the Washington State Department of Transportation, and (5) the federal aid project agreement entered into between the State and Federal Government, relative to the above project, the Washington State Department of Transportation will authorize the Local Agency to proceed on the project by a separate notification. Federal funds which are to be obligated for the project may not exceed the amount shown herein on line r, column 3, without written authority by the State, subject to the approval of the Federal Highway Administration. All project costs not reimbursed by the Federal Government shall be the responsibility of the Local Agency.

Project Description

Name _____ Length _____
 Termini _____

Description of Work

| Type of Work | Estimate of Funding | | |
|--|---|----------------------------------|-----------------------------------|
| | (1) Estimated Total Project Funds | (2) Estimated Agency Funds | (3) Estimated Federal Funds |
| PE | | | |
| _____ % a. Agency | | | |
| b. Other | | | |
| c. Other | | | |
| Federal Aid Participation Ratio for PE d. State | | | |
| e. Total PE Cost Estimate (a+b+c+d) | | | |
| Right of Way | | | |
| _____ % f. Agency | | | |
| g. Other | | | |
| h. Other | | | |
| Federal Aid Participation Ratio for RW i. State | | | |
| j. Total R/W Cost Estimate (f+g+h+i) | | | |
| Construction | | | |
| k. Contract | | | |
| l. Other | | | |
| m. Other | | | |
| n. Other | | | |
| _____ % o. Agency | | | |
| Federal Aid Participation Ratio for CN p. State | | | |
| q. Total CN Cost Estimate (k+l+m+n+o+p) | | | |
| r. Total Project Cost Estimate (e+j+q) | | | |

Agency Official

Washington State Department of Transportation

By _____
 Title _____

By _____
 Assistant Secretary for Highways and Local Programs
 Date Executed _____

Construction Method of Financing (Check Method Selected)

State Ad and Award

- Method A - Advance Payment - Agency Share of total construction cost (based on contract award)
- Method B - Withhold from gas tax the Agency's share of total construction cost (line 4, column 2) in the amount of

\$ _____ at \$ _____ per month for _____ months.

Local Force or Local Ad and Award

- Method C - Agency cost incurred with partial reimbursement

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the federal funds obligated, it accepts and will comply with the applicable provisions set forth below. Adopted by official action on

_____, _____, Resolution/Ordinance No. _____

Provisions

I. Scope of Work

The Agency shall provide all the work, labor, materials, and services necessary to perform the project which is described and set forth in detail in the "Project Description" and "Type of Work."

When the State acts for and on behalf of the Agency, the State shall be deemed an agent of the Agency and shall perform the services described and indicated in "Type of Work" on the face of this agreement, in accordance with plans and specifications as proposed by the Agency and approved by the State and the Federal Highway Administration.

When the State acts for the Agency but is not subject to the right of control by the Agency, the State shall have the right to perform the work subject to the ordinary procedures of the State and Federal Highway Administration.

II. Delegation of Authority

The State is willing to fulfill the responsibilities to the Federal Government by the administration of this project. The Agency agrees that the State shall have the full authority to carry out this administration. The State shall review, process, and approve documents required for federal aid reimbursement in accordance with federal requirements. If the State advertises and awards the contract, the State will further act for the Agency in all matters concerning the project as requested by the Agency. If the Local Agency advertises and awards the project, the State shall review the work to ensure conformity with the approved plans and specifications.

III. Project Administration

Certain types of work and services shall be provided by the State on this project as requested by the Agency and described in the Type of Work above. In addition, the State will furnish qualified personnel for the supervision and inspection of the work in progress. On Local Agency advertised and awarded projects, the supervision and inspection shall be limited to ensuring all work is in conformance with approved plans, specifications, and federal aid requirements. The salary of such engineer or other supervisor and all other salaries and costs incurred by State forces upon the project will be considered a cost thereof. All costs related to this project incurred by employees of the State in the customary manner on highway payrolls and vouchers shall be charged as costs of the project.

IV. Availability of Records

All project records in support of all costs incurred and actual expenditures kept by the Agency are to be maintained in accordance with local government accounting procedures prescribed by the Washington State Auditor's Office, the U.S. Department of Transportation, and the Washington State Department of Transportation. The records shall be open to inspection by the State and Federal Government at all reasonable times and shall be retained and made available for such inspection for a period of not less than three years from the final payment of any federal aid funds to the Agency. Copies of said records shall be furnished to the State and/or Federal Government upon request.

V. Compliance with Provisions

The Agency shall not incur any federal aid participation costs on any classification of work on this project until authorized in writing by the State for each classification. The classifications of work for projects are:

1. Preliminary engineering.
2. Right of way acquisition.
3. Project construction.

In the event that right of way acquisition, or actual construction of the road, for which preliminary engineering is undertaken is not started by the closing of the tenth fiscal year following the fiscal year in which the agreement is executed, the Agency will repay to the State the sum or sums of federal funds paid to the Agency under the terms of this agreement (see Section IX).

The Agency agrees that all stages of construction necessary to provide the initially planned complete facility within the limits of this project will conform to at least the minimum values set by approved statewide design standards applicable to this class of highways, even though such additional work is financed without federal aid participation.

The Agency agrees that on federal aid highway construction projects, the current federal aid regulations which apply to liquidated damages relative to the basis of federal participation in the project cost shall be applicable in the event the contractor fails to complete the contract within the contract time.

VI. Payment and Partial Reimbursement

The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Transportation Equity Act for the 21st Century (TEA 21), as amended, and Office of Management and Budget circulars A-102, A-87 and A-133. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project.

The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless an indirect cost plan has been approved by WSDOT.

The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

1. Project Construction Costs

Project construction financing will be accomplished by one of the three methods as indicated in this agreement.

Method A – The Agency will place with the State, within (20) days after the execution of the construction contract, an advance in the amount of the Agency's share of the total construction cost based on the contract award. The State will notify the Agency of the exact amount to be deposited with the State. The State will pay all costs incurred under the contract upon presentation of progress billings from the contractor. Following such payments, the State will submit a billing to the Federal Government for the federal aid participation share of the cost. When the project is substantially completed and final actual costs of the project can be determined, the State will present the Agency with a final billing showing the amount due the State or the amount due the Agency. This billing will be cleared by either a payment from the Agency to the State or by a refund from the State to the Agency.

Method B – The Agency's share of the total construction cost as shown on the face of this agreement shall be withheld from its monthly fuel tax allotments. The face of this agreement establishes the months in which the withholding shall take place and the exact amount to be withheld each month. The extent of withholding will be confirmed by letter from the State at the time of contract award. Upon receipt of progress billings from the contractor, the State will submit such billings to the Federal Government for payment of its participating portion of such billings.

Method C – The Agency may submit vouchers to the State in the format prescribed by the State, in duplicate, not more than once per month for those costs eligible for Federal participation to the extent that such costs are directly attributable and properly allocable to this project. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for Federal participation unless claimed under a previously approved indirect cost plan.

The State shall reimburse the Agency for the Federal share of eligible project costs up to the amount shown on the face of this agreement. At the time of audit, the Agency will provide documentation of all costs incurred on the project.

The State shall bill the Agency for all costs incurred by the State relative to the project. The State shall also bill the Agency for the federal funds paid by the State to the Agency for project costs which are subsequently determined to be ineligible for federal participation (see Section IX).

VII. Audit of Federal Consultant Contracts

The Agency, if services of a consultant are required, shall be responsible for audit of the consultant's records to determine eligible federal aid costs on the project. The report of said audit shall be in the Agency's files and made available to the State and the Federal Government.

An audit shall be conducted by the WSDOT Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United States General Accounting Office by the Comptroller General of the United States; WSDOT Manual M 27-50, Consultant Authorization, Selection, and Agreement Administration; memoranda of understanding between WSDOT and FHWA; and Office of Management and Budget Circular A-133.

If upon audit it is found that overpayment or participation of federal money in ineligible items of cost has occurred, the Agency shall reimburse the State for the amount of such overpayment or excess participation (see Section IX).

VIII. Single Audit Act

The Agency, as a subrecipient of federal funds, shall adhere to the federal Office of Management and Budget (OMB) Circular A-133 as well as all applicable federal and state statutes and regulations. A subrecipient who expends \$500,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provisions of OMB Circular A-133. Upon conclusion of the A-133 audit, the Agency shall be responsible for ensuring that a copy of the report is transmitted promptly to the State.

IX. Payment of Billing

The Agency agrees that if payment or arrangement for payment of any of the State's billing relative to the project (e.g., State force work, project cancellation, overpayment, cost ineligible for federal participation, etc.) is not made to the State within 45 days after the Agency has been billed, the State shall effect reimbursement of the total sum due from the regular monthly fuel tax allotments to the Agency from the Motor Vehicle Fund. No additional Federal project funding will be approved until full payment is received unless otherwise directed the Assistant Secretary for Highways and Local Programs.

X. Traffic Control, Signing, Marking, and Roadway Maintenance

The Agency will not permit any changes to be made in the provisions for parking regulations and traffic control on this project without prior approval of the State and Federal Highway Administration. The Agency will not install or permit to be installed any signs, signals, or markings not in conformance with the standards approved by the Federal Highway Administration and MUTCD. The Agency will, at its own expense, maintain the improvement covered by this agreement.

XI. Indemnity

The Agency shall hold the Federal Government and the State harmless from and shall process and defend at its own expense all claims, demands, or suits, whether at law or equity brought against the Agency, State, or Federal Government, arising from the Agency's execution, performance, or failure to permit any of the provisions of this agreement, or of any other agreement or contract connected with this agreement, or arising by reason of the participation of the State or Federal Government in the project, PROVIDED, nothing herein shall require the Agency to reimburse the State or the Federal Government for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Federal Government or the State.

XII. Nondiscrimination Provision

No liability shall attach to the State or Federal Government except as expressly provided herein.

The Agency shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract and/or agreement or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts and agreements. The WSDOT's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Agency of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

The Agency hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the rules and regulations of the Secretary of Labor in 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee or understanding pursuant to any federal program involving such grant, contract, loan, insurance, or guarantee, the required contract provisions for Federal-Aid Contracts (FHWA 1273), located in Chapter 44 of the Local Agency Guidelines.

The Agency further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the applicant so participating is a State or Local Government, the above equal opportunity clause is not applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract.

The Agency also agrees:

- (1) To assist and cooperate actively with the State in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and rules, regulations, and relevant orders of the Secretary of Labor.
- (2) To furnish the State such information as it may require for the supervision of such compliance and that it will otherwise assist the State in the discharge of its primary responsibility for securing compliance.
- (3) To refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and federally assisted construction contracts pursuant to the Executive Order.
- (4) 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, Federal Highway Administration, 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:

- (a) Cancel, terminate, or suspend this agreement in whole or in part;
- (b) Refrain from extending any further assistance to the Agency under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency; and
- (c) Refer the case to the Department of Justice for appropriate legal proceedings.

XIII. Liquidated Damages

The Agency hereby agrees that the liquidated damages provisions of 23 CFR Part 635, Subpart 127, as supplemented, relative to the amount of Federal participation in the project cost, shall be applicable in the event the contractor fails to complete the contract within the contract time. Failure to include liquidated damages provision will not relieve the Agency from reduction of federal participation in accordance with this paragraph.

XIV. Termination for Public Convenience

The Secretary of the Washington State Department of Transportation may terminate the contract in whole, or from time to time in part, whenever:

- (1) The requisite federal funding becomes unavailable through failure of appropriation or otherwise.
- (2) The contractor is prevented from proceeding with the work as a direct result of an Executive Order of the President with respect to the prosecution of war or in the interest of national defense, or an Executive Order of the President or Governor of the State with respect to the preservation of energy resources.
- (3) The contractor is prevented from proceeding with the work by reason of a preliminary, special, or permanent restraining order of a court of competent jurisdiction where the issuance of such order is primarily caused by the acts or omissions of persons or agencies other than the contractor.
- (4) The Secretary determines that such termination is in the best interests of the State.

XV. Venue for Claims and/or Causes of Action

For the convenience of the parties to this contract, it is agreed that any claims and/or causes of action which the Local Agency has against the State of Washington, growing out of this contract or the project with which it is concerned, shall be brought only in the Superior Court for Thurston County.

XVI. Certification Regarding the Restrictions of the Use of Federal Funds for Lobbying

The approving authority certifies, to the best of his or her knowledge and belief, that:

(1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit the Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification as a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Additional Provisions

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 including estimated number of working days to the Region Local Programs Engineer as a basis for the Highways and Local Programs Project Development 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. The Region Local Programs Engineer will summarize agencies PR1392 into one PR1392. This summarized 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. 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.

The contractor will submit certified monthly detailed invoices showing the related weekly payroll number, name of the trainee, total hours trained under the program, previously paid hours, hours due, and the dollar amount due this estimate. These invoices must be kept with the project records and will become part of the temporary final records to be retained for three years after acceptance of the project by WSDOT and FHWA.

27.5 Compliance Review

In addition to the selected compliance review of local agency contracts by WSDOT External Civil Rights (ECR), the Highways and Local Programs Operations Engineer's Office will review Title VI and Section 504 EEO and training compliance during its regular project management reviews. If, upon such examination, it is determined that further review is needed, the Olympia Service Center Highways and Local Programs Office may initiate a further investigation.

The evaluation of the local agency's and its contractor's compliance is based on the provisions included in the contract.

Forms

See Chapter 11 of the WSDOT *Construction Manual*.

41.1 General Discussion

This chapter covers the design phase of projects on non-NHS routes, Federal Highway Administration (FHWA) funded projects, and discusses a delegation of authority by the FHWA to the Washington State Department of Transportation (WSDOT) Highways and Local Programs Service Center in administration of FHWA funds.

This part of the manual is organized into six chapters relating to the design phase of FHWA projects — General; Design Standards; Location and Design Approval; Plans, Specifications, and Estimates; State Advertising and Award Procedures; and Local Advertising and Award Procedures.

The approving agency identified for the various phases of work is illustrated in the following matrix.

| Action | LA non-NHS CA | LA non-NHS non-CA Agency |
|--|----------------------|---------------------------------|
| a. PE Fund Auth. and Modif./Supp. | F | F |
| b. Exceptions to Design Stan. | S | S |
| c. Design App. (inc. prelim. and adv. detail br. plan app. | L | S |
| d. Experimental Work Plans | F | F |
| e. PS&E Approval | L | S |
| f. State furnished mat., cost-effective termination | L | S |
| g. Proprietary item (public interest finding) sole source | L | S |
| h. Concurrence in Award | L | S |
| i. Buy America Exemption | F | F |
| j. Tied Bids | L | S |
| k. State Forces Work | L | S |

F = FHWA
 S = WSDOT-Highways and Local Programs
 L = Local Agency

Different standards apply to the design of new construction/reconstruction, 3-R (resurfacing, restoration, and rehabilitation), 2-R (resurfacing and restoration) and low volume streets and roads projects. Each of these terms is defined in Section 41.3. Local agencies must determine which standards apply before beginning design. Design Standards for Non-NHS routes are described in Chapter 42.

FHWA funds are also available for bridges on routes other than the FHWA system. Different standards are applicable to new or reconstructed bridges on these “off-system” roads. These standards are described in Chapter 42.

It is strongly encouraged that value engineering be used, as needed, throughout project development, construction, operation, and maintenance. Value engineering analysis should be performed on projects where its employment has a high potential for public benefit.

Value engineering should be considered on high cost and major projects. The need for value engineering should be determined on a project-by-project basis (see Chapter 43).

Design and construction standards for enhancement projects are outlined and defined in Chapter 62.

41.2 New Construction/ Reconstruction Projects (refer to Chapter 42 for standards)

.21 A reconstruction project is designed to meet the minimum design standards for new construction for the functional class. Reconstruction includes significant changes in cross-section or shifts in both vertical and horizontal alignment. If 50 percent or more of the project length involves 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 of work usually associated with new construction, including items a. through n. below.

a. **Pavement Type Determination.** The determination of pavement type is of major importance in the development of plans for any urban street and road paving improvement. The main factors to be considered in determination of pavement type are outlined in Section 520 of the WSDOT *Design Manual*.

The local agency should have on file documentation of factors considered in determining that the pavement to be used has been carefully selected in terms of engineering, economics, and current design standards. The pavement analysis should identify the design life, lifecycle costs, and impacts of the various alternatives on the total project.

The design live loading for urban streets and roads shall not be less than the current state of Washington maximum legal load, unless other analysis recommends less.

The WSDOT Materials Laboratory will provide design guidance if requested by the local agency through the Regional Highways and Local Programs Engineer.

b. **Structural Design.** Design procedures shall conform to accepted engineering practices approved by a registered professional engineer. Bridge deck protection is required for all FHWA funded bridge construction. The recommended protective systems are outlined in the WSDOT *Bridge Design Manual*.

- c. Roadway Geometrics. Design(s) shall be based upon accepted engineering practices and the requirements listed in this manual.
- d. Construction Specifications. All FHWA projects, including local agency force projects, shall be constructed in conformance with the current edition of the WSDOT/ APWA *Standard Specifications for Road, Bridge, and Municipal Construction* (as outlined in Section 44.4).
- e. Traffic Control. All traffic control devices shall conform to the MUTCD, as adopted and modified by the Secretary of Transportation, per RCW 47.36.030.
- f. 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 clear zone distance tables in the WSDOT *Design Manual* and Appendix 42.31 provide criteria for establishing clear zone distances.

- g. Geometric Cross-Section. It is desirable that all new construction provide embankment slopes and ditch in-slopes of 4:1 or flatter. Embankment slopes of 3:1 or steeper may be used when achieving flatter slopes has demonstrated to be impractical.
- h. Vertical Clearance. Vertical clearance above the paved roadway surface shall be a minimum of 5 meters (16.5 feet). Vertical clearance of structures above the walkway surface shall be a minimum of 2.44 m (8 feet).
- i. Bridge Approach Railings. Approach guardrail is required at all bridge ends and shall be made structurally continuous with the bridge railing.

A guardrail layout has been developed for use when an intersecting roadway or private approach exists within the limit of the standard bridge approach guardrail. See Standard Plan C-2f in the WSDOT/ APWA *Standard Plans for Road, Bridge, and Municipal Construction*. This standard plan should be used only when it is not feasible to relocate the intersecting roadway or private approach.
- j. Bridge Railings. Only bridge rail designs that have been successfully crash tested (or their equivalents) shall be used on federally funded new construction or reconstruction projects. The WSDOT *Bridge Design Manual* (M 23-50) contains guidelines and performance levels for bridge railing along with examples of bridge rail designs that have been crash tested. (Refer to Section 8.3 of the *Bridge Design Manual*.)
- k. Illumination.

- 1. Consider roadway illumination for high activity pedestrian areas (bus stops, crosswalks, etc.).
- 2. Consider low energy consumption designs.

- l. Pedestrian Facilities. In urban areas, sidewalks are desirable on both sides of the street. Clear sidewalk width shall be at least 1.22 m (4 feet).
- m. Bicycle Facilities. Streets and roads intended to accommodate designated bicycle routes shall meet or exceed the standards of WSDOT per RCW 35.75.060. WSDOT *Design Manual* (M 22-01) chapter on bicycle facilities should be used as a design guideline.
- n. Sidewalk Ramps. Ramps shall be included in all walkways and/or curb construction per RCW 35.68.075. The ramps shall meet the minimum design requirements of the Americans with Disabilities Act. These standards are outlined in the June 30, 1994 Federal Register.
- o. Drainage and Hydraulic Design. Refer to WSDOT *Hydraulics Manual* and Local Agency Requirements.

41.3 3-R Projects (Resurfacing, Restoration, and Rehabilitation) (refer to Chapter 42 for standards)

- .31 **Safety Improvements.** A safety improvement evaluation (see Appendix 41.71 for guidance) must be an integral part of all projects and could include:
 - Upgrading existing substandard roadway design elements — roadway design elements are the physical characteristics of the highway, such as alignment, grades, widths, sight distance, clearances, bridges, and the pavement structure including surface texture.
 - Improving existing operational features — operational features include traffic control devices, lighting, and pedestrian accommodations that provide for the safe and efficient movement of vehicles and pedestrians.
 - Reducing the potential hazard of existing roadside features — roadside features include sideslopes, ditches, drainage facilities, barrier systems, sign supports, luminaires, trees, utility poles, and other features adjacent to the roadway.
 - Upgrading bridge safety features — on all projects which include structures with deficient safety features, consideration must be given to correcting the deficient features. Bridge rails, approach rails, connections, and terminals are considered bridge safety features.
- .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

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 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 6 of the MUTCD and shall be referenced in the contract documents and for low-volume roads Part 5.
- f. A “tied bid” is where otherwise separate contracts are advertised and bid together as a single contract. A federal aid highway project may be tied with a non-federal aid highway project, providing the CA agency documents the tying of bids does not increase the cost of the federal aid highway project.
- g. Sole Source Justification. 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.
- h. Warranty/Guarantee. No warranty requirement shall be approved which may place an undue obligation on the contractor for items or conditions over which the contractor has no control. Warranties/guarantees shall not be included in federal aid projects or the bonds except as follows:

On NHS construction contracts a warranty can be included in the contract in accordance with the following: Warranty provisions shall be for a specific product or feature. Items of maintenance not eligible for federal participation shall not be covered. All warranty requirements and subsequent revisions shall be submitted to the WSDOT Region Local Programs Engineer and forwarded to FHWA for advance approval.

On non- NHS construction contracts a warranty can be included in the contract in accordance with the following: Project warranty/maintenance provisions may be included in a project if a non-participating bid item and special provision is included in the contract. All other warranty requirements other than product or feature, and subsequent revisions, shall be submitted to Region Local Programs Engineer for advance approval.

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.

Proprietary Items

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. Specifying patented or proprietary material, products or processes is allowed for federal-aid projects only under one of the following conditions:

- At least three names of acceptable materials or products, if available, are listed together with "an approved non-patented equal", or
- The agency is requiring a specific material or product and a written Public Interest Finding (PIF) document has been prepared, or
- The material or product has been approved through FHWA as an experimental feature

Public Interest Finding

An agency may require a specific material or product when there are other acceptable materials and products when such specific choice is approved as being in the public interest, such as traffic signal control equipment. The written (PIF) must:

Clearly show that the best interest of the public and the agency will be achieved. This is accomplished by describing any cost effectiveness and efficiency to be realized. A benefit cost analysis should be completed to support the PIF. The supporting documentation and the decision of the CA agency must be maintained in the project file.

See section 14.24(g) for approval requirements.

A PIF is not required when:

1. The funding source is from a municipality or other entity, and is not reimbursable with federal monies, including when the contract has tied bids, and the item is only part of the locally funded project.
2. A utility agreement is being established and there are minor quantities of materials and supplies and proprietary products that are routinely used in a utility's operation, which are essential for the maintenance of the system.

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
- 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

12 miles of Laramie County Road, North Ridge Road
 Project No. STPUL-6969(007)
 STA. 8+658.50 to STA. 9+054.70

| | | PREPARATION | | | |
|-----|-------------------|---|-------------------|--------------|---------------|
| 1. | LUMP SUM | Mobilization | LUMP SUM | _____ | = _____ |
| 2. | LUMP SUM | Clearing and Grubbing | LUMP SUM | _____ | = _____ |
| | | GRADING | | | |
| 3. | 780.0 CU. YD. | Roadway Excavation Including Haul | PER CU. YD. | _____ | = _____ |
| 4. | 413.0 CU. YD. | Embankment Compaction | PER CU. YD. | _____ | = _____ |
| | | STORM SEWER | | | |
| 5. | 12.0 EACH | Adjust Manhole | PER EACH | _____ | = _____ |
| 6. | 24.0 EACH | Adjust Catch Basin | PER EACH | _____ | = _____ |
| | | SURFACING | | | |
| 7. | 28,870.0 TON | Gravel Base | PER TON | _____ | = _____ |
| 8. | 6,500.0 TON | Crushed Surfacing Top Course | PER TON | _____ | = _____ |
| | | LIQUID ASPHALT | | | |
| 9. | 10.0 TON | Asphalt Tack Coat | PER TON | _____ | = _____ |
| | | CEMENT CONCRETE PAVEMENT | | | |
| 10. | 289.0 SQ. YD. | Cement Concrete Driveway 14 Day | PER SQ. YD. | _____ | = _____ |
| | | ASPHALT CONCRETE PAVEMENT | | | |
| 11. | 10,283.0 TON | Asphalt Concrete Pavement Class B Including Paving Asphalt | PER TON | _____ | = _____ |
| | | EROSION CONTROL AND LANDSCAPING | | | |
| 12. | 410.0 CU. YD. | Topsoil Type B | PER CU. YD. | _____ | = _____ |
| | | TRAFFIC | | | |
| 13. | 13,073.0 LIN. FT. | Cement Concrete Curb and Gutter | PER LIN. FT. | _____ | = _____ |
| 14. | 19.5 HUNDRED | Lane Marker Type 1 | PER HUNDRED | _____ | = _____ |
| 15. | 2.1 HUNDRED | Lane Marker Type 2 | PER HUNDRED | _____ | = _____ |
| 16. | | One-Way Piloted Traffic Control | 5,00.00 ESTIMATED | _____ | = _____ |
| 17. | 600.0 HOUR | Labor for Traffic Control | 12.00 PER HOUR | _____ | = _____ |
| | | OTHER ITEMS | | | |
| 18. | 2,000.0 LIN. FT. | Reconstruct Wooden Fence | PER LIN. FT. | _____ | = _____ |
| | | | | TOTAL | _____ = _____ |

NON-COLLUSION DECLARATION

I, by signing the proposal, hereby declare, under penalty of perjury under the laws of the United States that the following statements are true and correct:

1. That the undersigned person(s), firm, association or corporation has (have) not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the project for which this proposal is submitted.
- 2. That by signing the signature page of this proposal, I am deemed to have signed and have agreed to the provisions of this declaration.**

NOTICE TO ALL BIDDERS

To report bid rigging activities call:

1-800-424-9071

The U.S. Department of Transportation (USDOT) operates the above toll-free "hotline" Monday through Friday, 8:00 a.m. to 5:00 p.m., eastern time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

The "hotline" is part of USDOT's continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the USDOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

The bidder is hereby advised that by signature of this proposal he/she is deemed to have acknowledged all requirements and signed all certificates contained herein.

A proposal guaranty in an amount of five percent (5%) of the total bid, based upon the approximate estimate of quantities at the above prices and in the form as indicated below, is attached hereto:

- CASH IN THE AMOUNT OF _____
- CASHIER'S CHECK _____ DOLLARS
- CERTIFIED CHECK (\$ _____) PAYABLE TO THE STATE TREASURER
- PROPOSAL BOND IN THE AMOUNT OF 5% OF THE BID

** Receipt is hereby acknowledged of addendum(s) No.(s) _____ & _____.

SIGNATURE OF AUTHORIZED OFFICIAL(S)

PROPOSAL MUST BE SIGNED →

FIRM NAME _____

(ADDRESS) _____

- te
- (1) This proposal form is not transferable and any alteration of the firm's name entered hereon without prior permission from the Secretary of Transportation will be cause for considering the proposal irregular and subsequent rejection of the bid.
 - (2) Please refer to section 1-02.6 of the standard specifications, re: "Preparation of Proposal," or "WSDOT Capital Facilities Projects" of the Instructions to Bidders for building construction jobs.
 - (3) Should it be necessary to modify this proposal either in writing or by electronic means, please make reference to the following proposal number in your communication _____

This chapter is used by local agencies operating under Certification Acceptance (Chapter 13) and choosing to advertise and award construction contracts themselves. Chapter 52, Local Administered Projects, will also apply to these agencies.

Local agencies wanting to have the Washington State Department of Transportation (WSDOT) to administer their construction contracts should refer to Chapter 51, WSDOT Administered Projects.

46.1 General Discussion

Local agencies may let contracts for their projects provided that the following conditions are met:

- .11 The local agency uses the advertising and award procedures outlined in this section to advertise for bids, select the lowest responsible bidder, and award the contract.
- .12 A Local Agency Agreement between the state and local agency is in effect setting forth the conditions under which the project will be constructed.
- .13 The local agency is participating in the cost of the project or has other special interests in it.
- .14 The local agency is certified for project administration in accordance with Chapter 13, Becoming Certified to Administer FHWA Projects.

No project can be advertised until the local agency has completed the following:

- Approved the PS & E
- The environmental document is approved.
- The project's right of way has been certified.
- Project Disadvantaged Business Enterprise (DBE) goalshave been established.
- Construction funds have authorized by the Director of Highways and Local Programs.
- A contract number has been obtained from the Region Local Programs Engineer.

46.2 Procedures

The Region Local Programs Engineer will monitor local agency compliance with the following procedures for bid advertising and processing of projects.

- .21 **Funding.** A Local Agency Agreement and construction funds must be authorized by the Director of Highways and Local Programs before a contract is advertised.

- .22 **Bidding Procedures.** The local agency is prohibited from establishing any procedures or requirements for qualification or licensing of contractors, which prevents the submission of bids or prohibits consideration of bids submitted by any responsible contractor, whether resident or nonresident of the state, except as outlined below.

The prequalification of prospective bidders is the responsibility of the local agency. WSDOT will not prequalify prospective bidders for local agency projects. A local agency may at its option use the WSDOT prequalification procedure specified in the WSDOT/ APWA *Standard Specifications*. When an agency does not prequalify prospective bidders, they should afford 10 days after notification for the low bidder to provide evidence of capability to perform the work. The evaluation of capability should include consideration of experience, personnel, equipment, financial resources, and performance record; the information should be sufficient to enable the bidder to obtain the required qualification rating prior to the contract award.

Qualification must, as a minimum, consist of bonding capability as required by state law and compliance with licensing requirements of state law. The local agency may include additional requirements.

When an agency is considering tied bids, the tied projects must be open to bid by disadvantaged business enterprises (DBEs). Specialized contracts such as fencing, landscaping, concrete work, etc., should be considered to permit maximum opportunity for disadvantaged business enterprises.

When the DBE participation goal is included in the contract provisions, meeting the goal is part of the bidding requirements, as explained in Chapter 26, Disadvantaged Business Enterprises, and Chapter 44, Plans, Specifications, and Estimates.

For all FHWA projects, bidding opportunities, on a nondiscriminatory basis, shall be afforded to all qualified bidders regardless of state boundaries, race, sex, color, or national origin.

No bidder shall be disqualified or prevented from competitive bidding by restricting the purchase of a surety bond or insurance policy from any surety or insurer outside the state and authorized to do business with the state.

- .23 **Preparation of the Project Proposal.** See WSDOT/ APWA *Standard Specification* 1.02.6.

.24 Advertising of the Project. FHWA projects previously approved should be advertised for a three-week period prior to opening of bids. The three-week advertising period begins when the first of two advertisements is published. If an agency wants an advertising period of less than three weeks, documentation by the CA local agency for the shorter period must be in the project file. Examples of shorter advertising periods are as follows:

- Emergency correction of roadways or bridges.
- To meet the conditions of a fisheries permit.
- To meet the conditions of a Bureau of Reclamation Permit (Irrigation Canal).

The project will be advertised in the official legal publication for the agency and, if necessary, other newspapers to provide the widest possible, coverage commensurate with the size of the project. Affidavits of publication must be the project file.

The local agency will comply with the standard USDOT Title VI Assurances by inclusion of the following language in the solicitations for bids:

“The (Local Agency) in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.”

Should an addendum be necessary during the advertising period to correct or add something to the bid or plan data, such addenda shall be approved by the CA local agency prior to transmittal to the individual contractors holding the plans, specifications, and bid document data. Each bidder shall present with their bid written notice of their receipt of each addendum received.

.25 Bid Opening. All bids received in accordance with the terms of the advertisement shall be publicly opened and announced, either item by item or by total amount.

If any bid received is not read, the name of the bidder and the reason for not reading the bid shall be publicly announced at the bid opening.

Adequate justification for rejecting any bids must be documented by the local agency.

.26 Evaluation Bids for Award. The local agency shall verify that all required bid documents have been properly submitted and executed by all bidders. All bids are then reviewed for accuracy, unbalancing of bid items, etc., and tabulations checked and confirmed. Any corrections to the bid tabulations are made, if necessary, in accordance with the WSDOT/APWA Standard Specifications, Section 1-02 and 1-03.

In order for a bid to be considered responsive, a bid deposit of at least 5 percent of the total bid proposal must accompany each bid. In accordance with Section 1-02.7 of the Standard Specifications, the Proposal Bond shall not be conditioned in any way to modify the minimum 5 percent required.

When there is a specified DBE goal for the project, the successful bidder will be selected on the basis of having submitted: (1) the lowest responsive bid which has met the DBE goal; or (2) when the DBE participation is less than the specified goal, responsiveness will be determined on the basis of good faith efforts to attain the goal.

When the Special Provisions contain an incentive clause encouraging the contractor to propose changes to accomplish the project’s functional requirements at less cost, and the successful bidder has used this option, the proposed changes would be carefully studied and a justification prepared supporting or not supporting the changes.

The local agency shall prepare a tabulation of bids showing the item details for at least the three lowest acceptable bids.

The local agency shall document the reason(s) for rejecting the low bid and may reject all bids for any reason(s).

Reasons for justifying an unusual award:

- Where the competition is good; or
- Where the project is essential to the public interest (safety, emergency repair, etc.); or
- Where the engineer’s estimate is clearly in error to a significant amount; or
- Where advertising again would likely result in higher bids.

If the local agency determines that the lowest bidder is not qualified, it shall document those findings prior to awarding the bid to the next-lowest responsible bidder.

The Local Agency Agreement must be supplemented if any overrun or underrun occurs beyond the authorized amount. See Section 22.3.

One originally signed Supplemental Agreement form must be submitted to the Regional Highways and Local Programs Engineer. This supplemental agreement form will be retained by WSDOT. It is the responsibility of the local agency to submit an additional supplemental agreement form or copy if they need an executed supplemental agreement for their files.

- .27 Award of Contract.** After bids have been tabulated and evaluated in accordance with the procedures described above, the construction contract may be awarded to the lowest responsive bidder. However, prior to award, agencies should verify contractor status with the Excluded Parties Listing System (EPLS) at <http://epls.arnet.gov> to determine if a contractor has been excluded from bidding on a federal-aid contract. The results of that search should be documented to the project file. EPLS is the electronic version of the Lists of Parties Excluded from Federal Procurement and Nonprocurement Programs (Lists), which identifies those parties that have been suspended, debarred, or otherwise excluded from bidding on federal procurement and nonprocurement contracts. Construction contracts awarded to firms listed on the Excluded Parties Listing will not be eligible for federal-aid reimbursement.

After award by the local agency, the contractor must be advised of the award in writing. For an example of an award letter for a contract that has an identified DBE goal, see Appendix 46.42. The second, third, fourth, and fifth paragraphs must be included in the local agency letter. An award letter for contracts without a DBE goal can be similar but would not include the second, third, fourth, and fifth paragraphs.

- .28 Execution of Contract.** Local agencies shall not execute a contract with any contractor who is not registered or licensed in accordance with state laws.

The local agency prepares the necessary documents and forwards them for execution by the successful bidder and the proper officials of the local agency.

A sample of a standard contract agreement is in Appendix 44.63. The Regional Highways and Local Programs Engineers can furnish these standard forms upon request.

46.3 Submittal of Award Data

Before construction begins, the local agency **must** submit the following information to the Region Local Programs Engineer:

- Tabulation of bids
- Engineer's estimate
- Award letter to the contractor
- Names and addresses of all firms that submit a quote to the successful low bidder
- DBE utilization certification, Form 272-056A (if applicable)
- Failure to submit the above listed information, before construction begins, will result in a delay of reimbursement for the billed cost, until the information is received.

46.4 Appendixes

- 46.41 Sample Request for Concurrence to Award
- 46.41a Sample Advertisement
- 46.42 Sample Condition of Award Letter
- 46.43 Sample Condition of Award Letter
- 46.44 Sample Contract Bond

This chapter is used for non-NHS routes by local agencies operating under Certification Acceptance and choosing to administer construction contracts themselves. In the sequence of project development, this follows Chapter 46, Local Advertising and Award Procedures. For NHS routes, refer to Chapter 63, NHS Projects.

Local agencies whose construction contracts are administered by the Washington State Department of Transportation (WSDOT) should refer to Chapter 51, WSDOT Administered Projects.

The following chart illustrates the contract administration and oversight responsibilities for the Federal Highway Administration (FHWA) (F), WSDOT (S), and local CA agencies(L):

| Action | Local CA non-NHS | Local non-CA Agency non-NHS |
|---|------------------|-----------------------------|
| a. Construction Fund Auth. | F | F |
| b. Changes/Extra Work/ Nonparticipation | L | S/L |
| c. Claims | L | S/L |
| d. Project Inspections | L | S/L |
| e. Final Inspection | S | S |
| f. Final Acceptance | S | S |

52.1 General Discussion

WSDOT is responsible for the proper expenditure of FHWA funds on local agency projects. Highways and Local Programs will consult and work with local agencies as needed and will perform systematic project management reviews to ensure that proper procedures are followed.

Except for transportation enhancement projects, construction will be administered and materials will be inspected in accordance with the WSDOT *Construction Manual* and this chapter of the LAG. For exceptions, see Appendix 52.98. In case of conflicting guidelines, this chapter governs the *Construction Manual*. FHWA projects are subject to EEO and DBE compliance reviews by WSDOT. Refer to Chapter 62, Enhancement Projects, and Chapter 63, NHS Projects, for criteria governing construction of NHS and enhancement projects.

Appendix 52.95 illustrates the major timeline for construction contracts and provides more details for specification references.

52.2 Preconstruction Conference

After a contract is awarded, the Local Agency should arrange a conference with the contractor. The Local Agency Engineer shall notify the Regional Highways and Local Programs Engineer of the time and place of the conference.

On large, complex projects, a preconstruction conference should be held before each construction phase. It may be desirable to hold separate conferences for some specialized construction items such as paving, roadside planting, or electrical work. The preconstruction conference may include a partnering session if appropriate. For a sample conference agenda, refer to Appendix 52.91.

The meeting should be documented and copies of the minutes transmitted to the Regional Highways and Local Programs Engineer and each agency, organization, and firm that has involvement or interest in the project (see Appendix 52.92).

52.3 Quality Control

The quality of materials and workmanship on a project must conform to the contract specifications so that the public funds expended will have purchased a safe, economical, and fully functional transportation facility.

.31 General. The source for each type of material must be approved by the local agency.

The Qualified Products List (QPL) is compiled by WSDOT Materials Laboratory Documentation Section and published by WSDOT Engineering Publications. The QPL is available in hard copy or can be accessed on the internet at: <http://www.wsdot.wa.gov/fossc/mats/QPL/QPL.cfm>. Upon request, the Region Local Programs Engineer will provide a hard copy of the QPL.

Local agencies requesting a Record of Materials (ROM) from WSDOT’s Materials Laboratory should submit their request at the time of award to avoid delaying the contractor. The average processing time is approximately four weeks.

Reimbursement of FHWA funds may be denied for work done contrary to or in disregard of the contract documents.

Local agencies making improvements to National Highway System (NHS) routes with **federal funding** must comply with WSDOT’s qualified tester program. If a local agency is not certified to perform the tests, they can contact a qualified testing laboratory or their Regional Local Programs Engineer to make arrangements for WSDOT to perform the testing on the project.

- .32 **Exceptions to qualified tester program.** Local agencies making improvements to the traveled lanes of the National Highway System (NHS) with **federal funding** must comply with WSDOT's qualified tester program. Projects that cross or connect to an NHS route may be exempted by the Regional Local Programs Engineer from these requirements when quantities within the NHS travel lanes are minor. For projects with other than minor quantities, a local agency must comply with the program.
- .33 **Use of WSDOT mix designs.** Local Agencies utilizing a WSDOT mix design for a project may use that mix design beyond the year it was submitted for approval, provided the contractor supplies written certification that all material properties meet the original WSDOT mix design.

52.4 Progress Payments

Progress payments must be based on measurements of work performed so that the contractor can be fairly compensated and so that public funds will not be expended on work that has not been done.

- .41 **General.** Progress estimates should be prepared on a preselected date each month.

The Local Agency shall document the quantities paid each month.

Progress estimates should be prepared promptly and may be forwarded to the contractor for review and signature.

- .42 **Statement of Intent to Pay Prevailing Wages.**

The contractor and subcontractors of every tier shall submit form LI 700-29 to L&I for approval of the wage rates they intend to pay. Each statement must be accompanied by the filing fee established by L&I (required by RCW 39.12.030 and 040).

The approved pink copy of form LI 700-29 shall be on file with the local agency before any payment is made to the contractor. Subcontractors of every tier shall have an approved copy of this form on file with the local agency before any payment can be made for their work.

52.5 Changes and Extra Work

Prior to beginning work on a contract, an agency should have a written policy for the approval of change orders to ensure that appropriate procedures are followed. Without a written change order policy delegating approval authority, the designated CA Agreement approval authority must approve all change orders.

It is important to distinguish between actual changes to the contract work and normal overruns and underruns that may occur. No change order work shall be done prior to approval being given, verbal or written. Verbal approval requires written documentation including a description of work that adequately describes the extent of the change. Verbal approval must be followed by a written change order. No contract payment shall be made prior to having the written change order approved.

When changes in the work will alter the termini, character, and scope of an approved project, approval of Highways and Local Programs is required prior to the commencement of the physical work. Refer to Chapter 21, The Project Prospectus, for further information. All change orders must be numbered in sequence.

Change order documentation is composed of two parts, (1) the approved change order signed by the agency and the contractor and (2) the backup documentation. The backup documentation shall include an explanation in sufficient detail so that everyone involved will understand the need for the change and how the change will affect the overall contract. The explanation shall include a detailed justification of the cost and/or any adjustment to working days associated with the change. The detailed cost justification shall be documented independent of the contractor's proposal to substantiate the change.

- .51 **Administrative Settlement Costs.** Administrative settlement costs are costs related to the defense and settlement of contract claims including, but not limited to, salaries of contracting officers or their authorized representatives, attorneys or members of arbitration boards, appeal boards, etc., which are allowable to the findings and determination of contract claims, but not including administrative or overhead costs.

FHWA funds may participate in administrative settlement costs which are:

- Incurred after notice of claim.
- Properly supported.
- Directly allocable to a specific FHWA project.
- For employment of special counsel for review and defense of contract claims when recommended by the agency's legal counsel and approved in advance by WSDOT.

When a claim is submitted, the Regional Highways and Local Programs Engineer should be contacted for advice on how to proceed.

52.6 Termination of Contract

Section 1-08.10 of the Standard Specifications, Termination of Contract, contains procedures and criteria for termination of a contract.

52.7 Compliance With Federal Contract Provisions

FHWA requires that all subcontracts at any tier be in writing, per 23 CFR, Section 635.116(b). This includes contracts between the prime contractor and their subcontractors, and contracts between subcontractors and their agents.

Each of these subcontracts also must physically contain the following documents, none of these documents can be included by reference only.

- The general special provision (GSP) entitled “Required Federal Aid Provisions,”
- Form FHWA 1273 “Required Contract Provisions Federal Aid Construction Contracts,” and
- The minimum wage rates for the contract as required by RCW 39.12 and Title 29 of the Code of Federal Regulations.

It is the responsibility of the local agency to ensure full compliance with the provisions above.

Implementation of the DBE and EEO programs are also federal contract requirements. Refer to Chapter 26, Disadvantaged Business Enterprises, and Chapter 27, Equal Employment Opportunity and Training.

52.8 Physical Completion of Construction

The local agency will carry out the following requirements to terminate the construction contract and ready the project for acceptance by WSDOT and FHWA:

- .81 Notice of Physical Completion.** Within 10 calendar days after physical completion of the work by the contractor, the Local Agency Project Engineer shall notify the contractor by letter that the construction is physically complete, and the project is subject to inspection, audit, and acceptance by the state. The agency shall diligently pursue closure of the contract.
- .82 Final Inspection.** The Local Agency Project Engineer shall send a request for WSDOT inspection and acceptance to the Regional Highways and Local Programs Engineer within 15 days of physical completion of work by the contractor. A copy of the physical completion letter that was sent to the contractor should accompany the request.

.83 Final Reports. A construction project is considered complete when the items listed below have been completed. All certifications and reports shall be retained for at least three years after final acceptance of the project.

- a. Final Estimate (Approving Authority File). When the contractor has a claim pending against the local agency and wants to receive a final estimate, a claim must be submitted by letter detailing specific items and amounts. (When a claim is submitted, immediately contact the Regional Highways and Local Programs Engineer so FHWA can be informed of the claim’s details at an early stage. See Section 1-09.12(2) of the WSDOT/APWA *Standard Specifications*.)
- b. Comparison of Preliminary and Final Quantities (Approving Authority File). A listing of items showing the preliminary and final quantities.
- c. Certified Final Bill for Utility Agreement, if applicable, to Regional Highways and Local Programs Engineer.
- d. Final Records (Approving Authority File). The Local Agency Project Engineer must document the work performed on the contract. Documentation consists of field books, inspector’s record of field tests, Project Engineer’s and inspector’s diaries, all invoices, weigh bills, truck measurements, quantity tickets, receiving reports, field office ledgers, mass diagrams, cross-sections, computer listings, and work profiles. Photographs or video tapes before, during, and after construction could be useful, especially if care is taken to show any unusual conditions, equipment, or procedures.

Final records shall be retained by the local agency for at least three years following acceptance of the project by WSDOT Highways and Local Programs. The local agency will receive from the Assistant Secretary for Highways and Local Programs the administrative review letter showing the starting and ending date of the three-year retention period (OMB Circular A-128).
- e. Record of Material Samples and Tests.
- f. Materials Certification (Appendix 52.94). The intent of the materials certification is to assure that the quality of all materials incorporated into the project is in conformance with the plans and specifications and thus ensure a service life equivalent to the design life.

This materials certification shall be completed in accordance with Section 9-1.5 of the *Construction Manual* or Chapter 52.3 of the *LAG* manual and is submitted along with the completion letter to the Regional Highways and Local Programs Engineer.

- g. Affidavit of Wages Paid. Upon completion of a contract, the prime contractor and every subcontractor or agent shall submit Form LI-700-7, "Affidavit of Wages Paid," to L&I for certification of the wage rates paid on the project. Each affidavit must be accompanied by the filing fee established by L&I.

Local agencies are required to retain a percentage of money earned by the contractor according to the provisions of RCW 60.28.011. An L&I-certified copy of Form LI-700-7 from the prime contractor and every subcontractor or agent must be on file with the local agency before the retained sum will be released.

- h. Release for the Protection of Property Owner and General Contractor. Upon completion of the contract, Form LI-263-83, furnished by L&I, shall be properly executed by the prime contractor and submitted to L&I. When L&I, based on its records, has verified that the industrial insurance and medical-aid premiums have been paid by the prime contractor and every subcontractor, a statement to that effect will be issued by the L&I contract release clerk. A copy of this statement must be on file with the local agency before the retained percentage can be released.
- i. WSDOT Form 422-102, "Quarterly Reports of Amounts Credited as DBE Participation," shall be submitted by the contractor to the local agency on all projects that contain DBE goals. This form should also be submitted when a qualified DBE contractor or subcontractor is employed on a project, regardless of whether that DBE is a condition of award or not. This form is submitted on a quarterly basis in January, April, July, and October. (See Chapter 26, Disadvantaged Business Enterprises.)

.84 Project Acceptance. The approving authority's approval of the final estimate will be considered as the local agency's acceptance of the project.

52.9 Appendixes

- 52.91 Sample Preconstruction Conference Agenda
- 52.92 Sample Preconstruction Conference Minutes
- 52.93 Sample Letter Requesting WSDOT Project Inspection and Acceptance
- 52.94 Sample Materials Certification
- 52.95 Timeline for Construction Contracts
- 52.96 Weekly Statement of Working Days
- 52.97 Change Order
- 52.98 Exceptions to the WSDOT Construction Manual

Forms

See Chapter 11 of the WSDOT *Construction Manual*.

FHWA Form WH-347

Project _____ Contract No. _____

Checklist for Project Certification

- | Yes | No | |
|----------|-------|--|
| 1. _____ | _____ | Request for approval of material sources was submitted for all items listed on the record of materials and as required by Chapter 9-4 of the WSDOT <i>Construction Manual</i> or alternative procedures authorized by LAG Appendix 52.98. |
| 2. _____ | _____ | All preliminary samples requested by or for approval of source were submitted and approved or an alternate approval material or product was used. |
| 3. _____ | _____ | All samples and documentation including manufacturer’s certificate of compliance, shop drawings, mill test certificates, etc., as required by the record of materials were submitted and subsequently approved. |
| 4. _____ | _____ | If job quantities differed from those listed on the record of materials, acceptance samples were taken at the frequency listed in Chapter 9-5.7 of the <i>Construction Manual</i> or alternative procedures authorized by LAG Appendix 52.98. |
| 5. _____ | _____ | All items requiring inspection at the point of fabrication were so inspected and were accepted at the jobsite by the presence of an approved stamp, sticker, tag, or mark. |
| 6. _____ | _____ | The results of the tests on acceptance samples indicate that the materials incorporated in the construction work, and the construction operations controlled by sampling and testing, were in conformity with the approved plans and specifications. Exceptions to the plans and specifications are explained on the back hereof (or on attached sheet). |
| 7. _____ | _____ | Items added by change order and not listed on the record of materials were accepted in accordance with procedures listed in Chapter 9 of the <i>Construction Manual</i> or alternative procedures authorized by LAG Appendix 52.98. |

Note: Any “No” answers on this checklist must be fully explained and documented. Attach test reports representing nonspecification material as well as an explanation of the circumstances leading to acceptance of said material. All seven items must be completed before the project can be certified.

Certified
Signature _____ Date _____
(Approving Authority)

| | | | |
|---|--|---|---------------------------------|
| | | • Award Date 1-03 WSDOT | |
| | | • Execution (WSDOT), Notice to Proceed (APWA) | |
| | | • Begin Work 1-08.4 WSDOT | |
| Working or Calendar Days set by Contract | | | |
| | | • Substantial Completion | 1-08.9 WSDOT 1-05.11(1) APWA |
| | | • Physical Completion | 1-08.5 WSDOT 1-05.11(2) APWA |
| | | • Contract Completion | 1-05.12 APWA |
| | | • Completion Date/Final Acceptance | 1-08.5 WSDOT 1-05.12 APWA |
| See Prompt Pay Section 1-09.9 | | | |
| | | • Final Payment | 1-09.9(4) APWA |
| | | • Retainage Release | 1-09.9(2) APWA |

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 | _____ |
| Contract Award | _____ |
| Contract Administration | _____ |

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 _____
 21.1 Changes in Scope, Limits, Character, Cost? Yes _____ No _____
 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 _____
 46.24 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:
 Meeting held? Yes _____ No _____
 Meeting documented? Yes _____ No _____

44.1 Commitment File:

24.94 Environmental and Permit Conditions Met Yes _____ No _____
 ECS Approval date _____
 Six month updates Yes _____ No _____

LAG Ref.

25 Right-of-Way

Right-of-Way Acquired Yes _____ No _____
 Right-of-Way Acquisition Procedures Dated: _____
 Listing of Right-of-Way Staff Current Yes _____ No _____
 25.11 Project Right-of-Way Certification Dated: _____

I 52 Administrative Settlements

52.51 Were any claims settled by Administrative Settlement? Yes _____ No _____
 Were claims submitted to Local Programs Engineer? Yes _____ No _____

Comments: _____

52.1 Project Diaries and Inspector's Daily Reports Signed and Up to Date? Yes _____ No _____

52.4 Payrolls:

Wage Rates Included in Contract? Yes _____ No _____
 Certified by Contractor? Yes _____ No _____
 Checked and Initialed by Agency? Yes _____ No _____

27 EEO Compliance:

27.32 PR-1391 on File and PR 1392 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? _____
 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 DBE goals approved by H&LP? Yes _____ No _____
 26.2 Quarterly Report of Amounts Credited as DBE Participation
 Sent to Region Local Programs Engineer? Yes _____ No _____

Contract Completion:

52.81 Completion Date: _____
 52.81 Completion Letter to Contractor transmitted to Local Programs: _____
 52.83 End of Project Materials Certification From Project Engineer to Approving Authority Date: _____

Construction Contract Administration: (Change Orders)

| CO# | Written App. Date | Major Items Involved | Cost Change +/- | W/D +/- | Agency Justified Independently |
|-----|-------------------|----------------------|-----------------|---------|--------------------------------|
| 1 | | | | | |
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| <i>Prime and Subcontractor Information</i> | | | | | | | | | | | |
|--|------|--------|------------------------------|-----|-----------------------------------|---|--------------------------------|-----------------------|---|---------------------------------------|---------|
| | Name | Amount | Request to Sublet 421-012 | DBE | Fed. Aid Certification 420-004 | Statement of Intent to Pay Prev. Wages F700-029-000 | Wage Rate Interview 424-003 | DBE Review 272-051 | Affidavit of Wages Paid F700-007-000 | Monthly Employee Util. Rpt 820-010 | Payroll |
| 1 | | | | | | | | | | | |
| 2 | | | | | | | | | | | |
| 3 | | | | | | | | | | | |
| 4 | | | | | | | | | | | |
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| 14 | | | | | | | | | | | |
| 15 | | | | | | | | | | | |
| NOTES: | | | | | | | | | | | |
| Total Amount Sublet | | \$ | | | | | | | | | |
| % of Contract Sublet = | | | | | | | | | | | |
| (Maximum 70%) | | | | | | | | | | | |

63.1 General Discussion

This chapter addresses criteria to be used on projects on the National Highway System (NHS) routes. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) established a major new federal aid system, the NHS. Although ISTEA provided that certain key routes, such as the Interstate Highway System, be included in NHS, most of NHS was not specified. The Secretary of Transportation of USDOT was directed by Congress to develop the NHS in cooperation with the states and local areas. In 1995, Congress approved the system. According to the Federal Highway Administration (FHWA), the NHS “is the centerpiece of the newly structured federal aid highway program.” The NHS includes the interstate system; other routes identified for their strategic defense characteristics; routes providing access to major ports, airports, public transportation, and intermodal transportation facilities; and principal arterials that provide regional service.

The NHS that was developed by the Washington State Department of Transportation (WSDOT) Planning and Programming Service Center in cooperation with local and regional officials based on guidelines established by the U.S. Secretary of Transportation and on the functional reclassification (see Section 12.36). The NHS in Washington has about 3,384 miles.

Although a part of the NHS, the Interstate System retains its separate identity and receives separate funding. The local agency mileage on the NHS, by agency, is listed in Appendix 63.81.

63.2 Types of Eligible Projects

These include construction, rehabilitation, resurfacing, restoration, and operational improvements for highways, highway safety improvements, highway related technology transfer activities, and carpool and vanpool projects.

63.3 Standards

Local agencies making improvements to NHS routes **with federal funding**, must comply with WSDOT’s qualified tester program. Refer to Chapter 52, Section 52.31, for requirements.

Design and construction standards for all new construction or reconstruction projects and for all 3R multi-lane limited access projects on the NHS shall meet or exceed AASHTO standards in accordance with Title 23 USC, Section 109(b) and Section 109(c). For other projects on the NHS, the currently approved standards stipulated in the WSDOT Design, Construction, and LAG manuals, as applicable or subsequent approved revisions will be met.

For 3R NHS projects, on other than multi-lane limited access facilities, regardless of funding, the minimum design standards will be the WSDOT *Design Manual* (M 22-01) Standards or approved revisions.

These standards are applicable for both WSDOT administered and local agency administered (through WSDOT) projects. FHWA will be notified promptly of all policy changes in these manuals, laws, regulations, or directives affecting FHWA projects.

63.4 NHS Certification Acceptance

All local agency NHS projects will be administered under Certification Acceptance (CA) procedures, regardless of federal funding source, except for certain high cost or unique bridge projects.

63.5 Projects Within Interstate Rights-of-Way

Since all projects within the Interstate rights-of-way (R/W) have the potential to impact safety and operations on the Interstate route, local agencies must incorporate Interstate design criteria and construction quality. It is the Federal Highway Administration’s (FHWA) policy that all projects within the Interstate R/W should be administered by WSDOT. However, given the scope and extent of non-Interstate projects within the Interstate R/W, it is recognized that local agency administration of some projects may be acceptable, and all requests will be considered on a case-by-case basis.

Whenever a local agency proposes a project within the Interstate R/W, the local agency must develop an agreement with WSDOT that clearly outlines each others duties and responsibilities to maintain the integrity of the Interstate facility, from both the safety and quality perspectives. The agreement should be executed prior to design approval and must be executed prior to advertising for bids. The following requirements must be incorporated into the agreement:

Responsibilities: WSDOT and the local agency must each assign a responsible Project Engineer.

Design: WSDOT must review and approve all highway plans, profiles, deviations, structural plans, false-work plans, shoring plans, and traffic control plans for any work within the Interstate R/W.

Plans, specifications, and estimates: WSDOT must review and approve the plans and specifications for any work within Interstate R/W.

Advertising and award: The local agency must confer with the WSDOT Project Engineer on any pre-award issues affecting the quality and timing of the contract.

Construction: All construction, materials, and quality control requirements contained in the current editions of the WSDOT Standard Specifications and Construction Manual must be incorporated into the agreement.

Contract changes: All contract changes affecting work within the Interstate R/W must have the prior concurrence of the WSDOT Project Engineer.

Final Inspection: The final inspection of the project must be performed by WSDOT Olympia Service Center or the Region Construction (Operations) Engineer and must evidence their approval.

Only local agencies with full certification acceptance authority may enter into such an agreement with the WSDOT.

The agreement must be submitted to FHWA prior to construction. FHWA reserves the right to assume full oversight of the project.

63.6 Project Approval Actions

In accordance with Title 23 and the Stewardship Agreement, the oversight option which applies to Federal-aid highway projects on local agency routes is Certification Acceptance procedures (NHS off the Interstate system and Non-NHS projects). For these procedures, the following chart establishes the contract administration and oversight responsibilities for the FHWA (F), the WSDOT (S), and Local CA Agencies (L):

| | Local CA NHS |
|--|-----------------|
| Construction Fund Auth. | F |
| Changes/Extra Work/ Non-participation | L |
| Claims | L |
| Project Inspections | L |
| Final Inspection | S |
| Final Acceptance | S |
| PR/PE | F |

Title 23 USC and 23 CFR provisions apply to all NHS Federal aid projects regardless of federal funding source or approval authority. State standards may be used on non-NHS projects, except for federal requirements pertaining to contracts (bid proposal content including Davis Bacon and DBE) and procurement procedures (competitive bidding and Brooks Act).

63.7 NHS Components

About 118 miles of the NHS are not under WSDOT jurisdiction. Although the state has not included any future routes on NHS, certain routes will be advanced for the NHS later. These projects would be either extensions or realignments of existing NHS routes.

63.8 Appendixes

63.81 List of Local Agency NHS Routes

63.82 Local Agency NHS Route Termini

STP Distribution Attributable to the NHS System

| Local Jurisdiction by MPO/RTPO | Approximate NHS Miles | %NHS | Lead Agency |
|-----------------------------------|-----------------------|----------------|--------------------|
| Clallam County | 0.85 | 0.72 | |
| Richland | 0.85 | 0.72 | |
| Dept of Energy/Benton Co. | 2.35 | 1.99 | |
| Pasco | 0.58 | 0.49 | BFCG |
| Douglas County | 3.74 | 3.17 | |
| East Wenatchee | 0.21 | 0.18 | Douglas County |
| King County | 1.77 | 1.50 | |
| Bellevue | 2.16 | 1.83 | |
| Federal Way | 0.40 | 0.34 | |
| Kent | 1.55 | 1.31 | |
| Kirkland | 1.29 | 1.09 | |
| Renton | 3.02 | 2.56 | |
| Seatac | 2.35 | 1.99 | |
| Seattle | 38.29 | 32.41 | |
| Shoreline | 0.91 | 0.77 | |
| Tukwilla | 2.67 | 2.26 | |
| Port of Seattle | 1.25 | 1.06 | |
| Kitsap County | 10.45 | 8.84 | |
| Port Orchard | 0.73 | 0.62 | |
| Pierce County | 0.25 | 0.21 | |
| Lakewood | 1.08 | 0.91 | |
| Fife | 0.12 | 0.10 | |
| Tacoma | 1.13 | 0.96 | |
| Snohomish County | 4.19 | 3.35 | |
| Lynnwood | 0.09 | 0.08 | |
| Mountlake Terrace | 0.09 | 0.08 | |
| Everett | 1.59 | 1.35 | PSRC |
| Spokane County | 4.33 | 3.66 | |
| Spokane | 3.23 | 2.73 | SRTC |
| Whitman County | 2.78 | 2.35 | |
| Pullman | 0.44 | 0.37 | Whitman County |
| Thurston County | 0.75 | 0.63 | |
| Lacey | 5.14 | 4.35 | |
| Olympia | 2.18 | 1.85 | |
| Tumwater | 2.50 | 2.12 | TRPC |
| Walla Walla Port | 0.72 | 0.61 | Walla Walla County |
| Whatcom County | 0.26 | 0.22 | |
| Bellingham | 4.90 | 4.15 | WCOG |
| Yakima County | 1.79 | 1.52 | |
| Union Gap | 0.58 | 0.49 | |
| Yakima | 2.43 | 2.06 | YVCOG |
| Vancouver | 0.28 | 0.24 | |
| Island County | 1.88 | 1.59 | |
| Total | 118.15 | 100.00% | |

| Agency Name | Functional Class | Route Name | Start Location | Ending Location |
|--------------------|-------------------------|---------------------------------|---------------------------|-------------------------|
| Bellevue | 14 | NE 8th Street & NE 4th Street | I-405 | Bellevue Transit Center |
| Bellevue | 16 | 108th Avenue NE & NE 6th Street | I-405 | Bellevue Transit Center |
| Bellevue | 16 | SE Eastgate Way | Eastgate P&R | 156th Avenue SE |
| Bellevue | 14 | Lake Washington Boulevard | I-405 | Kirkland C/L |
| Bellevue | 16 | Northrup Way | Lake Washington Boulevard | 108th Avenue NE |
| Bellingham | 14 | 12th Street | Donovan Avenue | Harris Avenue |
| Bellingham | 17 | Harris | 12th | Alaskan Ferry |
| Bellingham | 14 | Meridian Street | I-5 | Port of Bellingham |
| Bellingham | 16 | Squalicum Way | I-5 | Port of Bellingham |
| Clallam County | 16 | Airport Road | SR 101 | Airport |
| Douglas County | 02 | Grant Road & Airport Way | Urban Boundary | Airport Terminal |
| Douglas County | 16 | Grant Road | City Limits | Urban Boundary |
| East Wenatchee | 14 | Grant Road | State Highway 28 | C/L |
| Everett | 14 | 20th Avenue | SR 526 | Boeing Parking Lot |
| Everett | 14 | Airport Road | SR 526 | Everett C/L |
| Everett | 14 | Pacific Avenue | Multimodal Center | I-5 |
| Everett | 17 | Hoyt Avenue | Everett Transfer Center | Everett Avenue/SR 529 |
| Federal Way | 14 | S 320th Street | Federal Way P&R | I-5 |
| Federal Way | 14 | S 348th Street | South Federal Way P&R | SR 99 |
| Fife | 14 | Port of Tacoma Road | I-5 | Fife C/L |
| Island County | 07 | Ault Field Road | Whidby Island NAS | SR 20 |
| Kent | 14 | James Street | West Valley Highway | N Lincoln Avenue |
| Kent | 16 | N Lincoln Avenue & 264th Street | SR 516 | Kent P&R |
| Kent | 17 | James Street | 64th Avenue S | West Valley Highway |
| Kent | 19 | 64th Avenue S | James Street | Meeker Street |
| King County | 14 | Rainier Avenue South | Renton C/L | Seattle C/L |
| King County | 16 | Juanita-Woodinville Way | Brickyard P&R | I-405 |
| King County | 14 | S 272nd Street | SR 99 | Star Lake P&R |
| Kirkland | 16 | Northrup Way & 108th Avenue NE | S Kirkland Transit Center | Lake Washington Blvd |
| Kirkland | 14 | NE 124th Street | 116th Avenue NE | I-405 |
| Kitsap County | 07 | Beach Drive | Manchester Fuel Depot | Urban Boundary |
| Kitsap County | 16 | Beach Drive | Urban Boundary | Port Orchard C/L |
| Kitsap County | 16 | Clear Creek Road | SR 3 | Trigger Avenue |
| Lacey | 17 | 6th Avenue SE | Lacey Transit Center | College Street |
| Lacey | 14 | College Street SE | I-5 | Yelm Highway |
| Lynnwood | 17 | 200th Street SW | Lynnwood P&R | 44th Avenue W |
| Mountlake Terrace | 16 | 236th Street SW | I-5 | Mt. Lake Terrace P&R |
| Olympia | 14 | State Avenue | Transit Center | Plum Street |
| Olympia | 14 | Henderson Boulevard | I-5 | State Avenue |
| Olympia | 19 | Washington Street | 4th Avenue | Port of Olympia |
| Olympia | 14 | 4th Avenue | Plum Street | Washington Street |
| Pasco | 14 | 20th Avenue | I-182 | Argent Road |
| Pierce County | 14 | Bridgeport Way SW | I-5 | McChord AFB |
| Pierce County | 14 | 112th Street South | SR 512 | McChord AFB |
| Pierce County | 14 | Port of Tacoma Road | Fife C/L | Tacoma C/L |
| Port of Seattle | 12 | Airport Freeway | SR 518 | Seatac Airport |
| Port Orchard | 16 | Beach Drive | SR 166 | Port Orchard C/L |
| Pullman | 16 | Airport Road | SR 270 | Urban Boundary |
| Renton | 14 | Airport Way | Rainier Avenue South | I-405 |
| Renton | 14 | Rainier Avenue South | S 2nd Street | Renton C/L |
| Richland | 14 | Stevens Drive | Jadwin Avenue | Spengler Road |