

LTAP news

National Highway System Questions & Answers

By H&LP Staff

MAP-21, the 2013-2014 Federal Transportation Act, expands the National Highway System (NHS) effective October 1, 2012, adding over 850 miles of locally owned principle arterials in Washington State not previously included. These added streets and roads will now be eligible for funding through the National Highway Performance Program. For a list of all NHS routes by city, visit our website:

www.wsdot.wa.gov/localprograms

Are there any new requirements?

Design Standards

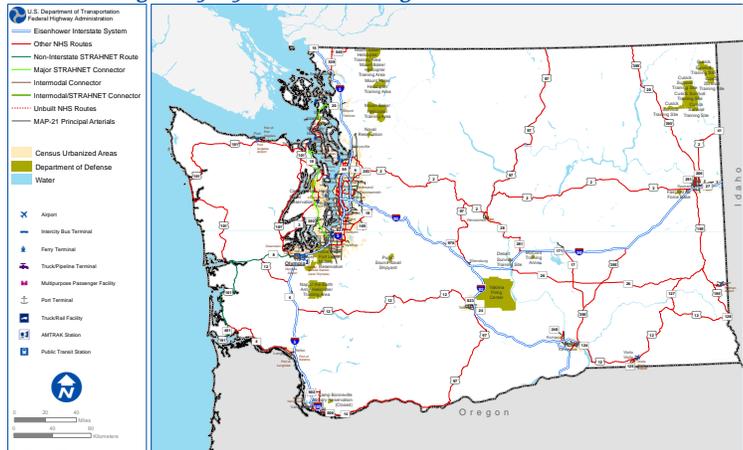
Because WSDOT's Local Agency Guidelines always relied on the AAS-HTO Green Book for design of new and reconstruction projects using Federal-aid, no new design standards will apply to the locally owned principle arterials added to the NHS in 2012. Visit WSDOT's website for additional information on City and County Design Standards:

www.wsdot.wa.gov/LocalPrograms/LAG

In This Issue:

- 1 National Highway System Questions & Answers
- 4 Endangered Species Act Updates
- 11 Westside Maintenance Academy
- 13 Plug-in Electric Vehicle Action Tool
- 17 More on Buy America Requirements
- 19 City Streets as State Highways Maintenance Guidelines
- 21 Local Agencies, Contractors, FHWA, & WSDOT meet for a Longitudinal Joint Workshop
- 22 Ways to Help Your Federal Aid Project Run Smoothly (OR . . . Be Careful What You Wish For!)

National Highway System: Washington



Certified Testers

Local Agencies making improvements to National Highway System (NHS) routes with Federal-aid must comply with the FHWA approved qualified tester program for materials and workmanship. If a local agency is not certified to perform these tests, there are several options for meeting the qualified tester requirements:

- Contract with WSDOT to perform the required tests.
- Pursue tester qualification through WSDOT for agency personnel.
- Use laboratories qualified to test as defined by AASHTO test methods appropriate to the material.
- Use laboratories that are accredited by the Labor Accreditation Bureau, or accredited by the Construction Materials Engineering Council (CMEC).

Find additional guidance on certified materials and workmanship testers in WSDOT's Local Agency Guidelines Chapter 52 on our website:

www.wsdot.wa.gov/localprograms/LAG

Performance Measures

MAP-21 required FHWA to develop national performance measures. Three measures apply specifically to the NHS including pavement condition, bridge condition, and system performance.

Although we are still analyzing the impact of the newly added NHS routes on data reporting, we expect this expansion of the NHS to impact data programs such as FHWA's Highway Performance Monitoring System (HPMS) and National Bridge Inventory (NBI) that provide coverage of the NHS.

Outdoor Advertising Control

Locally managed principle arterials added to the NHS under Map 21 will be subject to the same outdoor advertising control requirements as all other segments of the NHS. The Federal Highway Beautification Act regulates signs visible from Federal-aid highways, including the NHS. The State's Highway Advertising Control Act regulates signs visible from Interstate highways and most state highways, including the NHS.

The Highway Advertising Control Act assures that signs adjacent to the highway present information safely and effectively, and to preserve the scenic quality of Washington's roadsides. For signs visible from public roadways, regulations also assure that drivers are not distracted from the driving task. For additional information about outdoor advertising control in Washington, visit our website: www.wsdot.wa.gov/Operations/Traffic/Signs

Endangered Species Act Updates

Prepared by Mark Bakeman, WSDOT Environmental Services and Bill Leonard, WSDOT Highways & Local Programs

Changes to Endangered Species Act (ESA)-listed species and critical habitats administered by the US Fish & Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) are rapidly occurring. These changes have the potential to affect local agency consultations in a few key ways:

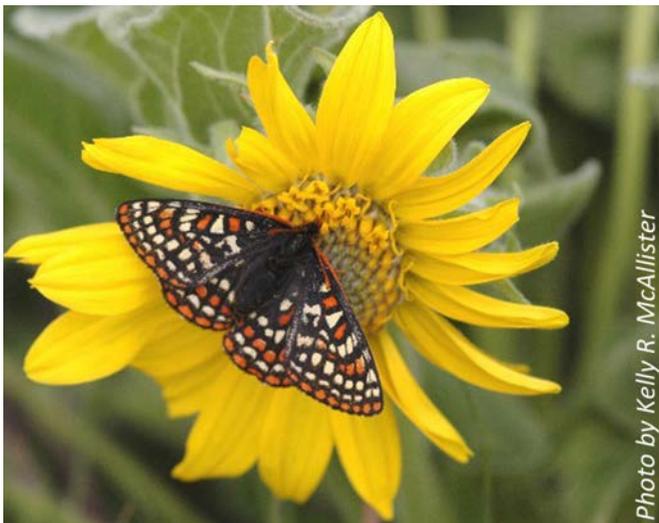
- Section 7 consultation will be needed in areas where it has previously not been required.
- Additional information and analysis will need to be provided in Biological Assessments.

This article summarizes the changes, and describes the areas of the state that will be affected.

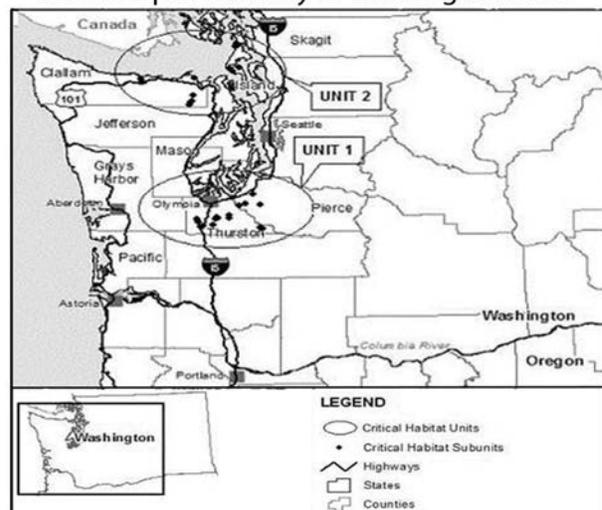
Prairie Species

Taylor's Checkerspot Butterfly

- Historically, Taylor's Checkerspot was more widely distributed throughout prairies in the Willamette Valley, Puget Sound, and southern Vancouver Island. Northwest grasslands were formerly more common, larger, and interconnected



Proposed Critical Habitat for Taylor's Checkerspot Butterfly in Washington State



- conditions that likely supported a greater distribution and abundance of this taxon. Seven populations of the Taylor's Checkerspot occur in Washington: two in the Willamette Valley in Oregon, and one in British Columbia.

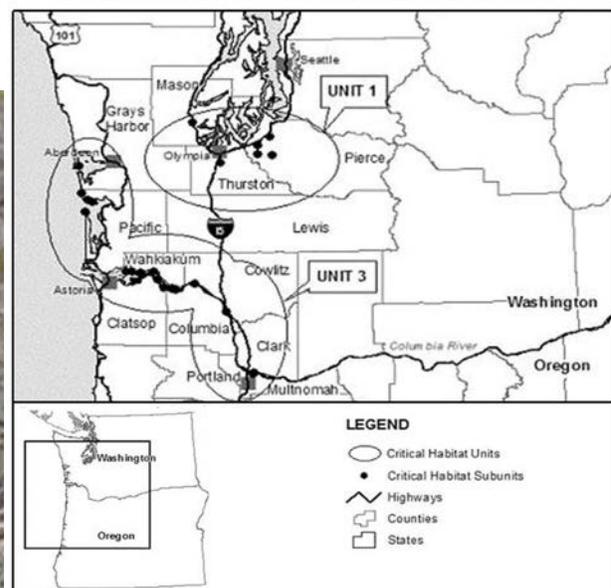
- USFWS proposed Taylor's Checkerspot to be listed as Endangered in October 2012.
- The final listing is expected in November 2013.
- Critical habitat is proposed in prairies within Clallam, Pierce, & Thurston counties.
- The listing will affect projects that are located within or adjacent to suitable or critical habitat that includes ground disturbance or other vegetation modification.

Streaked Horned Lark

- The Streaked Horned Lark is endemic to the Pacific Northwest, and is a subspecies of the wide-ranging Horned Lark. Horned Larks are small, ground-dwelling birds, approximately 6–8 inches in length.
- USFWS proposed Streaked Horned Lark for listing as Threatened in October 2012.
- The final listing is expected in November 2013.
- USFWS has proposed to cover some activities for airports and agriculture under the ESA 4(d) rule.
- Critical habitat is proposed (see figure).



Critical Habitat for Streaked Horned Lark in Washington



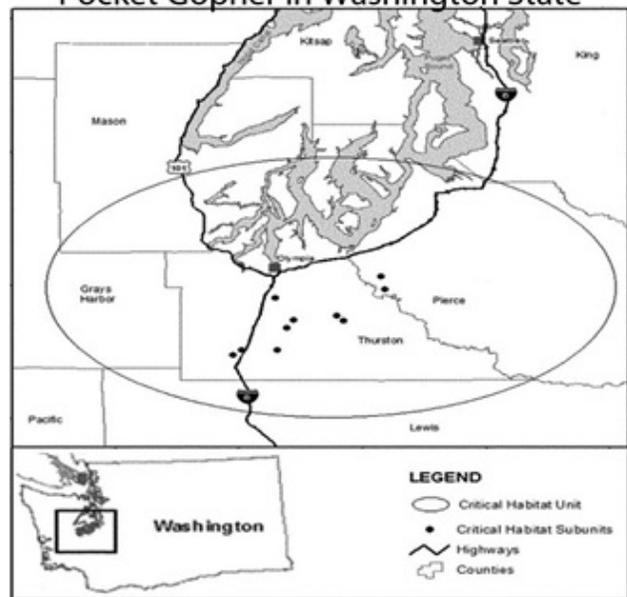
- Streaked Horned Larks prefer to nest in open areas with low vegetation cover. The first few years after an area has been disturbed, and some pioneering vegetation presents itself is the period of maximum attraction.
- This species is found in prairie habitats in Thurston and Pierce counties, beach habitats in Grays Harbor and Pacific counties, and shorelines of islands in the lower Columbia River in Wahkiakum, Cowlitz, and Clark counties.
- The listing of the streaked horned lark may affect projects that include ground disturbance or other vegetation modification and occur within or adjacent to suitable or critical habitat.

Mazama Pocket Gopher

- The Mazama Pocket Gopher is a small burrowing rodent that is associated with well-drained glacial outwash soils with grassland or herbaceous vegetation. Pocket gophers excavate and live in underground tunnels and burrows. The primary evidence that gophers are living in an area is presence of horseshoe-shaped soil mounds at the surface; however the common Townsend's and Coast moles also produce soil mounds with a similar appearance. Mazama pocket gophers were formerly more widespread on south Puget Sound prairies, but their distribution has diminished as suitable habitat has been lost to development or degraded by Scotch broom and succession to forest.
- USFWS proposed the Mazama Pocket Gopher as Threatened in December 2012.



Proposed Critical Habitat for the Mazama Pocket Gopher in Washington State



- USFWS has proposed to cover some activities for airports, agriculture, and single family residences under an ESA 4(d) rule.
- The final listing is expected November 2013.
- Critical habitat is proposed (see figure).
- Mazama Pocket Gophers occur in and around Joint Base Lewis-McChord in Pierce and Thurston counties, as well as grassland habitats in Thurston County.
- This listing may affect projects that include ground disturbance or other vegetation modification and occur within or adjacent to suitable or critical habitat.

Marbled Murrelet

- The Marbled Murrelet is a robin-sized seabird that nests in mature conifer trees up to 60 miles inland from the Pacific Ocean and Puget Sound coasts.
- Over the past decade, there has been a 29 percent decline in the murrelet population across its range – with the greatest decline occurring in Washington State.
- During consultation, USFWS is paying increased attention to activities that could lead to disturbance/take of the species.
- In June 2012, USFWS issued revised guidance that lengthened the nesting season by one week; the new nesting season extends from April 24 to September 23. This has shortened the construction window for project activities that could disturb nesting murrelets.
- USFWS is revising the underwater noise thresholds it uses for determining both injury to and take of Marbled Murrelets. In addition, USFWS is developing thresholds for surface/air noise that it will use in determining disturbance.
- USFWS is currently developing updated guidance on what it considers “suitable habitat” and nest trees, which is likely to include a broader range of forest types.
- Changes to USFWS’ guidance on the Marbled Murrelet are resulting in more projects needing to consult



with USFWS. In addition, some projects that in the past would have been informal consultations now may need to conduct formal consultation for noise in terrestrial habitats.

Northern Spotted Owl

- The Northern Spotted Owl is believed to have historically inhabited most forests throughout southwestern British Columbia, western Washington and Oregon, and northwestern California as far south as the San Francisco Bay. Loss and adverse modification of nesting, roosting, and foraging habitat due to timber harvesting, land conversions, natural disturbances such as fire and windstorms, and competition with encroaching Barred Owls have led to a decline of spotted owls throughout much of their historic range. The US Fish and Wildlife Service listed the Northern Spotted Owl as Threatened under the Endangered Species Act in 1990.
- USFWS revised critical habitat for the Northern Spotted Owl in January 2013. The revision expanded critical habitat in Washington by approximately 1,103,910 acres.
- The expansion of critical habitat is resulting in more projects needing to consult with the USFWS.



Changes in Designated Critical Habitat for the Spotted Owl

WSDOT Region	Old area CH (acres)	New area CH (acres)	% increase
NC	284,039	465,651	64%
NW	473,349	645,765	36%
OLY	333,839	512,495	54%
SC	262,251	475,153	81%
SW	460,880	819,204	78%
Total	1,814,358	2,918,267	62%

NMFS Proposes New Salmonid Critical Habitats

- NMFS has proposed new critical habitat for Lower Columbia Coho that will extend from the mouth of Columbia River upstream to its confluence with the Big White Salmon and Hood Rivers.
- NMFS has proposed new critical habitat for Puget Sound Steelhead that includes areas for natural and some hatchery spawners and resident steelhead not part of the Distinct Population Segment. The proposed critical habitat is very complex.
- The new critical habitats should be considered and discussed in Biological Assessments prepared for projects within the Lower Columbia River and Puget Sound regions.
- The final ruling on these critical habitats is expected in January 2014.

Wolverine

- The wolverine is the largest terrestrial member of the weasel family (mustelidae). Adult males weigh 26 to 40 pounds and adult females weigh 17 to 26 pounds. The wolverine resembles a small bear with a bushy tail. It has a broad, rounded head; short, rounded ears; and small eyes. Each foot has five toes with curved, semi-retractile claws used for digging and climbing.
- Small populations of Wolverine are present in the Cascade Mountains in Washington State. In 2012, researchers documented reproduction for the first time in Washington State.
- The Wolverine was previously listed as a Candidate species, but In February 2013 the USFWS proposed it for listing as a Threatened species.
- Climate change is believed to be primary threat to the species.
- The listing of the Wolverine is not anticipated to affect transportation projects in Washington since the majority of their habitat is in high elevation, mountainous areas.



Other Species

USFWS is currently considering listings for three additional species in Washington State:

- Yellow-billed Cuckoo
- Oregon Spotted Frog
- Fisher

Announcements on these species are expected from USFWS in late 2013.

Changes to ESA Liaison Program

- Beginning on June 1, 2013, Highways & Local Programs (H&LP) will no longer participate in WSDOT's Liaison Program, which for the past 12 years has funded WSDOT biologists to work on consultations for transportation projects at NMFS and USFWS.
- In its place, H&LP has offered to fund a federal biologist at USFWS to work exclusively on local agency consultations for both Services. NMFS and USFWS have agreed to the proposal and discussions between H&LP and the Services are ongoing.
- We hope to have the new federal liaison hired and ready to begin working on local agency consultations on July 1, 2013.

Westside Maintenance Academy

By WSDOT Staff

March 25-29 approximately 70 new WSDOT and Local Agency Maintenance personnel met at the Thurston County Fairgrounds to learn some basics about maintenance safety practices and responsibilities. The training program was well attended by both WSDOT staff, and 12 local government agencies.

“The Westside Maintenance Academy jumpstarts newer maintenance employees’ careers in a streamlined, focused, real-world environment,” said Don Clotfelter, Olympic Region Maintenance Manager. “The curriculum readies participants to be informed employees that are ready to go to work safely and effectively in individual or crew assignments for WSDOT, or any other local agency program.”

The training, offered in conjunction with WSDOT’s Local Technical Assistance Program (LTAP), provided sessions by WSDOT personnel and included topics ranging from HazMat Awareness to Social Media.

Along with the 39 WSDOT maintenance personnel attending from the Olympic, Northwest, and Southwest regions there were also attendees from City of Sequim, City of Lacey, Kitsap County Public Works, City of Olympia, City of Edmonds Public Works, the town of Bucoda, Thurston County Public Works, Colville Tribes Department of Transportation, Pend Orielle County, Island County, Snohomish County Public Works Roads Division, and the Town of Steilacoom.

“WSDOT has a proven, well established curriculum that smaller agencies don’t have the resources in place to provide. We welcome these agencies to take advantage of what we’re capable of doing in a larger, comprehensive scope,” said Clotfelter.



Another benefit of sharing the opportunity to learn together is the chance to meet and network with other maintenance professionals. Joint training provides opportunities that help build a solid network of responders that may help residents of the state endure natural or man-made disasters in the future.

WSDOT Construction and Design Trainers have a long history of providing joint training opportunities to our local agency partners. The Westside Maintenance Academy was our first effort in the maintenance arena in several years. Based on the positive feedback and comments we hope to expand maintenance offerings in the near future.

LTAP coordinates training and technical assistance to local agencies in Washington through a program funded by FHWA and the Washington State Department of Transportation. You can learn more about our program by visiting our website.

Research Note

Plug-In Electric Vehicle Action Tool

From the WSDOT Research Office –
WA-RD 801.1
January 2013

Disclaimer: The contents of this report reflect the views of the authors, who are responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the Washington State Department of Transportation or Federal Highway Administration. This report does not constitute a standard, specification, or regulation.



Introduction

Plug-in electric vehicles (PEVs or electric vehicles) offer an opportunity to address energy security, air quality, climate change, and economic growth. Both private industry and government have significantly invested in electric vehicles in the past few years. Electric vehicle sales increased rapidly— in the second year of mass market availability, the number of PEVs sold is anticipated to show more than 150 percent growth in 2012.

Electric vehicles remain a small percentage of the vehicles sold in the US and future market growth is uncertain due to economic, policy, and technical challenges. For public and private benefits to materialize fully, the PEV market must see sustained growth over a decades-long period for public and private benefits to materialize.

State departments of transportation (DOTs) and other public agencies as metropolitan planning organizations (MPOs), local governments, and state energy agencies can

accelerate PEV adoption in a manner that maximizes greenhouse gas emission reductions, energy security benefits, electrical grid reliability, and economic benefits including job creation.

The primary purpose of the PEV Action Tool is to help state DOTs determine their goals for PEV development and to chart out a path for reaching those goals. Many of the suggested actions and resources in the tool are applicable to other public entities.



Washington State
Department of Transportation

Our process

To share information and best practices on PEV deployment and define the role of state DOTs in this market, Washington State Department of Transportation initiated a transportation pooled fund study, *Executive Workshops on Strategies and Best Practices for State Departments of Transportation to Support Commercialization of Electric Vehicles (EV) and Infrastructure TPF-5-(250)*, on strategies and best practices to support PEV and charging infrastructure commercialization.

A literature review, survey and two workshops were conducted. Representatives from seven other state transportation departments

(Arizona, California, Georgia, North Carolina, Ohio, Oregon, and Wisconsin), the Federal Highway Administration, and various other local and states entities (Siskiyou County, Oregon Governor's Office, City of Raleigh, and the California Energy Commission) participated in the two workshops in Berkeley, CA and Raleigh, NC in March and June 2012, respectively.

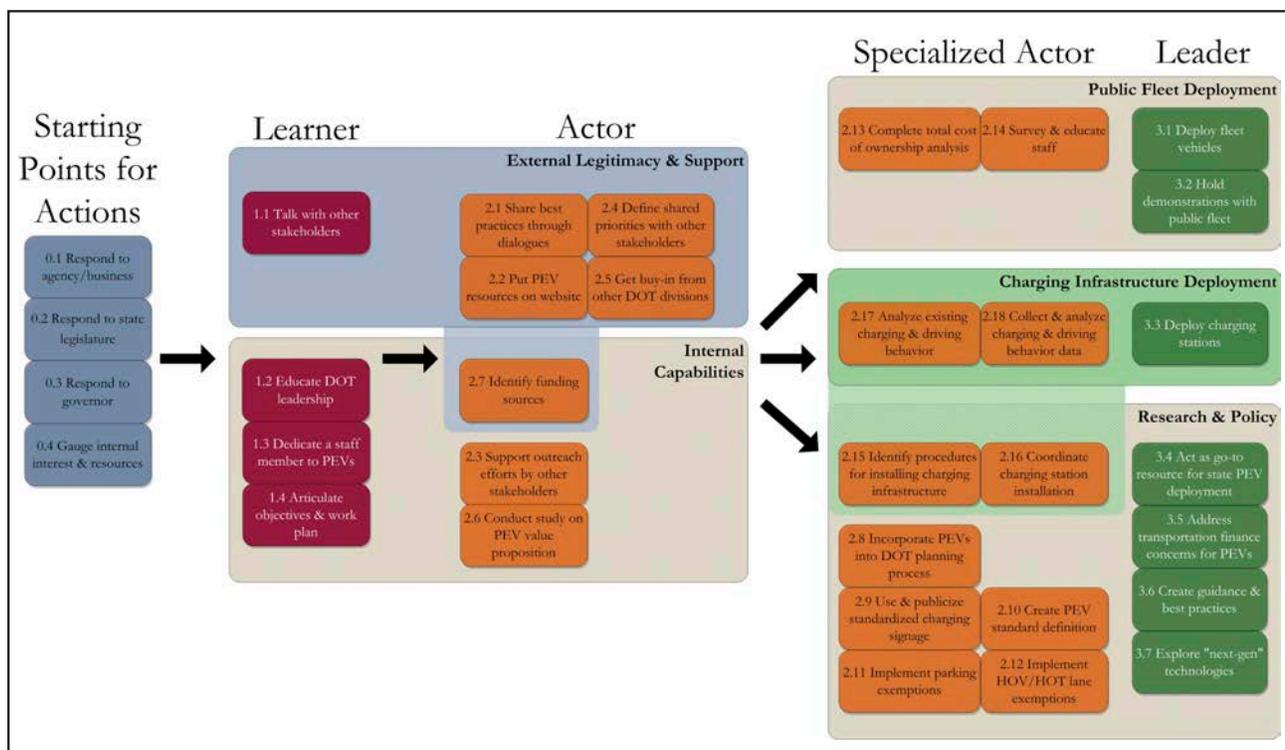
Results

The PEV Action Tool contains four parts:

1. Actions Map and Profile Descriptions
2. Actions List
3. Briefs, and
4. Resource List

The Actions Map and Profile Descriptions present a high-level overview of the tool, and chart out 33 actions that state transportation agencies can take. This component allows state transportation departments to assess its profile type – whether it is just starting work, a Learner, an Actor, or a Leader on PEV deployment. It also allows a DOT to explore what aspect of PEV deployment to focus on, e.g., charging station deployment, or policy and research. Next, by clicking on a particular action, the DOT can read an in-depth description of the action within the Actions List.

To supplement the Actions List, the Tool also contains two Briefs detailing the benefits and common concerns regarding PEVs.



PEV Action Tool



North Carolina PEV Workshop. Participants tour a solar electric vehicle charging station. Photo is courtesy of City of Raleigh, NC.

Implementation

The PEV Action Tool will be useful to state departments of transportation in helping them to determine the next steps and approach to take in pursuing electric vehicle technology.

The online tool helps an agency with assessment and planning to determine its current status, describes potential actions, provides suggestions for implementing those actions, and highlights potential outcomes.

Action categories include:

- Internal capabilities
- External legitimacy and support
- Charging infrastructure deployment
- Public fleet deployment
- Research and policy
- Public value proposition
- Communications and outreach

The Action Tool is also a resource for learning about PEVs and best practices from other state agencies with spotlights and examples displayed throughout the descriptions of actions. The tool also contains briefs detailing the benefits and common concerns regarding PEVs. The Resource List contains references, additional reading and quantitative data.



Report Title and Washington Reporting Document (WA-RD)

WA-RD 801.1
PEV Electric Vehicle Action Tool

www.wsdot.wa.gov/Research/Reports/800/801.1.htm

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Funding

\$ 20,000 (Federal) FHWA
\$ 125,000 (Federal) State DOTs
\$ 145,000 Total

Acknowledgements

Special thanks to the North Carolina Department of Transportation for their participation and support at the Berkeley, CA. and the Raleigh, North Carolina EV workshops. Special thanks to the City of Raleigh, NC for assisting with event planning, meeting coordination and participation in the EV Workshop held in Raleigh, NC.

Transportation Pooled Fund Partners

Funding partners for TPF-5(250) Executive Workshops on Strategies and Best Practices for State Departments of Transportation to Support Commercialization of Electric Vehicles (EV) and Infrastructure www.pooledfund.org/Details/Study/478:

- Arizona Department of Transportation
- California Department of Transportation
- Federal Highway Administration
- Georgia Department of Transportation
- Ohio Department of Transportation
- Oregon Department of Transportation
- Washington State Department of Transportation, project lead
- Wisconsin Department of Transportation

Americans with Disabilities Act (ADA) Information:

Materials can be provided in alternative formats: large print, Braille, cassette tape, or on computer disk for people with disabilities by calling the Office of Equal Opportunity (OEO) at (360) 705-7097. Persons who are deaf or hard of hearing may contact OEO through the Washington Relay Service at 7-1-1.

13-02-0001730

Title VI Statement to Public:

It is the Washington State Department of Transportation's (WSDOT) policy to assure that no person shall, on the grounds of race, color, national origin and sex, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities. Any person that believes his/her Title VI protection has been violated may file a complaint with WSDOT's Office of Equal Opportunity (OEO). For Title VI complaint forms and advice, please contact OEO's Title VI Coordinator at (360) 705-7098.

More on Buy America Requirements

By H&LP Staff

Have you ever tried to find a bicycle that meets the “Buy America” requirements? How about, a stainless steel VMS cabinet? Or, my personal favorite, door hinges and switch plate covers! All these things have created a great deal of work on the part of agencies administering projects with federal funds. A recent ruling from the US Department of Transportation, Federal Highway Administration (FHWA), will eliminate a great deal of the guess work as to whether or not an item is subject to Buy America.

A recent memorandum issued by the FHWA Project Management Improvement Team for Buy America offered clarification on what constitutes a “Manufactured Product” under the Buy America provisions. The clarification will help future Title 23 funded projects deal with this difficult topic.

What do you need to know?

Buy America applies to:

- Any manufactured product that is predominantly made of steel or iron, if the product consists of at least 90 percent steel or iron when delivered to the jobsite for installation
 - » Jobsite is defined as “the sites where any precast concrete products are manufactured”. Therefore, it applies to the steel used in precast items.
- Steel or iron products used in pavements, bridges, tunnels, or other structures; including but not limited to, fabricated structural steel, reinforcing steel, piling, high strength bolts, anchor bolts, dowel bars, permanently incorporated sheet piling, bridge bearings, cable wire/strand, prestressing/post-tensioning wire, motor/machinery brakes and other equipment for moveable structures
- Guardrail, guardrail posts, end sections, terminals, cable guardrail
- Steel fencing material and posts
- Steel or iron pipe, conduit, grates, manhole covers, risers
- Mast arms, poles, standards, trusses, or supporting structural members for signs, luminaires, or traffic control systems
- High strength steel bolts, nuts, and washers

Buy America does not apply to:

- The miscellaneous steel or iron components, subcomponents, and hardware necessary to encase, assemble, and construct the above components (or manufactured products that are not predominantly steel or iron)
- Cabinets, covers, lifting hooks, faucets, door hinges, shelves, clamps, fittings, sleeves, screws, tie wire, spacers, and chairs
- Materials listed in Washington State Department of Transportation (WSDOT) Construction Manual Section 9-1.3C-Low Risk Materials
- Anchor Ferrules
- Architecture Miscellaneous items – doors, hinges, fixtures, faucets, shelves, etc.
- Bollard and Components
- Non-High Strength Bolts Nuts and Washers
- Clamps
- Dobie/Mortar Blocks
- Construction Aides – Lifting hooks and inserts
- Electrical Miscellaneous Fittings
- Gabion Miscellaneous Hardware (not fabrics)
- Irrigation System Components and Hardware (except pipe or conduit)
- Pipe Sleeves
- Precast Concrete Traffic Barrier Pins
- Rebar chairs and spacers
- Shims
- Screws
- Utility inserts
- Welding Rods and Welding Wire
- Weld Splices for Precast Concrete Girders

What this means is that we have a ruling on problems that have plagued our program for years. The process of applying for an exception will not be clogged with multiple requests for these items and the material approval and acceptance processes have been made much more clear. We are delighted this ruling was made and published and hope you appreciate how much this will simplify the material approval and acceptance processes. More information is located at this link: www.wsdot.wa.gov/localprograms. Scroll to the bottom of the page. The “CMO Documentation Requirements” document is linked just above the “Funding Programs” section.

City Streets as State Highways Maintenance Guidelines

By Aaron Butters

Background

Within the State of Washington there are over 500 centerline miles of City Streets that also function as State Highways. Cities that own these roadways and the State have shared responsibility for maintenance and operational activities as described in RCW 47.24.020. In 1997 the Association of Washington Cities (AWC) and WSDOT developed a set of agreed to guidelines outlining Construction, Operations and Maintenance responsibilities for these roadways.

In 2011 an effort was kicked off to update the guidelines to include additional features and resolve inconsistencies. The updated agreement will also reduce the number of individual maintenance agreements that are negotiated to cover elements not addressed in the previous agreement.

Typical Cross Section Displaying Responsibility and Jurisdiction



Approach to Update

A team was formed including representatives from WSDOT, AWC and Member Cities. All cities and additional WSDOT staff were provided an opportunity for input to identify needed updates and to review the updated draft agreement. Team members also presented draft agreements and solicited input at conferences.

Summary of Agreed to Changes

There were several changes to the document to clarify responsibilities, highlights are as follows;

- Plan to revisit the guidance on a three year cycle and update or amend as necessary.
- Additional general statements were added to address major items (snow and ice, major culverts, interchanges)
- Curb Ramps to meet ADA – City responsibility.
- Decorative Features and Finishes – City responsibility
- Raised Medians.
- Landscaping and Irrigation systems – City responsibility.
- Curbs and any hard surface (not landscaped) – WSDOT responsibility.
- Bike lanes will follow the same approach as all other travels lanes.
- Pavement – WSDOT responsibility.
- Striping and Pavement Markings – Dependant on population of city, under 25,000 –WSDOT, over 25,000 – City responsibility.
- Round-a-bouts will follow approach from existing guidance.
- Pavement and truck apron are traveled surface and will be considered pavement – WSDOT responsibility.
- All elements beyond curb such as landscaping or decorative features are city responsibility.
- Bridge Structures
- Tables were simplified and clarified
- Additional cross sections were added to clarify limits of responsibility

More Information

The complete agreement is available at: www.wsdot.wa.gov/LocalPrograms/LAG/Construction.htm click on “City Streets as Part of State Highways”.

Local Agencies, Contractors, FHWA, and WSDOT meet for a Longitudinal Joint Workshop

By Ruth McIntyre, H&LP Technology Transfer Engineer

Federal Highway Administration (FHWA) and the Asphalt Institute (AI) combined forces to develop a workshop to address one of the most common reasons asphalt pavements fail prematurely...longitudinal joint failure. On Tuesday, January 29, 2013, over one hundred city, county, state, and contractor employees attended the four hour workshop to share the findings of the partnership that identified best practices for constructing and specifying longitudinal joints.

The Washington Asphalt Pavement Association (WAPA), the Local Technical Assistance Program (LTAP), and the Washington State Department of Transportation (WSDOT) collaborated to organize the event which took place near SeaTac Airport.

If you would like to review the information presented at the workshop and the project you can visit the Project Website at:

www.asphaltinstitute.org/public/engineering/longitudinal-joint-information.dot

Many local agencies in Washington State are converting to countdown style pedestrian signal heads. The countdown style tells sighted pedestrians how long they have to cross the intersection. This improves the signal's communication to these users. Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act require that the signal also be made accessible to pedestrians with vision disabilities. Highways and Local Programs has a new Questions and Answers page on accessible pedestrian signals and pushbuttons. Please see:

www.wsdot.wa.gov/NR/rdonlyres/B39610D2-7E8A-4797-973B-CC0AB1CEAEEA/0/APS_FAQ.pdf

Ways to Help Your Federal Aid Project Run Smoothly (OR . . . Be Careful What You Wish For!)

By H&LP Staff, HQ & Region

This is the Third and final Article of a Three Part Series (Read the Whole Article at: www.wsdot.wa.gov/LocalPrograms/LTAP/News.htm)

Using Federal Highway Administration (FHWA) funding on public works projects is different than other federal funding you may be familiar with. Because of the requirements associated with FWHA funding, it is counterproductive to add a small amount of FHWA funds to a large project. One dollar of FHWA funding added to a project “federalizes” the entire project and supersedes or adds to the other state or federal funding source requirements. Your Region Local Programs Engineer (LPE) can guide you through the FHWA process. If you are already familiar with the process and its requirements, you already know there are many different ways to lose your funding.

This information is being provided to help increase awareness of what to look for, and what to avoid, while working on your projects.

In the last newsletter we covered information that is most troublesome in the Environmental and Right of Way portions of a project. This issue will complete the series with the construction phase of a project.

Construction (CN)

There are a number of requirements that apply to federal aid construction contracts which demand attention. All projects must comply with the Buy America requirements for steel and iron materials. All projects also need to be evaluated for possible DBE participation. Before you advertise the project for construction, your agency must contact WSDOT to have a DBE goal established for the project. The basic premise of the federal aid program is that all projects will be competitively

bid and constructed by private industry. Any deviation from this approach requires approval by WSDOT and appropriate documentation. Additional requirements and guidance are located in Chapters 26, 44, 46 and 52 of the LAG.

Using FHWA funds in the construction phase of a project means the project must follow both state and federal requirements for contract administration.

- Before advertising a project:
 - » The LAA between the state and the local agency must be approved by WSDOT H&LP. Information on an LAA and how to complete it can be found in the LAG, Chapter 22. Before the LAA is approved:
 - » The project must be in the STIP with funds showing in the CN phase.
 - » You must submit a QPR, if necessary.
 - » You must have Right of Way certification if any Right of Way, easements, or permits were acquired.
 - » Your project must have FHWA authorization for the CN phase.
 - » Notice of construction fund authorization will be by a letter from H&LP.
 - » ITS projects must have an “ITS Project Systems Engineering Review Form” (Design Manual, chapter 1050).
 - » You must have an approved PS&E
 - » Send the final PS&E and Engineer’s Estimate to the LPE and request a review for Disadvantaged Business Enterprise (DBE) goal evaluation. This is also a good time to request a Record of Materials from the State Materials Lab.
 - » All proprietary items or local agency force work must have an approved Public Interest Finding (PIF).
 - » A contract number has been obtained from the Region Local program Engineer.
 - » FHWA has authorized the project in FMIS.
- You may not advertise your project until you receive notice from H&LP that your project construction funds have been authorized and you have received notice of your DBE/Training goal determination.

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- With few exceptions, a minimum three week advertisement period is required for all projects using FHWA funding. See LAG Chapter 46, section 46.24.
 - Bid Opening and Evaluation. Bids must be publicly opened and announced. Your agency must verify that all the required bid documents have been properly submitted and executed.
 - » Projects with a mandatory DBE goal must be checked to be sure the bid includes enough work for DBE firms to meet the specified goal.
 - » When a project includes a mandatory DBE goal you must have concurrence in the award by your Region LPE. Failure to obtain LPE concurrence will jeopardize the project's federal funding.
 - All contract award notifications must be in written form. See LAG Appendix 46.42 for a sample award notice.
 - » You may not execute a contract with any contractor that is not registered or licensed in accordance with state laws, or with a contractor that is on the Excluded Parties List System (EPLS). Contractors on the EPLS have been barred from receiving Federal contracts, subcontracts, and Federal financial and nonfinancial assistance or benefits.

Once the contract has been awarded, administration by the local agency, or by a consultant hired by the local agency, must follow the guidance in the CA Agreement, WSDOT Construction Manual, Local Agency Guidelines Manual, Standard Specifications for Road Bridge and Municipal Construction, Contract Plans and Specifications, and any Federal, state, or local laws that apply.

Administration of the construction contract presents several more challenges that can endanger your federal funding:

- Changes to the Condition of Award DBE work must be carefully evaluated before any change orders are written that affect the potential for the contractor to meet the established goal.
- Buy America verification must be obtained prior to installation of all steel or iron items.
- Material testing must follow the contract documents, the LAG Manual Chapter 52, the WSDOT Construction Manual, Chapter 9 and the Record of Materials that may be modified by the LAG Manual or contract documents.

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- All Americans with Disabilities Act (ADA) features must be fully installed, measured, and completely documented.
 - All contractor payments must be fully documented and quantified, as well as backed up by bid item, lump sum breakdown, or delivery tickets. You must show dual custody of all payments. That means one person calculates and a different person checks those calculations. Initials and dates must be shown on all contract payment documentation.
 - Change Orders must be justified, calculated independently, approved, and documented. See the Change Order Checklist in LAG Appendix 52.107 and read LAG section 52.5.

Ultimate responsibility for all actions taken during a contract, regardless of those by an agency's staff or a hired consultant, is the responsibility of the local agency that owns the project. Don't misunderstand your liability and think you have no responsibility to provide oversight because you hired a consultant to do the work.

Other

If there is any question regarding eligibility or clarification of federal requirements contact your Region LPE. A complete listing, including contact information is available on the WSDOT website at:

www.wsdot.wa.gov/Localprograms/regional.htm

Tribes – Please note that FHWA does not allow Indian preferences in the award of FWHA funded projects. Special additional specifications may be needed to address tribal sovereignty and FHWA certified acceptance requirements. Your Region LPE can provide examples of these specifications.

This concludes the series, we hope you learned where to look (or call) for help while working on a project with FHWA funds.

You can read the entire article at: www.wsdot.wa.gov/NR/rdonlyres/08712411-7280-4B95-88DF-1B7AD7AAB9C2/0/HelpFederalAidProjectRunSmoothly.pdf

Education



C207 Practical Negotiations for US Federal Funded Land Acquisitions June 4th & 5th, 2013 King County Wastewater Treatment Division, Seattle, WA

Sponsored by



C207 - Practical Negotiations for U.S. Federal Funded Land Acquisitions:

An overview of how to improve settlement rates for acquisitions with adequate consideration to significant right of way elements involved in the location and design of the project, with an emphasis on U.S. federally funded land acquisitions.

Course Description:

This course reviews the Uniform Act acquisition (negotiation) requirements for Federal and federally assisted programs. During this course, participants examine negotiations styles and explore practical approaches, and are also provided with tips on how to improve settlement rates for right of way acquisitions, with adequate consideration to significant right of way elements involved in the location and design of the project, including possible social, economic, and environmental effects.

[Register Here!](#)

Or, to mail or fax:

[Course Registration Form \(U.S.\)](#)
[Course Registration Form \(Canada\)](#)

Special Points of Interest

Rates	Schedule
Early Registration: (by May 4, 2013)	Start Date: 06/04/2013
Member: \$415.00	End Date: 06/05/2013
Non-Member: \$520.00	No. of Days: 2 day

Education



C403 Easement Valuation 5/22/2013 Coast Bellevue Hotel

Sponsored by



C403 – Easement Valuation: Specific, practical methods and procedures to measure damages and the value of a property, before and after the imposition of an encumbrance.

Course Description: This course is taught as a practical, hands-on course. Participants will learn specific methods and procedures to measure and value property before and after an encumbrance, as well as damages, if any result.

[Register Here!](#)

Or, to mail or fax:

[Course Registration Form \(U.S.\)](#)

[Course Registration Form \(Canada\)](#)

Special Points of Interest

Rates	Schedule
Early Registration: (by April 22, 2013)	Start Date: 05/22/2013
Member: \$265.00	End Date: 05/22/2013
Non-Member: \$330.00	No. of Days: 1 day
	Level: Intermediate
	CEU: 8.00 Units
Standard Registration: (After April 22, 2013)	Time: 8:00 AM - 5:00 PM
Member: \$290.00	



Construction of Quality Hot Mix Asphalt Pavements

(7 PDH Credits)

A 1 day course

(includes a copy of AI's MS-22 Construction manual)

4/22 in Fullerton, CA

4/24 in Sacramento, CA

4/26 in Tempe, AZ

5/7 in Portland, OR

5/9 in Mukilteo (Everett), WA

Constructing high quality asphalt pavements is the goal of our industry. You can learn to produce high quality pavements by learning the basic principles of hot-mix asphalt pavement construction and the inspector's responsibilities at the various stages in the construction process. You will develop a general understanding of hot-mix materials, production, placement and compaction operations. Extra attention will be given to mix placement and compaction.

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"Very effective and informative training."

**Asphalt Institute
(859)288-4964**

For registration go to www.asphaltinstitute.org and click on "Education" (or under "Events"), then "Construction of Quality Asphalt Pavements".

Title VI Notice to Public

It is the Washington State Department of Transportation's (WSDOT) policy to assure that no person shall, on the grounds of race, color, national origin or sex, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with WSDOT's Office of Equal Opportunity (OEO). For additional information regarding Title VI complaint procedures and/or information regarding our non-discrimination obligations, please contact OEO's Title VI Coordinators, George Laue at (509) 324-6018 or Jonté Sulton at (360) 705-7082.

Americans with Disabilities Act (ADA) Information

This material can be made available in an alternate format by emailing the WSDOT Diversity/ADA Compliance Team at wsdotada@wsdot.wa.gov or by calling toll free, 855-362-4ADA (4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

Washington State LTAP Center

LTAP News is published quarterly by:
WSDOT Highways & Local Programs Division
Washington State LTAP Center
310 Maple Park Avenue SE
PO Box 47390
Olympia, WA 98504-7390
www.wsdot.wa.gov/localprograms/ltap.htm

Article contributions, questions, or comments are welcome. Contact Ruth McIntyre at mcintyr@wsdot.wa.gov, 360-705-7352, fax 306-705-6822, or the address above.

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The Local Technical Assistance Program (LTAP) is a national program financed by the Federal Highway Administration (FHWA) and individual state transportation departments. Administered through Centers in each state, LTAP bridges the gap between research and practice by translating state-of-the-art technology into practical application for use by local agency transportation personnel.

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