

FHWA AND WSDOT MAKING HEADWAY ON DBE PROGRAM

The Washington Division and WSDOT continue to provide substantial resources and effort to improve WSDOT’s DBE Program. An interagency Conciliation Agreement (March 2014), as well as more recent issues noted by representatives of the DBE community, have provided focus to WSDOT in implementing its DBE Program in good faith and complying with the Agreement. The Alaskan Way Viaduct (AWV) project, as well as improvements to WSDOT’s overall DBE program, are covered under the Agreement. The Division continues to engage WSDOT in numerous meetings and improvement efforts, and is conducting a “prompt payment assessment” to better understand WSDOT’s process and how it complies with DBE program requirements (see below).

The Division’s emphasis, coupled with WSDOT’s commitment to its DBE program agency-wide, has resulted in several positive changes. WSDOT has: improved its AWV DBE goal attainment; revised its contract DBE goal-setting methodology; developed stronger DBE contract specifications and special provisions; engaged the DBE community in decisions and activities related to contract opportunities; and has made DBE program responsibility an element of many employees’ performance evaluation.

PROMPT PAYMENT ASSESSMENT: Payment data are collected from the contracting agency, prime contractor, and select subcontractors on Federal-aid transportation projects representing various regions of the State. FHWA Division staff conducted reviews of eight of these projects, and found commonalities on several of them: prime contractor not returning retainage until after the entire project is complete; and some subcontractors not regularly submitting invoices, resulting in the prime contractor not paying for work performed until a few months later. On one project, the second- and third-tier subcontractors experience delays in payment, which may be due to the tiered effect of payment timing. On another project, delay in payments was due to disputes over materials and workmanship.

All participants in the assessment (WSDOT, Local Agencies, Contractors, Subcontractors) are extremely cooperative and well organized. WSDOT has conducted DBE program training across the State, for project staff and contractors, which has resulted in a better understanding of the requirements and a more proactive approach to prompt payment issues.

NOISE ANALYSIS FOR TRANSIT PROJECTS IN THE INTERSTATE RIGHT-OF-WAY

As transportation moves toward “multimodal transportation corridors,” new questions arise. For example, the current expansion of the Sound Transit (ST) Link Light Rail system proposes several projects with light rail construction within Interstate right-of-way (ROW). Rail/transit projects require modifying highway interchanges and other highway project work.



FHWA and the Federal Transit Administration (FTA) evaluated their separate and differing requirements for noise analysis and needed clarification. The USDOT Chief Counsel’s office provided resolution to the issue. FHWA HQ added question A10 to the Noise Policy FAQ document (<http://www.fhwa.dot.gov/environment/noise>). The revision to the FAQ answers the question “What level of noise analysis is needed for a transit-only project requiring limited FHWA participation?”

The answer: When a project meets three criteria, it should follow FTA’s Transit Noise and Vibration Impact Assessment Manual procedures to consider noise associated with transit projects and any highway elements directly affected by the transit projects:

- where FTA is the NEPA lead agency and FHWA has limited participation as a cooperating agency,
- where the main transportation purpose of the project, as stated in the purpose and need statement of the NEPA document, is transit-related and not highway-related, and
- where no Federal-aid highway funds are being used to fund the project.

In this case, a proposed transit project that would share an existing highway ROW is not subject to FHWA’s noise regulation in 23 CFR 772, and should follow FTA’s Transit Noise and Vibration Impact Assessment Guidance Manual.

The focus and resolution of this issue created yet another national precedent, courtesy of Washington state.

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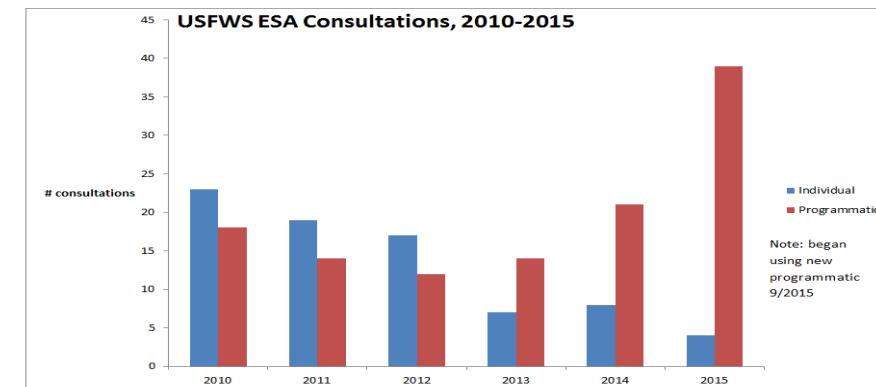
ER — FHWA PROVIDES WASHINGTON WITH MUCH-NEEDED FUNDING

The 2015-16 winter—one of the wettest on record—created a busy season for Emergency Relief (ER) Funding. Washington’s transportation system took several hits—four events were eligible for these funds:

ER WA 16-01; 16-02: On November 13-18, 2015, and December 7-14, 2015, severe storms struck Washington State. High winds and extreme rainfall caused major flooding, saturated soils, landslides, and streambank and slope erosion. In November, most damage was north/northeast of Seattle. In the December storms, sites with major damage were more widespread, and included US 12 near White Pass, US 2 between Coles Corner and Leavenworth, and I-5 near Woodland. WSDOT closed nine routes due to damage, flooding, or debris.

U.S. Transportation Secretary Anthony Foxx made \$1 million available in quick release funds immediately for each of the November and December events. To date, \$6.1 million in damages, including \$5.0 million of FHWA funds, are being directed to at least 22 eligible sites related to the November storms. Preliminary damages for the 2015 storms were estimated (*see next page*)

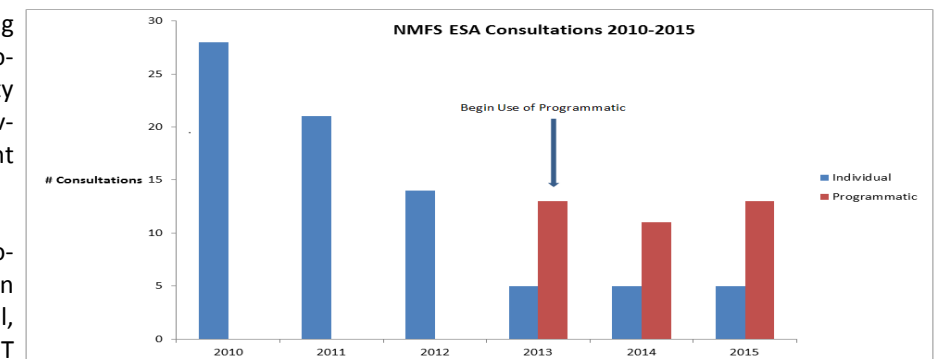
ENDANGERED SPECIES ACT (ESA) PROGRAMMATIC CONSULTATION — SUCCESSES!



	2010	2011	2012	2013	2014	2015
Individual	49%	58%	59%	33%	28%	8%
Programmatic	51%	42%	41%	67%	72%	91%

FHWA and WSDOT partnered on a new statewide ESA programmatic consultation (implemented August 2015) with the US Fish and Wildlife Service (USFWS), replacing separate programmatic consultations for eastern and western Washington. FHWA provided \$72,000 in Every Day Counts grant funding for a part-time liaison to expedite the development of the USFWS biological opinion (July 2015). The new programmatic consultation provides greater flexibility to include fish passage culvert replacement projects, add newly listed species, incorporate streamlining approaches from the National Marine Fisheries Service (NMFS) pro-

grammatic, and improve database tracking for projects. In its first quarter, the new programmatic consultation has increased utility of projects qualifying for programmatic coverage from 51 percent in 2010 to 91 percent in 2015.



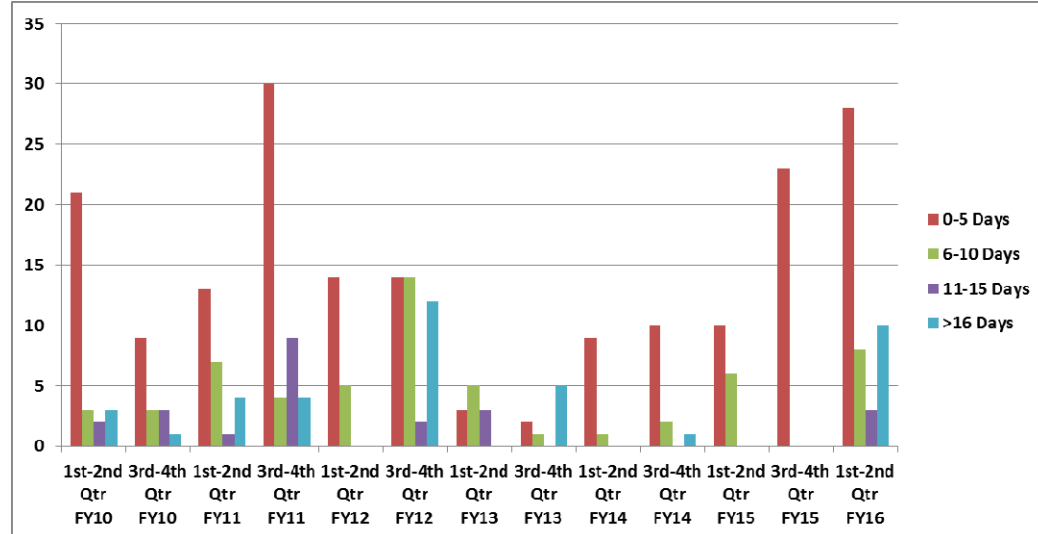
	2010	2011	2012	2013	2014	2015
Individual	100%	100%	100%	28%	31%	28%
Programmatic	0%	0%	0%	72%	69%	72%

Proportion of Individual/Programmatic Projects by Year (%)



TIMELINESS OF ER DAMAGE INSPECTION REPORTS

This chart shows the timeliness of FHWA Washington Division approval for emergency relief (ER) damage inspection reports. Our goal is to approve 90% of these reports within 10 days of receipt. ER reports that exceed 16 days are delayed typically due to external permits, need for additional information, and other factors.



WASHINGTON “EVERY DAY COUNTS” (EDC) STIC INNOVATIONS FUNDED

The Washington State Transportation Innovation Council (WASTIC), formed in 2014, has funded three innovative projects through FHWA’s Every Day Counts STIC grant program. “STICs” encourage innovation and cooperation among a wide range of partners at the state and local levels. WASTIC members include WSDOT, FHWA, local public agencies, tribal agencies, and the Local/Tribal Technical Assistance Program (LTAP/TTAP), but WASTIC is open to additional advisory and subject matter experts. The projects are:

- Evaluating the use of ground-penetrating radar on hot mix asphalt paving projects;
- Developing and convening an “innovations conference” to bring transportation officials from state, county, city, and regional organizations to present low-cost innovative solutions; and
- Evaluating an elk detection system coupled with dynamic warning signs to alert motorists of elk presence near the roadway.

But there’s more! Two new proposals include: one to consider using “project bundling” for bridge projects, and another to determine how best to make “as constructed” asset information available to agencies via geographic information systems (GIS).

ER — FHWA PROVIDES WASHINGTON WITH MUCH-NEEDED FUNDING *(cont’d from front page)*

at around \$13.0 million. Total Costs: \$13.2 million, including \$12 million in FHWA funds, with at least 8 of 23 sites approved. Funding goes toward damage assessments and restoring traffic to normal as the state continues its work in assessing its repair needs.

ER16-03: On December 8, 2015, an oversized load on I-5 in Lewis County struck the Koontz Road overpass bridge (Bridge Number 5/212) near mile post 69.4. Total Costs: \$2.9 million, including \$2.6 million in FHWA funds.

ER16-04: Between January 21 and 28, 2016, significant winter storms again struck Western Washington, producing extreme rainfall, resulting in flooding, slope erosion, and land and rock slides causing extensive damage to roadways, road closures and access restrictions. WSDOT had over \$1.8 million in damage costs, for which \$1.7 million was contributed from FHWA funding.

APPROVALS / ACTIONS

Environmental Approvals:

- Approved City of SeaTac 28th/24th St. Overpass CE.
- Reviewed and approved National Environmental Policy Act (NEPA) reevaluation for SR 509 Expansion Project.
- Approved a NEPA reevaluation for I-405 Tukwila to Renton Improvement Project – Phase 2, I-5 to SR 169.
- NEPA Finding of No Significant Impact (FONSI) approved for Colman Dock Project.
- Prepared the FHWA Record of Decision Lynnwood Link Light Rail.
- Reviewed/approved the Interchange Justification Report for modifications to the NE 145th Interchange for Lynnwood Link Light Rail.
- Reviewed and approved 4(f) de minimis for the City of Bellingham’s Woodstock & James Intersection project.
- Approved Snohomish County’s Howard Creek Bridge project CE.
- Reviewed and approved 4(f) de minimis for the City of Everett’s Grand Ave. Park Pedestrian Bridge project.
- Initiated Formal ESA consultation with both USFWS and NMFS for Snohomish County’s Index-Galena Rd. MP 6.4-MP 6.9 project.

Design Approvals:

- Reviewed and approved Project Analysis and Project Development Approval for I-5 NB Added Lane at Seneca.
- Reviewed and approved design variance documentation and the Design Approval Package for I-405 / SR 167 Direct Connector.
- Reviewed and approved the Interchange Justification Report for I-405 / SR 167 Direct Connector.
- Reviewed and approved design documents; coordinated with WSDOT HQ for I-405 Renton to Bellevue (RTB) Express Toll Lanes.
- Reviewed and approved design documents; coordinated with WSDOT HQ for I-405 Bellevue to Lynnwood (BTL) Express Toll Lanes.
- Reviewed and commented design documentation on La Center Road interchange improvements.
- Reviewed and approved Project Development Approval for I-5 Fisher Creek—Fish Passage.

ROW ADMINISTRATIVE SETTLEMENT E-LEARNING COURSE GOES LIVE!

WSDOT and FHWA Washington Division created an e-Learning class on how to prepare Right-of-Way (ROW) Administrative Settlement Documentation in response to a FHWA process review that recommended improved training. The course provides free training for practitioners and decision makers to improve the quality of administrative settlement documentation for federal-aid projects. The course is housed on the WSDOT Local Programs ROW Services Training & Education [webpage](http://www.wsdot.wa.gov/LocalPrograms/ROWServices/Training.htm) — <http://www.wsdot.wa.gov/LocalPrograms/ROWServices/Training.htm>.

TIMELINESS OF AUTHORIZATIONS / MODIFICATIONS

Authorized Within	2010	2011	2012	2013	2014	2015	2016
0 to 5 Days	1936	1791	1655	2129	1879	2171	706
6 to 10 Days	131	41	35	122	123	134	129
11 to 15 Days	18	7	1	7	9	17	27
16 to 20 Days	3	2	0	0	0	1	2
20 + Days	1	0	0	0	0	0	3
TOTALS	2089	1841	1691	2258	2011	2323	867

The table above reflects the number of FHWA Washington Division authorizations / modifications approved within certain timeframes since FY2010. Since FY 2013, our overall approval within a two-week turnaround has been 99-100%, far exceeding our goal of 90%! (Note: The Federal Fiscal Year is October 1 through September 30.)

INACTIVE PROJECT PERCENTAGES AND TOTAL NUMBER OF INACTIVE PROJECTS

A total of 185 projects were inactive in the first and second quarters of 2016 (85 and 100), representing an inactive percentage of 0.8 and 2.4 respectively. FHWA’s quarterly target is under 2% inactivity on obligated Federal funds. The quarterly inactive percentage is found by dividing all projects inactive (no expenditures processed) for 12 months or more by each state’s annual apportionments. Last quarter’s higher inactive percentage was due to delays on a \$14 million TIGER V project related to billing disagreements between WSDOT and Sound Transit, which kept it on the inactive list. The project was able to process an invoice and was removed from the inactive report the following quarter.