



Washington State
Department of Transportation

WSDOT Local Programs

Serving our local agencies in Washington for over 70 years

Spring 2018

2018 State Supplemental Transportation Budget

The 2018 Supplemental Transportation Budget provided the requested re-appropriations necessary for local projects to continue moving forward. In addition, Local Programs received approximately \$21 million for 26 new local agency projects. The supplemental transportation budget also added:

Section 312 – Annual Reporting Requirements for Capital Program

(3) Working in concert with the office of financial management and local governments, the department will work to identify local agency concerns regarding services provided by the department to local governments for which a fee is charged. The department will provide a report with its 2019-2021 biennial budget submittal to the governor and transportation committees of the legislature on the identified services and associated fee(s). The report must include, but is not limited to, a description of the identified project services provided to local agencies, estimates of the associated charges for the service, and an accounting of expenditures charged to local agencies associated with the identified services during the previous two fiscal years.

Section 223 – Local Program Operating Budget included an additional \$190,000 in funding for the operation and maintenance subsidy for “Oscar B”, the Wahkiakum County Ferry. The subsidy funding for Operations and Maintenance now totals \$1,190,000 each biennium. The last increase was nine years ago, in the 09-11 biennium, when the subsidy was raised from \$902,000 to \$1,000,000.

Since 1971, WSDOT has provided a subsidy to support the continued operation of the ferry traveling across the Columbia River, providing convenient access from Puget Island to Westport, Oregon. The ferry service benefits the state highway system in providing a bypass for State Route 4. It is the only crossing of the Columbia River between the Astoria Bridge (45 miles downstream) to the west, and the Longview Bridge (25 miles upstream) to the east.

Autonomous Vehicle Work Group

Substitute House Bill 2970 was passed by the Legislature this year in regard to forming an Autonomous Vehicle work group. The group is to be convened by the Transportation Commission and will facilitate state efforts to address the emergence of autonomous vehicle technology. The Legislature has asked the Commission to develop recommendations for policy, laws, and rules for the operation of autonomous vehicles.

VW Federal Settlement

Carmaker Volkswagen (VW) has admitted to installing illegal “defect device” software on 2.0 and 3.0 liter diesel vehicles in order to cheat federal emissions tests. The company has reached two settlements with the US Environmental Protection Agency (EPA) that partially resolved its violation of the federal Clean Air Act (CAA).

As detailed in the settlements, VW has agreed to:

Invest in and develop Zero Emission Vehicle (ZEV) infrastructure thru “Electrify America”.

Invest \$2 billion over the next ten years in ZEV infrastructure, such as charging stations and the promotion of ZEVs. VW will invest \$800 million in California and \$1.2 billion throughout the rest of the nation. VW will provide an opportunity for public input on the type and locations of the ZEV investments they select. Washington and Oregon jointly submitted a proposal to VW recommending ZEV infrastructure projects in our states.

Provide Mitigation Funds to states and tribes to offset excess nitrogen oxide emissions from the vehicles. VW will pay approximately \$3 billion in three equal installments, over the next three years into the trust. The funds will be used to pay for past, present, and future harm caused by the excess nitrogen oxide emissions released by the affected vehicles

Ecology is leading the way for the Mitigation Settlement Trust Fund. Washington’s share of the mitigation funds is \$112.7 million. These funds will be used to reduce Nitrogen Oxide (NOx) emissions, must be used within ten years, and will be limited to identified, eligible uses.

In the 2018 Capital Supplemental budget, the Legislature appropriated the following to Ecology. The appropriation aligns with Ecology’s draft mitigation plan and includes:

- EV infrastructure for passenger vehicles – 15 percent (maximum allowed under this settlement)
- Remaining eligible categories – 85 percent

Ecology will reconvene the steering committee this spring to continue work on the required Mitigation Plan. The Governor will review the Plan before it is finalized and submitted to the Trustee. Once that is complete, Ecology may begin requesting funds for eligible uses.

More information can be found on Washington Department of Ecology’s website.

<https://ecology.wa.gov/Air-Climate/Air-quality/Vehicle-emissions/VW-state-enforcement-action>

The site also provides background information and describes their public involvement process to date.

FFY 2018 Allocations & Program Delivery

FHWA has not released the details and final distribution amounts for FFY 2018. Once that information is released, we will notify the planning organizations and county lead agencies of the final 2018 allocations. To ensure delivery of the local federal program, WSDOT provided estimated allocations and explained that it is the expectation that everyone deliver up to their available allocation.

As of the end of March, halfway through FFY 2018, local agencies have only authorized **30 percent** of the local federal program. This is significantly lower than the historical average of 42 percent, which is concerning. Local agencies are encouraged to coordinate with WSDOT, MPOs and County lead agencies to update them on the status of their respective projects to ensure that all are aware of the expectations for obligating the federal funds. We are hopeful that agencies are finalizing the documentation necessary to meet, if not exceed, the expected delivery.

The additional transparency and accountability put in place four years ago through the Local Agency Federal OA Policy continues to highlight the need for local agencies to focus on delivery as resources and funding continue to be limited. Additional information can be found on the Local Programs website. WSDOT encourages all of you to contact your respective MPO/RTPO or Gary Rowe of WSACE GRowe@wacounties.org to understand how you contribute to meeting the goal.

FFY 2018 Omnibus Appropriations Bill

March 23rd, the President signed the Omnibus Appropriations bill for FFY 2018. The bill includes \$27.3 billion in discretionary appropriations and an increase of \$8.8 billion over FFY17 levels for all transportation infrastructure.

- **Highways:** The omnibus honors the FAST Act-authorized funding levels for the federal-aid highway formula programs, providing \$45 billion from the Highway Trust Fund. It also provides an extra \$2.5 billion in discretionary highway funding from the General Fund, which is split up as follows: \$1.98 billion for road and bridge project eligible under the Surface Transportation Block Grant Program, \$15.8 million for the Puerto Rico Highway Program, \$4.2 million for the Territorial Highway Program, \$300 million for the Nationally Significant Federal Lands and Tribal Projects Program, and \$225 million for a rural competitive bridge program.
- **Transit:** Transit formula grants are funded at the \$9.7 billion level authorized in the FAST Act. FTA's Capital Investment Grants are also fully funded at \$2.6 billion. (New Starts projects will receive \$1.5 billion, Core Capacity project receive \$716 million, and there is \$400 million for Small Starts projects). There is also \$400 million in new funding for bus and bus facilities.
- **Rail:** Amtrak will receive \$1.9 billion for its Northeast Corridor (\$650 million) and long distance service. \$250 million is provided for state of good repair grants. There is \$250 million for Positive Train Control (PTC) implementation grants, and \$593 million for the Consolidated Rail Infrastructure and Safety Improvements grant program (CRISI).
- **Aviation:** There is \$18 billion for FAA programs. Included in that total is an additional \$1 billion for airport discretionary grants. The omnibus also includes a six-month FAA extension, which gives congressional leaders until September 30th to pass a multi-year FAA reauthorization bill.
- **TIGER:** \$1.5 billion is provided for TIGER grants; an increase of \$1 billion over the FFY17 enacted level. The maximum grant size was kept at \$25 million.

WSDOT will forward details on the discretionary programs once the requirements are provided.

WSDOT Implements New DBE Goal

In January 2018, WSDOT implemented a new 19 percent statewide DBE goal based upon the findings of its recently completed disparity study. The disparity study explains that all groups evaluated remained disparate. Also, the study identified that white women owned firms represent 10.3 percent of WSDOT's 19 percent goal.

As a reminder, based on the 2013 study, USDOT approved WSDOT's waiver of white women owned firms from participation toward race conscious condition of award participation. Therefore, white women owned firms are not currently counted in achieving the statewide DBE goal.

How does this all impact local projects with DBE goals? With the white women waiver still in effect, WSDOT recognizes that achieving a 19 percent goal could be a challenge. Goal setting will recognize the white women waiver remains in effect. DBE goals will be set lower to reflect that 10.3 percent of the available DBE community cannot count as race conscious participation. WSDOT continues to wait for USDOT to approve rescinding the white women waiver.

The 2018 disparity study also found that African American owned firms are the most disparate group of disadvantaged businesses. As a result, WSDOT recently requested another waiver from USDOT that proposes to grant four times the DBE credit on those projects whose prime contractors use African American owned firms to participate in the project to fulfill DBE goal requirements.

Rectangular Rapid Flashing Beacons (RRFB) Update

On December 21, 2017, FHWA issued a notice to WSDOT terminating its interim approval for the installation of Rectangular Rapid Flashing Beacons on federally funded projects. Local Programs required their removal from projects that had not been obligated for construction and encouraged the use of alternate equipment. On March 20, 2018, FHWA issued a memorandum that once again announced the interim approval for Rectangular Rapid Flashing Beacons. This interim approval by FHWA requires that the state and local agencies must request and receive permission to use this new interim approval prior to their use. On March 22, 2018, WSDOT submitted a letter to FHWA requesting approval to install RRFBs for all jurisdictions within the State of Washington.

2017 TIGER Awards

The U.S. Department of Transportation (US DOT) recently announced the recipients of nearly \$500 million in discretionary grant funding for road, transit, maritime and rail projects through the Transportation Investment Generating Economic Recovery (TIGER) program. The 2017 TIGER program gave special consideration to projects which emphasized improved access to reliable, safe, and affordable transportation for communities in rural areas, such as projects that improve infrastructure condition, address public health and safety, promote regional connectivity, or facilitate economic growth or competitiveness.

In Washington, Spokane Valley's **Bridging the Valley: Barker Road Grade Separation** project, received **\$9,020,149** to replace an existing at-grade crossing at Barker Road with an overpass, close a second at-grade crossing at Flora Road, and replace the intersection of Barker Road and Trent Avenue with a roundabout. More than 64 percent of this round of TIGER funding was awarded to rural projects; an historic number that demonstrates this Administration's commitment to supporting the country's rural communities. For additional information on the nationwide selections go to: <https://www.transportation.gov/tiger/>

Funding Updates

Earlier this year the following programs announced funding availability:

- City Safety Program (~\$25 million) –The goal of this program is to reduce fatal and serious injury crashes in accordance with our state’s efforts to achieve Target Zero. The program continues to focus both on spot location improvements and more widespread systemic improvements. Projects will continue to be prioritized based on a benefit/cost ratio, targeting locations with fatal and serious injury crashes. The program is funded by the federal Highway Safety Improvement Program.

WSDOT’s Active Transportation Division announced the following calls for projects:

- Safe Routes to School Program (~\$19 million) – To improve safety and mobility for children by enabling and encouraging them to walk and bicycle to school. Funding from this program is for projects within two-miles of primary, middle and high schools (K-12).
- Pedestrian and Bicycle Safety Program (~\$18 million) - To improve the transportation system to enhance safety and mobility for people who choose to walk or bike.

Connecting WA & Practical Solutions

The Connecting Washington transportation package includes identifying project savings that are achieved through practical solutions. WSDOT and local agencies are encouraged to explore innovative approaches by engaging our community partners on multimodal, demand management and operational strategies, as well as incremental solutions to the problem, or problems that the project needs to address.

As a reminder, practical solutions characteristics considers the needs of all users and includes:

- Clear problem statement describing the baseline issues to be addressed.
- Community engagement has occurred, proportionate to the complexity of the issues.
- Multimodal strategies have been explored and partnerships formed.
- Project scope was refined, or there were elements eliminated, to reduce costs without compromising safety or operations.
- Need for additional right of way has been reduced or eliminated.

Also, Connecting Washington projects are required to report annually on benefits and expenditures for transit, bicycle and pedestrian elements.

Diversity Compliance Management System

WSDOT’s Diversity Compliance Management System (DMCS) eliminates paper reporting and largely passes this responsibility onto contractors. Agencies should use the DMCS system for verification purposes. To verify all subcontractors are entered into the system, to verify and monitor payments, as well as monitor for goal attainment. This automated system operates on a colored system in that items shown in red likely require further attention. Requests for additional information beyond these monitoring requirements should be verified with the Regional Local Programs Engineer. More information is available in the LAG Manual at Chapters 31 and 46.

Statewide Transportation Improvement Program (STIP) - Training

The Federal Transportation Act requires that each state develop a Statewide Transportation Improvement Program (STIP). This training will focus on tips and tricks for developing the 2019-2022 project listing and preparing projects for submittal to the planning organizations for inclusion in their Metropolitan, regional, and local transportation improvement programs (TIP).

We encourage city, county, ports, tribes, transit, WSDOT, MPO and RTPO staff who are responsible for preparing and maintaining their area of the Statewide Transportation Improvement Program (STIP), 6 year Transportation Programs and Regional Transportation Improvement Programs (RTIPs) to register and attend a training. For more information go to:

<http://www.wsdot.wa.gov/LocalPrograms/ProgramMgmt/STIP.htm>

Right of Way Updates – Chapter 25

Government Acquisitions and Use of WSDOT Property – The Local Programs Right of Way group implemented a change that eliminates the need for agencies to certify right of way in certain situations where property rights are needed only temporarily from either a government agency or WSDOT. The acquisition of these rights are generally through mutual consent and agreement between the agencies using a permit or an inter-local agreement. If the project involves additional acquisition of permanent rights, only the permanent rights need to be certified.

With the April LAG Manual update, the Local Programs Right of Way group implemented a policy change that will allow agencies to certify a project under a “Cert 1” when there is a parcel or parcels acquired under a negotiated or stipulated Possession & Use Agreement (P&U). By using a cert 1, there is no need to go back and re-certify the project prior to project closeout. However, any previously acquired certificate #2s need to be updated to a certificate #1 prior to project closure to maintain federal compliance.-

WSDOT Intranet Update

You may have noticed some changes to Local Programs webpages. An effort has been underway to simplify our content, provide a clear navigation path, and improve search results. We encourage everyone to visit and explore the new pages and welcome any feedback you would like to share with us. Please send your comments to Eileen Leingang Leingae@wsdot.wa.gov.

For More Information

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