



Washington State  
Department of Transportation

# WSDOT Local Programs

Serving our local agencies in Washington for over 70 years

Fall 2021

## A Message from the New Director of Local Programs

This has been a challenging year and half for all of us. However, despite all the issues we are all working through, we need to also recognize the many opportunities that have come as well. A large number of projects have continued to be delivered through various agencies and partners. There is a great deal of change in all of our organizations. With that being said, I am excited to join the WSDOT Local Programs Division. For those of you who know and have worked with me in the past, I look forward to continuing our relationship in my new role. For those of you who have not met me, I am Jay Drye, the new Director of the Local Programs Division effective July of this year. I come to Local Programs having been with WSDOT for over 29 years. I started my WSDOT career in Wenatchee and have spent time in headquarters and most recently 16 years in the Northwest Region. I have had the privilege to participate in a number of teams delivering a wide variety of transportation projects and programs in Washington. I am looking forward to working with our many partners to strengthen the relationships, update some of our procedures, and to improve our transportation network for all of the users in the State of Washington.

I want to recognize and thank Stephanie Tax and Kyle McKeon who kept the Local Programs Division moving forward seamlessly during a very challenging time as Interim Directors after Kathleen's retirement.

Thank You and please enjoy the updates in this Fall 2021 newsletter.  
Jay Drye

## State Transportation Budget 2021-2023 Transportation Budget

On May 18<sup>th</sup>, Governor Inslee signed the transportation budget for 2021-23. This is the largest budget in WSDOT history - \$8.1 billion. With the infusion of significant federal relief funding, the Legislature's budget addresses near-term funding for fish and some of the Department's most urgent operating program funding needs. Although there is still uncertainty in the adequate level of long-term funding for critical transportation needs, such as preservation, maintenance, and fish, WSDOT continues to work with Legislative leaders and the Governor to find solutions to address those needs.

Specific funding in Local Programs Capital Program includes:

- An additional \$10 million for Safe Routes to School and Bike/Ped safety projects
- \$6 million for the Orting Pedestrian Bridge
- \$5 million for the Hood River Bridges
- \$2 million for the Schuster Parkway Trail
- Connecting WA funding for:
  - Yakima Co – East-West Corridor Overpass & Bridge
  - Everett – 41<sup>st</sup> St Rucker Ave Freight Corridor Phase 2
  - Kenmore – Complete SR 522 Improvements

## **2022 Supplemental Transportation Budget**

In September, WSDOT submitted its 2022 Supplemental Agency Budget Request for consideration. The Office of Financial Management (OFM) has made all state agency budget requests available publicly at the following web portal: [OFM - Agency Budget Request](#). To view our agency's budget request, using the pull-down menus, select budget session – 2022 supplemental, and then Department of Transportation – 405. You can view the entire agency submittal or if you choose, only by individual program. The Governor will review all agencies' requests and present his proposal to the Legislature in mid-December.

## **Federal Infrastructure Funding**

On September 30<sup>th</sup>, the House and Senate passed a Continuing Resolution (CR) to avert a widespread government shutdown which was signed by President Biden that evening. The CR provides funding for the government through December 3<sup>rd</sup>, allowing Congress time to advance the appropriations bills to support Fiscal Year 2022 federal government operations.

Unfortunately, the House lacked the votes to pass the pending Infrastructure and Investment Act (IIJA) delaying floor action on the legislation. The failure to pass the infrastructure bill (which includes reauthorization for several US DOT programs) has resulted in the first lapse of Highway Trust Fund (HTF) spending since March 2010. Approximately 3,500 DOT employees (HTF-funded including employees at FHWA, FTA, FMCSA, NHTSA) were furloughed Friday, October 1<sup>st</sup>.

On October 2<sup>nd</sup>, President Biden signed a 30-day extension of the current surface transportation law, the Fixing America's Surface Transportation (FAST) Act. The legislation extends surface transportation programs through October 31, 2021, allows for spending authorization from the Highway Trust Fund, and for continued authorization of all highway, transit, safety, and other federal surface transportation programs.

The stalemate is not about the historic, bipartisan infrastructure bill, but about the broader reconciliation package. The overall funding level for the reconciliation bill is still being negotiated between Senate, the House and the White House. Members of the House have insisted that they will not vote on the IIJA until there is an agreement on the reconciliation plan.

## **FFY 2022 Allocations**

Due to the 30-day extension of FAST, there are several unknowns. However, we have been in this same situation many times over the years, prior to the passage of the FAST Act. It is especially important that all local agencies review their program's federal projects and coordinate with WSDOT, MPOs, and county lead agencies on the status of their respective projects to ensure all are aware of the requirements to obligate FHWA funds. FFY 2022 allocations for the FHWA programs will be made available once legislation is enacted and funding distributed - hopefully by the end of the year, or early 2022.

The transparency and accountability put in place 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: <https://www.wsdot.wa.gov/localprograms/default.htm>. Please contact your respective MPO/RTPO or WSAC to understand how you contribute to meeting the goal.

## **FFY 2021 Local Federal Program Delivery**

FFY 2021 statewide delivery was the most challenging to date. Local agencies had a target of approximately \$245 million, and at the beginning of June over \$100 million of federal funds remained available. With only one day remaining in the FFY, the final local projects were sent to FHWA for approval, utilizing the remaining local federal funds and the \$8.5 million redistributed funding received for local agency projects.

Reaching the local statewide target this year presented many challenges, which included pandemic related items such as material delays, limited workforce, etc. We applaud you all for your patience and due diligence to meet all the federal requirements necessary to ensure that funding packages were complete, as we all continue to abide by the safety protocols.

## **Redistributed Obligation Authority (OA)**

The Department of Transportation Appropriations Act, 2021, provides for the redistribution after August 1, 2021, of any annual obligation authority (OA) distributed to a State for FFY 2021 that is subject to lapse on September 30<sup>th</sup>, 2021, if the State cannot obligate during the fiscal year (effectively September 28<sup>th</sup>, 2021 – the last day to obligate Federal-Aid highway program funding) through FHWA.

For a variety of reasons, a given federal program or State Transportation Agency (STA) may be unable to obligate its share of the OA by the end of a given fiscal year. In recognition of this, Congress has established a statutory process to allow FHWA to redistribute such OA to states that can, by the year-end deadline, obligate more than their initial share of the ceiling. This process takes place in August, and consequently is referred to as August redistribution.

In late June/early July, each STA is required to notify FHWA of the current OA balance as well as the amount of OA that is planned to be used prior to the end of the fiscal year.<sup>1</sup> If the STA cannot utilize the OA currently available to them, the excess amount is withdrawn by FHWA. If the STA can utilize more OA than is currently available, they would notify FHWA and request additional OA.

WSDOT combines information from Local Programs and Program Management to ensure that the maximum amount of OA is received. For FFY 2021, WSDOT notified FHWA that Washington State could utilize upward of \$91,000,000 of additional federal funding. Of that amount, Program Management could program an additional \$81,000,000, and Local Programs requested \$10,000,000 for local projects. Along with the FHWA form, a list of projects that could obligate additional funds was provided. The form and list of projects were submitted on July 15, 2021.

On August 30, 2021, WSDOT was notified that Washington received \$83,875,576 in redistributed OA<sup>2</sup>, which was identified based on States unobligated balances of apportionment nationwide. Based on the amount received, the obligation limitation is split between the local and state based on the original request. WSDOT utilized ~\$75.4 million for preservation and fish projects to align with the transportation budget bill, and \$8.5 million was utilized on local agency projects.

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<sup>1</sup> <https://www.fhwa.dot.gov/legisregs/directives/notices/n4520270/>

<sup>2</sup> <https://www.fhwa.dot.gov/legisregs/directives/notices/n4520271.cfm>

## **FFY 2022 – 100 Percent FHWA Funding for Federally Managed Programs**

WSDOT Local Programs has extended the 100 percent federal funding for FFY 2022 on New Project Phase authorizations for the following FHWA programs: Local Bridge Program – (\$12 million maximum), City and County Safety (HSIP), National Highway Safety (NHS) Asset Management (\$5 million maximum) and Railway-Highway Crossings. Local agencies awarded funding through these programs that are ready to submit and move forward on these projects, are not required to provide local match for all eligible federal obligations through September 21, 2022. Please consult with your Region Local Programs Engineer if you have any questions.

## **Electronic Signature**

Consistent with the new state law (ESSB 6028), Local Programs has developed and implemented a set of internal procedures to continue to allow the use of electronic signatures on all of our documents. Local Programs is not accepting hard-copy originals as we continue to work remotely and are unable to ensure timely processing. If there are questions regarding the use of electronic signatures, please consult with your Regional Local Programs Engineer.

## **National Marine Fisheries Service (NMFS) – Stormwater Policy Shift**

The National Marine Fisheries Service (NMFS) is in the process of implementing a policy shift concerning stormwater draining to Puget Sound.

Local Programs and FHWA received non-concurrence letters on city projects which indicate the direction NMFS is taking local agency Endangered Species Act Section 7 (ESA) consultations. The letters indicate that any existing stormwater discharge to surface water with salmonids will now be considered an adverse effect to ESA-listed species. The key points are:

- Stormwater from road pavement has become more lethal to salmonids over the last decade.
- Puget Sound Chinook and Southern Resident Killer Whale populations are dropping precipitously.
- The existing built environment is an adverse-affect to these species, so “better than baseline” is not necessarily “no effect.”

Local agency projects that add new pollution generating impervious surface (PGIS) which discharge to surface waters with salmonids can expect lengthy ESA consultations. NEPA cannot be approved until this process is complete. Therefore, these projects can also expect delays in obligating right of way and/or construction phases. Expect a formal consultation if your project discharges stormwater to surface waters draining to waters with ESA-listed species.

For No Effect letters, Local Programs will need robust stormwater justification. Arguments supporting “No Effect” determinations need to include:

- Pre and post project PGIS quantities.
- Graphics showing PGIS quantities and stormwater discharge flow paths.
- Distances from outfalls to surface waters with ESA-listed fish.
- Explanation of flow paths highlighting open channel/infiltration opportunities.
- Fish passage barriers in the receiving water system.
- Hi-run model results showing the plumes not reaching the fish passage barriers.

## **Disadvantaged Business Enterprise (DBE) Update**

WSDOT is currently working on modifying several required DBE forms in an effort to reduce the number of forms that are due during the bidding process, as well as extending the supplemental submittal time beyond the current 48 hours. This will provide the bidders more time to collect signatures from the DBE firms during the bidding process.

WSDOT is also planning to conduct DBE trainings for both local agencies and contractors. The training is planned for November and December 2021, while the implementation of the DBE changes will occur after the trainings have been completed: tentatively scheduled for January 2022.

## **WSDOT's Office of Equal Opportunity (OEO) Disparity Study**

The Equal Opportunity Office is planning to perform a new Disparity Study. The results of this study will determine a new overall DBE goal. The study will include a statistical analysis to determine if disparities exist between the availability of minority, women, and veteran owned business enterprises and their utilization of Federal Highways Administration (FHWA), Federal Transit Administration (FTA) funded contracts, State Funded contracts, and related subcontracts. This study will include projects awarded by local agencies. OEO will be sending out a Request for Proposals (RFP) to hire a consultant who will kick-off the study with an informational session later this winter.

## **2022 Standard Specifications**

WSDOT 2022 Standard Specifications were published on August 22, 2021. The new 2022 Standard Specifications must be used for FHWA funded local agency projects that advertise starting January 1, 2022. For FHWA funded projects that advertise prior to January 1, 2022, the Region Local Programs Engineer may grant a waiver to continue the use of the 2021 Standard Specifications. During this transition period, please pay extra attention to the current WSDOT General Special Provisions. Some of the WSDOT GSP's have been modified to work with the 2022 Standard Specifications and may not be aligned with the 2021 Standard Specifications book. The mandatory GSPs used with the 2021 Standard Specifications are available from the Region Local Programs Engineer.

## **Project Agreement End Dates**

As we approach the end of the 2021, it is imperative that local agencies review their federal project agreement end dates to ensure that they do not expire. All projects are required to have a Period of Performance which includes both a begin date and an end date. Federal approval is required to change a Project Agreement End Date. Therefore, Project Agreement End Date may only be changed during an authorized phase, through a Local Agency Agreement Supplement, if:

- a project has a change in the terms and conditions of the federal award (e.g., significant cost change or scope change); or
- adequate justification is provided for project schedule revision or other circumstances (e.g., litigation) and there is no change to the terms and conditions of the Federal project.

Note: Work undertaken after the Project Agreement End Date is NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 60 calendar days after the Project Agreement End Date or they become ineligible for federal reimbursement. Please work with your Region Local Programs Engineer if you have any questions.

## FFY 2019 Funds to Lapse

Most FHWA funds are only available for three federal fiscal years following the year in which the funds were allocated. Therefore, the following funds must be obligated in FFY 2022, or they will lapse. Please work with your Region Local Programs Engineer to meet the program deadlines.

- Ferry Boat Program (FBP) – All 2019 FBP funding packages must be to HQ Local Programs no later than **June 30, 2022**, or they will lapse.
- Highway Infrastructure Program (HIP) – All 2019 HIP funds distributed by the MPOs/County lead agencies for local agency projects must have their project funding packages to HQ Local Programs no later than **September 21, 2022**, or they will lapse.

## 2021 Infrastructure for Rebuilding America (INFRA) Grant Awards

The US Department of Transportation (USDOT) announced the recipients of \$902.5 million in discretionary grant funding. These grants advance the administration's priorities of rebuilding America's infrastructure and creating jobs by funding highway and rail projects of regional and national economic significance. In Washington:

- Wenatchee's **Apple Capital Loop (Segments 1, 2 and 4)** project was awarded **\$92,412,004** – to construct a network of projects on an 11-mile loop, including intersection improvements, construction of a railroad underpass, a roundabout and create a 2.5-mile bypass of SR 285 and widen a segment of SR 28; and
- Seattle's **West Seattle Corridor Bridges Rehabilitation and Strengthening** project was awarded **\$11,250,600** – to make significant bridge repairs on the West Seattle High-Rise bridge due to structural deficiencies, as well as the Spokane Street Swing Bridge (low bridge) to make repairs related to load rating compliance.

For additional information on the nationwide selections go to: [Infrastructure For Rebuilding America | Build America \(transportation.gov\)](https://www.transportation.gov/buildamerica).

## Funding Updates

County Safety Program (~\$35 million (federal)) – The goal of this program is to support Target Zero by reducing fatal and serious injury crashes on county roads using engineering improvements/countermeasures. Projects are identified through each county's local road safety plan that identifies and prioritizes low-cost, widespread, risk-based projects. Projects can be at specific intersections or segments, or over wide areas within a county. We anticipate award letters being sent to agencies within the next month. Applications for the current call for projects are due on April 30. We anticipate finalizing selections this Fall.

NHS Asset Management Program (~\$75 million) – The objective of this federal program is to highlight the importance of preserving the roadway system by incentivizing agencies to use asset management strategies that provide cost-effective solutions to maximize the life expectancy of a roadway. We received 51 applications totaling ~\$109 million.

In the 2021-2023 Transportation Budget, funding from the National Highway Freight Program (NHFP) was provided to the NHS Asset Management preservation call for projects. NHFP funds are only eligible for work on the National Highway Freight Network (NHFN). In order to program the NHFP funds contained in the 2021-2023 Budget, we proposed providing NHFP funds to the five projects that had a portion of their project on the freight network. Therefore, this summer we awarded funds to 43 projects totaling over \$89 million.

## **Funding Updates (continued)**

Local Bridge Program (~\$85 million) – The purpose of the Federal Local Bridge program is to improve the condition of bridges through replacement, rehabilitation and preventative maintenance. In addition, by incentivizing agencies to use asset management strategies that provide cost-effective solutions to maximize the life expectancy of the structure. We received 63 applications totaling over \$260 million. Therefore, this summer we awarded funds to 33 projects totaling ~\$86 million.

Railway-Highway Crossing Safety Program (~\$11 million) – The goal of this program is to support Target Zero by reducing fatal and serious injury crashes at railway-highway crossings using engineering improvements/countermeasures. This is primarily accomplished through the addition of real-time warning devices at crossings. WSDOT received requests for \$37 million. After further review of the projects and coordination with the railroads, nine projects were awarded \$9.5 million. We anticipate the next call for projects in 2022.

City Safety Program (~\$35 million (federal)) – The goal of this program is to support Target Zero by reducing fatal and serious injury crashes on city and town streets using engineering improvements/countermeasures. Projects are identified through each city's local road safety plan that identifies and prioritizes both low-cost, widespread, risk-based projects and higher-cost, spot location projects. The next call for projects is anticipated this winter.

Multiuse Roadway Safety Program (\$900,000 (state)) – The purpose of this program is to increase opportunities for safe, legal and environmentally acceptable motorized recreation on public roads. Funds may be used on any road owned by local, state and federal government agencies provided that the agency has authorized use of the road for wheeled all-terrain vehicles. Program is currently open. For more information on eligible funding activities and limits go to: [Multiuse Roadway Safety Account](#)

Pedestrian/Bicyclist Program (~\$23 million (state)) – The program purpose is to eliminate pedestrian and bicyclist fatal and serious injury traffic crashes; increase the availability of connected, low traffic stress, pedestrian and bicyclist facilities for all ages and abilities; and increase the number of people that choose to walk and bike for transportation. Prioritized list of projects was submitted in December 2020, to the state legislature for funding. Upon passage of the 2021-23 Transportation Budget – 21 projects totaling over \$23 million were awarded funding. Anticipate the next call for projects early 2022.

Safe Routes to School Program (~\$24 million (state & federal)) – The program purpose is to eliminate all traffic crashes involving children walking or biking to school; build connected networks of pedestrian and bicyclist facilities for children within two miles of a school (based on road distance); and increase the number of children who can and do walk or bike to school safely. A prioritized list of projects was submitted in December 2020, to the state legislature for funding. Upon passage of the 2021-23 Transportation Budget – 31 projects totaling over \$23 million were awarded funding. Anticipate the next call for projects early 2022.

For details on these programs: <https://wsdot.wa.gov/LocalPrograms/ProgramMgmt/funding.htm>

## **Lump Sum Traffic Control**

Working with the Associated General Contractors (AGC), WSDOT has been reviewing the use of lump sum traffic control for construction contracts. We will likely review the appropriateness of the lump sum traffic control usage as part of the project PS&E review and Division 1 approval process. The upcoming LAG Manual update will clearly define this process, tentatively scheduled for Spring 2022.

## **Local Technical Assistance Program (LTAP) Update**

Local Programs' Local Technical Assistance Program (LTAP) is continuing with an all-virtual format at this time. LTAP is partnering with other WSDOT divisions, FHWA, NHI, AASHTO, and other LTAP Centers to develop and offer as much online content as possible.

To stay up to date on the latest offerings, please sign up for our training listserv emails at: <https://www.wsdot.wa.gov/LocalPrograms/Training/LTAP.htm> (top of the page). To stay current with other useful information, such as upcoming FHWA webinars, you may also check out the LTAP blog at <https://www.wsdot.wa.gov/LocalPrograms/Training/News.htm>. Also note that online National Highway Institute (NHI) training remains free in 2021 and local agencies have free access to all of AASHTO's online training and a limited selection of ITE's online training. Details and instructions are available on the LTAP website: <https://wsdot.wa.gov/LocalPrograms/Training/LTAP.htm>. LTAP will continue to post links to recordings of trainings and webinars on the website. LTAP will resume in-person trainings when conditions allow.

## **Local Apprentice Training**

Federal Highway Administration (FHWA) recently provided approval for local agencies to include Local Apprentice training goals on federally funded construction contracts. The inclusion of Local Apprentice training goals cannot impact or reduce the FHWA Apprentice training goals set by WSDOT. APWA Division 1 Committee is preparing specifications and criteria for approval. This applies to all FHWA funded construction contracts without a federal training hour goal.

## **WSDOT Website Update**

WSDOT's website is in the process of being redesigned and is scheduled to launch in November. The new website follows a User-Centered design, meaning you should be able to find what you need quickly and easily, from all types of devices without multiple links. It will look cleaner and will be easier to navigate. You will definitely notice a difference.

Main categories include – Travel, Construction and Planning, Business with WSDOT, Engineering and Standards, and an “About” section. Local Programs content is in the Business with WSDOT category, however, there will also be a direct link to the Local Programs site from the main WSDOT page, where you can just click on Local Programs.

## **Electronic Filing**

Over the last six months, Local Programs has been working with the Department's Information Technology division developing an electronic filing system for our federal and state funded local project files. Beginning October 1<sup>st</sup>, all new project files will be electronic. The benefits of an electronic filing system include instant file retrieval, and most importantly, the reduction of paper usage, thereby saving money.



## **Staff Changes**

### **North Central Region Local Programs Engineer – Welcome Brian Pearson**

Brian Pearson, PE, is the new Local Programs Engineer with WSDOT in North Central Region. Brian succeeded Paul Mahre, who retired on June 15<sup>th</sup>. Brian was already working in NCR as a Project Engineer. Along with Brian's experience in project offices, he has worked in the region Program Management and Traffic offices, as well as with the HQ Rail office.

Please join me in congratulating and welcoming Brian to his new role and joining the Local Programs team.

## For More Information

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#### **Web Site**

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