Director’s Note
By Jay Drye, PE

It is hard to admit that fall is here! I hope everyone had an enjoyable and productive summer.

This summer was busy with an incredible number of construction projects throughout the State. Now is a good time to close out the projects and ensure all the documentation is complete. Those of you involved with the obligation of federal funds, Thank You for all your efforts towards meeting the largest Obligating Authority target we have ever had in the State of Washington for Federal Fiscal Year 2022.

You will find several updates in this Fall Newsletter. Please take the time to review these items to be current with the changes and updates. We continue to look for opportunities to streamline the process of delivering transportation projects while at the same time keeping up to date with requirements for compliance. We are in unprecedented times in many ways. There are more funding opportunities available today than at any other time of our careers. We have a great opportunity and challenge ahead of us to take full advantage of these programs. This is the time to make much-needed improvements and to address the preservation needs of the transportation system. If you have questions on any of these items, please feel free to reach out to your Region Local Programs Engineer. Thank you for supporting the delivery of the Local Agency Programs.

Off-System Bridges

There are over 4,200 bridges currently owned and managed by Washington’s Local Agencies and inventoried in the National Bridge Inventory (NBI). Of all the bridges within the NBI, there are nearly 2,500 Off System bridges with over 1,100 in “fair” or “poor” condition. This represents over 40% of the off-system bridges that are locally owned. The federal programs that we rely on to fund projects through the local bridge program include set asides for off-system bridge projects. There have not been enough applications to fully utilize the funding that is available for off-system bridges in Washington. Local Programs would like to strongly encourage our local partners to consider their off-system bridges for the future bridge calls to reduce the number of structures that are in fair or poor condition. We currently anticipate another bridge call for projects in early 2023.
Americans with Disabilities Act (ADA) Transition Plans

ADA Transition Plans have been a requirement for local agencies since 1994. Recent survey results conducted through WSDOT’s Office of Equal Opportunity show mixed scores on the plans being completed and implemented. The Federal Highway Administration (FHWA) and other stakeholders have recently expressed renewed interest in this topic and to be eligible for future federal funds, local agencies will need to have a compliant transition plan. As a result, Local Programs will be asking additional questions on applications and future calls for projects to verify compliance.

ADA transition plans do not have a formal template but do have standard criteria to include:

1. The designation of an ADA coordinator within an agency
2. Notice to the public and an opportunity for public comment.
3. An established grievance procedure
4. Development of a “self-evaluation” to include an inventory of where an agency stands on its facilities being ADA compliant and its plan to achieve compliance in all public use facilities.

While Local Programs will not provide formal approvals of these plans, WSDOT’s Office of Equal Opportunity can be used as a resource for technical assistance in their development. If you have any questions, please email WSDOTADA@wsdot.wa.gov.

State Transportation Budget

July 2023-June 2025 Biennium

In September, the Washington State Department of Transportation (WSDOT) submitted its 2023-2025 transportation budget request to the Office of Financial Management (OFM). To view WSDOT’s request, visit OFM’s website https://abr.ofm.wa.gov/ and use the drop-down menu to select Department of Transportation (405). You can also view and download budget requests submitted by other state agencies and higher education institutions.

Also, WSDOT submitted its 2022 supplemental budget request which gives OFM the department’s adjusted spending plan for the remainder of the current biennium (July 2022-June 2023).

Joint Transportation Committee Recommendations

The supplemental budget directed the Joint Transportation Committee (JTC) to organize a work group to develop recommendations for the distribution of FHWA formula program funding from the Infrastructure Investment and Jobs Act (IIJA). Washington is estimated to receive $5.4 billion in apportioned funds over the life of the Act. In addition to the reauthorization of several surface transportation programs, the IIJA creates four new federal-aid highway formula programs and represents $1.7 billion more in federal-aid funding than was included in the Fixing America’s Surface Transportation (FAST) Act. The work group met three times over the summer to discuss the new federal programs and receive input from various stakeholders. The work group meetings were open to interested stakeholders and included opportunities for public comment. The JTC recommendations reflect a five year (FFY 2022-2026) overall split of 59% state/ 41% local. [ESSB 5689 Section 204(12)] The recommendation documentation is available at https://leg.wa.gov/JTC/Pages/IIJAWorkgroup.aspx
Federal Infrastructure Funding

Congress made good progress on annual appropriations bills, however the FFY ended September 30th, requiring passage of a continuing resolution (CR) through December 16th, to keep the federal government running and provide the time needed to reach an agreement on full-year funding bills. Transportation spending in both the Senate and House bills is similar. Funding levels for congressionally directed spending (earmarks) show the House includes $1.715 billion in earmarks compared to the Senate’s $932 million.

Federal Fiscal Year (FFY) 2023 Allocations & Program Delivery

FFY 2023 allocations for the FHWA programs (e.g., Surface Transportation Block Grant (STBG), Congestion Mitigation/Air Quality (CMAQ), Carbon Reduction Program (CRP) and Transportation Alternatives (TA)) are anticipated to be available by the end of the year. Due to the CR and implementation of the JTC split recommendations, there are some unknowns that we will be working through in the next few months.

With the additional federal and state transportation funding available, it is especially important that all local agencies review their program of projects and coordinate with their Region Local Programs offices and Metropolitan Planning Organization’s (MPO) on the status of their respective projects to ensure we are all aware of each project’s delivery plan and the requirements for obligation, as we start FFY 2023.

100 Percent FHWA Funding for Federally Managed Programs

As we continue in this unprecedented time and the challenges local agencies are facing with supply chain constraints, workforce, cost escalations, etc. WSDOT Local Programs is extending the 100% federal funding for FFY 2023-26 on New Project Phase authorizations for the following FHWA programs:

- FHWA Local Bridge – ($25 million maximum),
- City and County Safety (HSIP),
- NHS Asset Management ($5-10 million) 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 25, 2026.

FFY 2020 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 2023, or they will lapse. Please work with your Region Local Programs Engineer to meet the program deadlines.

- Ferry Boat Program (FBP) – All 2020 FBP funding packages must be to HQ Local Programs no later than **June 30, 2023**, or they will lapse.
- Highway Infrastructure Program (HIP) – All 2020 HIP funds distributed to the Transportation Management Area’s (PSRC, BFCG, SWWRTC, & SRTC) for local agency projects must have their project funding packages to HQ Local Programs no later than **September 15, 2023**, or they will lapse.
**FFY 2022 Local Federal Program Delivery**

FFY 2022 continued to be even more challenging than prior years. Local agencies had a target of approximately $305 million, and at the end of June ~$160 million remained available. On September 27th, the final local projects were sent to FHWA for approval, utilizing the remaining local federal funds.

Reaching the local Obligation Authority (OA) target delivery this year presented many challenges, that went beyond supply chain and the pandemic limitations. The transparency and accountability put in place through the Local Agency Federal OA Policy continues to highlight the need for local agencies to clearly provide updated delivery schedules to Local Programs/MPO/County lead agencies. A friendly reminder that it is imperative your teams are diligently reviewing the federal requirements necessary for each project and ensuring funding packages are complete prior to forwarding them to the Region Local Programs offices. Additional information can be found on the Local Programs website: https://www.wsdot.wa.gov/localprograms/default.htm. Please contact your respective MPO or Washington State Association of Counties (WSAC) to understand how you contribute to meeting the overall goal.

**Redistributed Obligation Authority (OA)**

The Department of Transportation Appropriations Act, 2022, provided for the redistribution after August 1, 2022, of any annual OA distributed to a State for FFY 2022 that is subject to lapse on September 30th, 2022, if the State cannot obligate during the fiscal year (effectively September 27th, 2022 – 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.1 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 Capital Program Development and Management to ensure that the maximum amount of OA is received. For FFY 2022, WSDOT notified FHWA that Washington State could utilize ~$92 million of additional federal funding for WSDOT projects. The request was only for WSDOT projects as locals had a balance of ~$160 million remaining available at the end of June.

On August 29, 2022, WSDOT was notified that Washington received $91,787,259 in redistributed OA2, which was identified based on States unobligated balances of apportionment nationwide.

**LAG Manual Updates**

Changes to the LAG manual include updating Title VI language throughout the manual and a partial rewrite of Chapter 31 – Establishment of Consultant Roster.

Consultant Roster changes effective this cycle include:

---

1 https://www.fhwa.dot.gov/legsregs/directives/notices/n4520275/  
2 https://www.fhwa.dot.gov/legsregs/directives/notices/n4520276.cfm
1. Local agencies must receive approval from Headquarter Project Development Engineer prior to use.
2. Limitations on the minimum size of consultant rosters.
3. Defined second-tier selection process requirements when utilizing a roster.

Design and Construction Update

Federal Highway Administration (FHWA) recently revised form FHWA-1273 - 'Required Contract Provisions Federal-Aid Construction Contracts'. This updated form must be physically attached to the contract documents on all federally funded construction projects that have bid opening dates on or after September 3, 2022. Agencies may also use the revised FHWA-1273 in the preparation of the contract documents or prepare an addendum to incorporate the revised FHWA-1273 to the contract prior to bid submittal.


Bridge Compliance

In November 2013, FHWA issued a memo requiring an update of load ratings to include the Notional Rating Load (NRL) and/or Specialized Hauling Vehicles (SHVs) for locally owned bridges, the inventory was divided into two groups with two separate timelines. The Group 1 included structures deemed higher priority based on load carrying capacity for other legal trucks with a deadline of December 2017. With all the local bridge owner’s diligence, we were largely compliant with meeting this deadline. Group 2 contains all other structures with a deadline of December 31, 2022. Local Programs certainly appreciates all the local agencies who have dedicated the resources to complete these updated load ratings however, we still need to continue this effort to remain in compliance. Your continued perseverance on completing these updated load ratings is appreciated. For any compliance related questions please contact Sonia Lowry, Local Programs Bridge Engineer at LowryS@wsdot.wa.gov.

Manual – Stormwater Update

WSDOT published an update to the WSDOT Biological Assessment Manual Chapter 17 which lays out revised stormwater analysis expectations. This was drafted in collaboration with the National Marine Fisheries Service, the US Fish and Wildlife Service, and FHWA. Projects adding new pollution-generating impervious surface (PGIS) that discharge to surface waters can expect formal ESA consultations. Action areas will extend to the nearest large water body – Marine Waters, Columbia River, or Snake River.

The only stormwater treatment methods that will get a project with new PGIS to No Effect will be:

- All PGIS runoff infiltrates.
- Natural dispersion applies throughout the entire project.
- All PGIS drains to isolated depressions with no outlet to surface waters.
Note: NEPA cannot be approved until the ESA process is complete. Projects can also expect delays in obligating right of way and/or construction phases because of the increased NEPA completion timeline.

Local Programs and WSDOT Environmental Services Office are partnering to create a liaison position dedicated to work on Local Agency biological opinions. The anticipation date for the creation and recruitment of this position is Spring 2023.

**Right-of-Way Update**

Approximately 225 agencies and consultants attended two virtual annual meetings hosted by the Right-of-Way (ROW) team earlier this year! Planning for next year’s meetings is already underway and the hope is to offer both in-person and virtual options for attendees.

The team has also been busy working on another round of form and template updates. The updated forms are being released and uploaded as they are completed so please be sure to utilize the newest versions which can be found on the Right-of-Way Forms & Brochures webpage: [https://wsdot.wa.gov/business-wsdot/support-local-programs/technical-assistance/right-way-forms-brochures](https://wsdot.wa.gov/business-wsdot/support-local-programs/technical-assistance/right-way-forms-brochures).

An updated version of the Administrative Settlement eLearning has been released on the Right-of-Way training & education webpage [https://wsdot.wa.gov/business-wsdot/support-local-programs/local-programs-training/right-way-training-education](https://wsdot.wa.gov/business-wsdot/support-local-programs/local-programs-training/right-way-training-education). This is required training for all staff listed within the ROW Procedures under Program Administration & Acquisition. Local Programs ROW has been busy providing guidance and reviewing acquisition files for projects to be certificated for construction. Agencies need to allocate enough time to acquire all the necessary property rights for their projects. Many have been experiencing ROW slowdowns due to encroachments, title & property management issues, and condemnation delays.

**Local Technical Assistance Program (LTAP) Training**

The core function of WSDOT Local Programs Division’ Local Technical Assistance Program (LTAP) is providing training, technical assistance, and technology transfer to local agency professionals across the state. Each year, thousands of people participate in virtual and in-person training courses on a variety of topics related to infrastructure management, safety, and workforce development.

Since the program was branded the LTAP Center in 2006, more than 320,000 hours of training have been provided to over 36,000 local agency employees and while the program historically provided mostly in-person training, the onset of the pandemic in 2020 saw the program shift to a completely virtual environment. The number of training sessions dropped from an all-time high of 178 (2019) to a low of 50 (2020) but the number of participant hours only decreased slightly from just over 23,000 to just under 21,000 due to the availability of virtual trainings and the support from local agencies allowing staff to attend remotely.

The program is now shifting to a hybrid model, with some trainings returning to in-person settings when face-to-face interactions and hands-on instruction are key, while others remain virtual to allow broad participation across the state.

For more information and to stay up-to-date on available trainings from the LTAP Center, please sign up for our email listserv at the bottom of page: [https://wsdot.wa.gov/business-wsdot/support-local-programs/local-programs-training/training-local-agencies-through-ltap](https://wsdot.wa.gov/business-wsdot/support-local-programs/local-programs-training/training-local-agencies-through-ltap).
Project Agreement End Dates

As we approach the end of 2022, please review your 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, the 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.

Rebuilding America Infrastructure with Sustainability and Equity (RAISE) Grant Awards

In August 2022, USDOT announced the FFY 2022 RAISE Transportation Discretionary Grant Program (RAISE 21) project selections. A total of $2.2 billion was provided to 166 capital and planning projects nationally. WA local agencies received over $70 million for the following four local projects:

- Bothell’s **Bothell Way NE Multimodal Improvements** project was awarded **$19,000,000** – to widen Bothell Way NE from Reder Way to 191st St NE to five lanes that will provide mobility improvements including protected bicycle lanes, sidewalks, transit stop amenities, illumination, signalization, ITS and adaptive signalization for transit prioritization, landscaping, fish habitat enhancement and crossings, and wetland mitigation.

- Lynwood’s **Poplar Way Bridge** project was awarded **$25,000,000** – to construct a new six-lane, multimodal bridge over I-5 in Lynnwood between the intersections of 196th Street SW (SR 524)/Poplar Way and 33rd Avenue W/Alderwood Mall Boulevard.

- Pullman’s **Airport Road Multimodal & Regional Access Improvements** project was awarded **$1,050,000** – to complete the final planning documents required for the reconstruction of approximately 2.1 miles of Airport Road with a wider roadway section, shared use bike path, intersection roundabout and pedestrian sidewalk accessing the Pullman-Moscow Airport.

- Whatcom County’s **Lummi Island Ferry Replacement & System Modernization** project was awarded **$25,000,000** – to replace the 60-year-old ferry with an electric-battery hybrid ferry that provides service to and from the rural community of Lummi Island. Also includes adjusting the terminal structures to accommodate the new ferry, installing electrical charging infrastructure and making operational and upland modifications to preserve and enhance the functionality of the ferry system.

For additional information on the nationwide selections go to: [www.transportation.gov/RAISEgrants](http://www.transportation.gov/RAISEgrants)
Local Project Reports

In June, Local Programs streamlined the requirements of the local agency project reports from quarterly to bi-annually. The new timeline and due date for the reports is June 30th and December 31st.

Why the Change? After considering how many organizations across our state were and are still experiencing staff shortages as well as heavy workloads, we were excited to announce the reduction and received immediate feedback that this news was a welcome change. We will continue to look for ways to ensure the information flow and compliance is maintained as efficiently as possible.

USDOT Discretionary Grant Opportunities

USDOT provides grants to help build up and maintain a fast, safe, efficient, accessible, and convenient transportation system for the American people, today and into the future. They have established a website www.transportation.gov/grants that identifies many of the programs and resources available to help communities.

To provide stakeholders with more visibility into upcoming funding opportunities, DOT is publishing a list of anticipated dates for Notice of Funding Opportunities (NOFOs) for key programs within the Bipartisan Infrastructure Law as well as adjacent programs that support the Bipartisan Infrastructure Law’s objectives. The list is not comprehensive and is updated periodically with new programs and dates at www.transportation.gov/bipartisan-infrastructure-law/key-notices-funding-opportunity

Funding Updates

Local Bridge Program

The purpose of the Federal Local Bridge program is to improve the condition of bridges through replacement, rehabilitation, and preventative maintenance. In addition, the program incentivizes agencies to use asset management strategies that provide cost-effective solutions to maximize the life expectancy of the structure. Local Programs anticipates opening a new call for bridge projects in the spring of 2023.

NHS Asset Management Program (~$100 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. The next call for projects is anticipated November 2022.

City Safety Program (~$35 million (federal))

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. Approximately $37 million was awarded to 52 projects in 41 cities in September 2022.

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. Local Programs anticipates a call for projects later in October 2022.
Reducing Rural Roadway Departure Program (~$4 million (state))

This new Move Ahead Washington program is for safety improvements specific to preventing lane departures in areas where the departure is likely to cause serious consequences. For efficiency purposes, this program will be delivered in conjunction with the existing safety programs. Agencies will not need to submit additional applications for this program.

Railway-Highway Crossing Safety Program (~$20 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 approximately $30 million. Prioritized projects will begin the diagnostic review process with railroads during Fall 2022. Project awards will be made following the outcome of the diagnostic review process.

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 remains open. For more information on eligible funding activities and limits go to: Multiuse Roadway Safety Account

Move Ahead Washington Railroad Crossing Program ($5 million (state))

The 2022 Washington State Legislature included funding for a Railroad Crossing Grant Program in the MAW transportation investment package. This state funded program is state funds to match new federal transportation act funding for city and county Railroad Crossing projects. The funding is provided to assist agencies competitiveness when applying for federal railroad crossing grant funds.

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

Staff Changes

Olympic Region Local Programs Engineer – Welcome John Ho, PE

John Ho, PE has filled the Olympic Region Local Programs Engineer position vacated by Brian Dias’ retirement from WSDOT. Many of you are already familiar with John through his previous role as the HQ Local Programs Project Development Engineer where he has been a reliable resource for technical issues and supported delivery of the program for the past six years. John will continue to be an excellent resource and leader in the Olympic Region and we’re glad to have him! Please join us in congratulating John in his new role!
For More Information

Local Programs WSDOT Contacts

**Director**
Jay Drye, PE
Local Programs Director
(360) 705-7871
DryeJ@wsdot.wa.gov

**Northwest Region**
Mehrdad Moini, PE
Local Programs Engineer
(206) 440-4734
MoiniM@wsdot.wa.gov

**Olympic Region**
John Ho, PE
Local Programs Engineer
(360) 357-2631
HoJohn@wsdot.wa.gov

**Southwest Region**
Michael Williams, PE
Local Programs Engineer
(360) 905-2182
WilliaM@wsdot.wa.gov

**Eastern Region**
Mark V. Allen, PE
Local Programs Engineer
(509) 324-6080
AllenMV@wsdot.wa.gov

**South Central Region**
Randy Giles, PE
Local Programs Engineer
(509) 577-1780
GilesR@wsdot.wa.gov

**North Central Region**
Brian Pearson, PE
Local Programs Engineer
(509) 667-3090
PearsoB@wsdot.wa.gov

**Headquarters, Olympia**
Kyle McKeon
Engineering Services Manager
(360) 705-7375
McKeonK@wsdot.wa.gov

Stephanie Tax
Manager, Program Management
(360) 705-7389
TaxS@wsdot.wa.gov

**Website**