Federal Requirements

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Fixing America’s Surface Transportation (FAST) Act

• Signed into law December 4, 2015
• Authorizes $305 billion over FY 2016-2020
• Core programs
• Surface Transportation Block Grant Program
  ▪ Transportation Alternatives (TA) Set-aside
  ▪ Bridge Off-System (BROS) Set-aside
  ▪ Congestion Mitigation and Air Quality (CMAQ)

Federal Regulations

Federal aid projects are subject to the provisions of Federal Regulation:
• 23 CFR Highways
• 49 CFR Transportation

www.ecfr.gov
Typical Project Timeline

- Project Application
- Cooperative Agreement
- Preliminary Engineering
- Contract Documents
- Construction
- Project Acceptance

Project Eligibility

FHWA and WYDOT will....

Review project applications against the appropriate Program Requirements considering:

- Entity submitting the application
- Type of Work (eligible activity)
- Relation to Surface Transportation

Forward eligible applications to the TA/CMAQ Committee

Transportation Alternatives (TA)

Purpose

- Enhance transportation environment
- Provide for multimodal transportation
- On/Off road pedestrian and bike facilities, non-driver accessibility
Transportation Alternatives

Eligible Activities

- Construction of pedestrian and bicycle facilities
- Construction of infrastructure-related projects for safe routes for non-drivers
- Conversion railroad corridors to trails
- Construction of turnouts, overlooks and viewing areas
- Community improvement activities
- SRTS eligible projects

Activities are evaluated by the Selection Committee

Congestion Mitigation/Air Quality (CMAQ)

Purpose

- Improve air quality by addressing Transportation-induced regulated pollutants

Eligible Activities

- Roadway dust suppression
- Gravel roadway paving
- Congestion reduction & traffic flow improvements
- Street sweeping equipment
- Diesel retrofit or idle reduction program
- Other programs to reduce VMT and transportation emissions
Bridge Off System (BROS)

Purpose
- Replace structurally deficient bridges
- Public roadways
  - Local roads
  - Rural minor collectors

Eligible Activities
- Replacement or rehabilitation of a deficient bridge
- Preliminary Engineering
- Right of Way
- Construction
- Construction Engineering

Cooperative Agreement
Project requirements are detailed in the agreement, including:
- Roles and Responsibilities of both parties
  - PE (if applicable), and Construction Phases
  - Project Supervision ("Responsible Charge")
- Required deliverables – NEPA, PS&E, Bids, etc.
- Oversight requirements
  - Design review, consultant selection, contract provisions
- Reimbursement frequency
  - Keep projects moving towards construction
Project Authorization

Project authorization by FHWA is required before expenses can be incurred and reimbursed

Do not incur expenses without WYDOT providing you a Notice-to-Proceed

Preliminary Engineering (PE)

PE Phase activities usually include:
- Consultant Selection and Administration
- NEPA Document
- Contract Document (PS&E) development

Contract Documents

- PS&E, Bid Proposal, Advertisement
  - Describes location and design features
  - Traffic Control
  - Identifies construction requirements and other specifications
  - Includes an Engineer’s Estimate
  - Bidding conditions
  - R/W, Utility and Railroad certifications
Contract Documents

Contract Provisions
- Competitive bidding requirements
- Prevailing wages (Davis-Bacon)
- DBE requirements
- Contractor Compliance with EEO
- Local Hiring Preference (not allowed)
- FHWA 1273 — May 2012 version
- Non-Collusion Statement by bidders

Contract Documents

FHWA 1273 includes:
- Nondiscrimination
- Non-segregated Facilities
- Davis-Bacon and Related Act Provisions
- Subletting or Assigning the Contract
- Safety: Accident Prevention
- False Statements Concerning Highway Projects
- Clean Air Act and Federal Water Pollution Control Act
- Government-wide Suspension and Debarment Requirements
- Certification Regarding Use of Contract Funds for Lobbying

Physically incorporated in contracts and subcontracts

Contract Documents

Material requirements
- Buy America (Steel and Iron)
- Patented/Proprietary Products
  - Not allowed except where certified as:
    - Obtained through competitive bidding with equally suitable unpatented items
    - Essential for synchronization with existing facilities
    - Item used for research
Contract Documents and Advertisement

- Approved by WYDOT
  - Complete PS&E Package approved by WYDOT before advertisement
- Project advertisement by local agency
  - Minimum 3 weeks
  - WYDOT requirements

Bid Opening and Award

- Local Bid Opening
  - Public Opening and Announcement
- Award to Lowest Responsive & Responsible Bidder
  - Responsive bid: meets all the requirements of the advertisement and proposal
  - Responsible bidder: physically organized and equipped with financial wherewithal to complete contract
- WYDOT Concurrence

Construction

- Subcontracts require formal authorization
- Submission of Payrolls
- Contract Changes and Extra Work
- Method of Measurement/Basis of Payment
ADA Requirements

- Min. 5 ft. wide sidewalks
  - 4 ft. w/ 5 ft. passing zones
- 6 ft. 8 in. min, vertical clearance
- WYDOT Standard Plans
- Project inspections

ADA Requirements

- Max. 8.3% slope (1/12)
- Level landing at top of ramp
- Max. 10% flared sides when in path on sidewalk
- Detectable warning device

ADA Requirements

- Max. 2% cross-slope (1/48)
- Driveway approaches
ADA Transition Plan

- Identification of physical obstacles and their location
- Method used to make facility accessible
- Schedule for making the respective modifications
- Official responsible for implementing this item of the plan

Project Acceptance

- Local agency accepts the contract work and certifies materials incorporated into the project
- Formal project acceptance by WYDOT

Milestone Points to Remember

- Project Application
  - Cooperative Agreement Developed
- Phase Authorization
- Contract Documents
  - Concurrence-In-Award
- Construction
  - Inspections
- Project Acceptance
Federal-aid Essentials Videos

- Federal-aid program
- Finance
- Right-of-way
- Environment
- Civil rights
- Project development
- Project construction & contract administration

http://www.fhwa.dot.gov/federal-aidessentials/