Federal Requirements

Phil Pratt, PE
Design and Construction Engineer
FHWA, Wyoming Division

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
- Final Acceptance/Final Voucher
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
Bridge Off System (BROS)

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

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

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**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**

**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

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/
ADA?