



North Dakota Asphalt Conference

April 3, 2012

FHWA Update

Wendall L. Meyer

Division Administrator

FHWA North Dakota Division



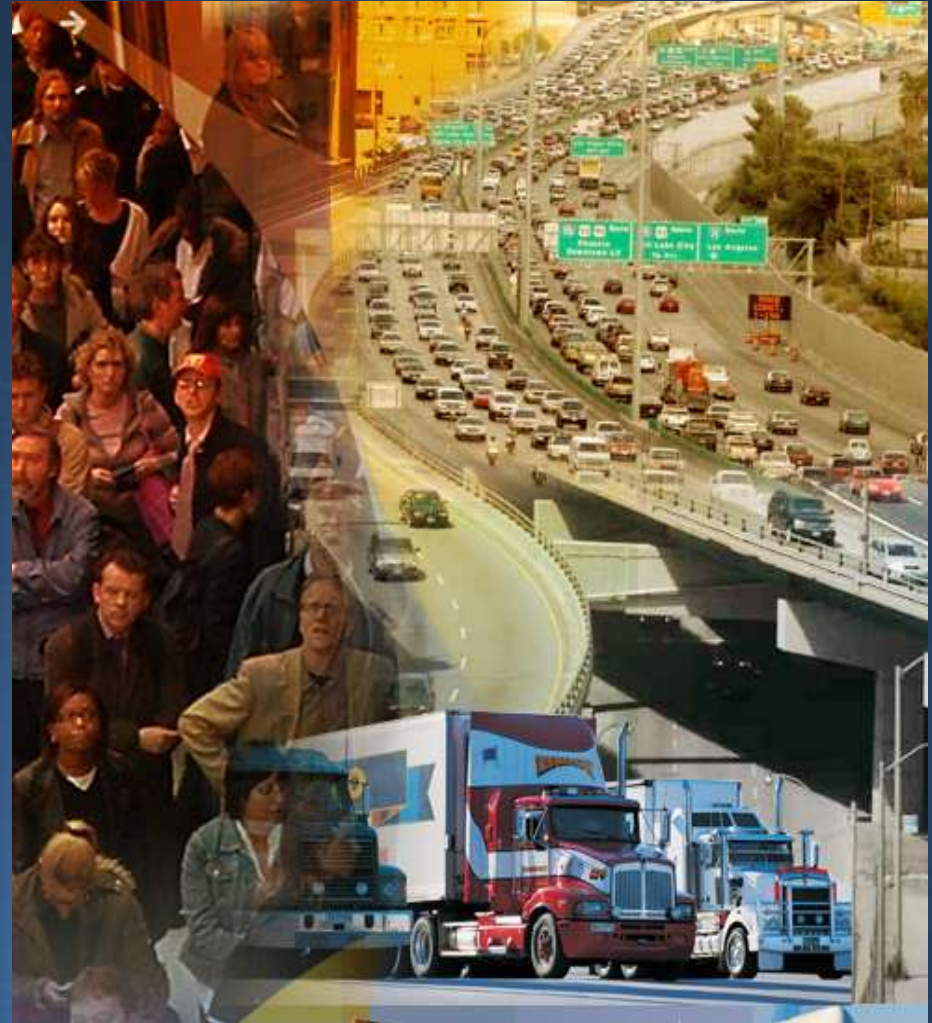
Discussion Areas

- FHWA Briefly
- Federal Funding
- FHWA Focus
 - Oversight (DBE)
 - Performance-Based Federal Highway Program
 - Every Day Counts



FHWA Briefly: Who are we?

- **Money:** About \$40B Federal Highway Funds
- **Legislated Mission:** “...provide for a strong and vigorous national economy...” 23 USC 101(b) *(and associated regulations)*
- **What we aspire to:** Improve Mobility on our Nation’s Highways Through National Leadership, Innovation, and Program Delivery.
- **What the public expects:** Safety and fiscal integrity, emergency response...





North Dakota Division

Wendall L. Meyer
Division Administrator

Brenda L. RedWing
Assistant Division
Administrator

Stephanie J. Hickman
Transportation Planning
and Research Manager
(Team Leader)

Kevin J. Michel
Structures and
Engineering Team
Leader

Sandy A. Zimmer
Financial Program
Manager
(Team Leader)

Nicholas J. Renna
Safety/Traffic
Operations/ITS Engineer

Gary A. Goff
Operations Engineer
Districts 6 and 8

Lindsey L. Handel
Operations Engineer
Districts 1, 3 and 5

Kari M. Steier
Financial Specialist

Leah M. Wetch
Administrative Assistant

Mark R. Schrader
Environment and
Right-of-Way Engineer

Kevin L. Brodie
Operations Engineer
Districts 2, 4, and 7

Olivia Becker
Student Aide



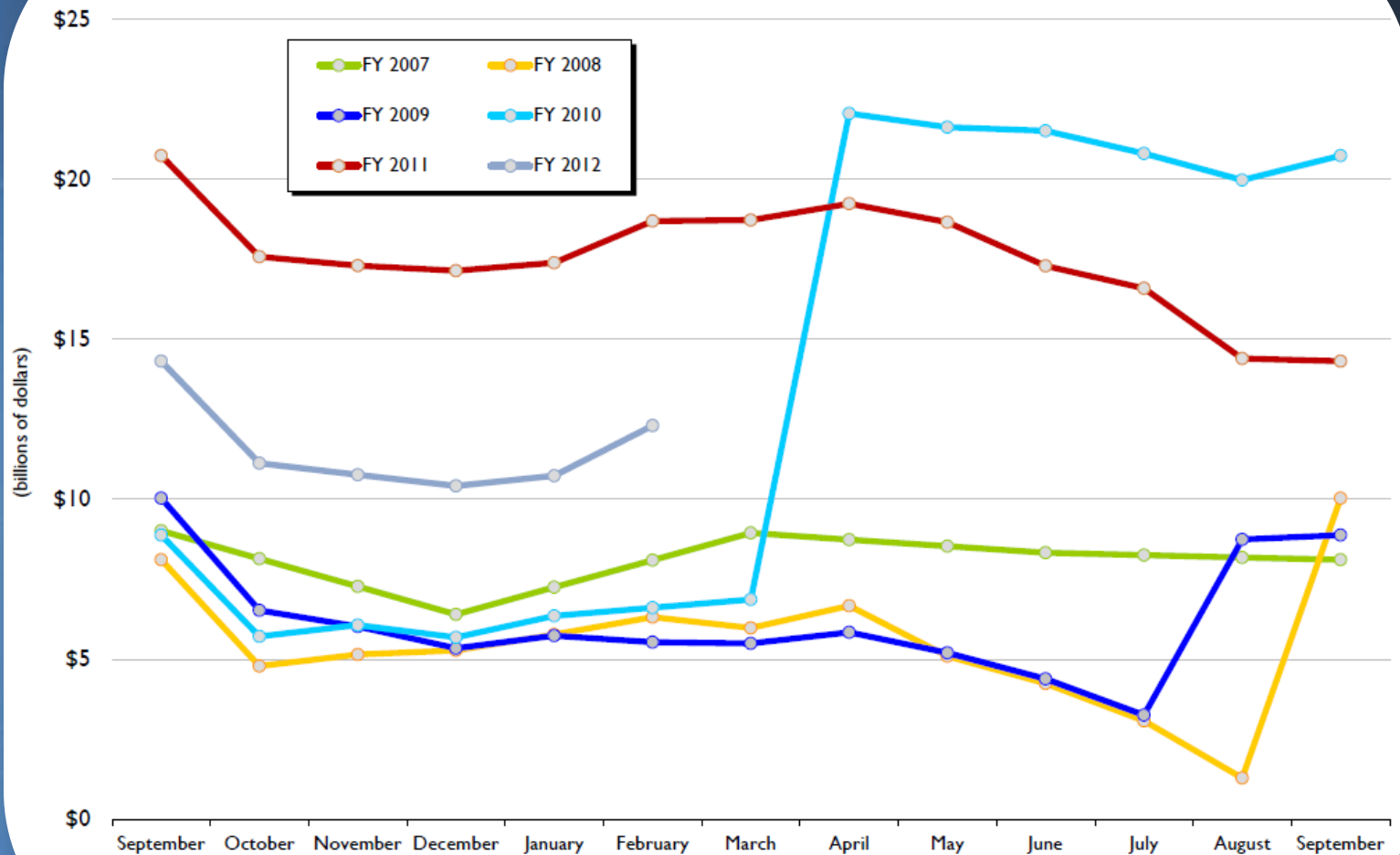
Federal Funding: Critical Issue

- Transportation Reauthorization
 - SAFETEA-LU expired September 30, 2009
 - Extension until **June 30, 2012**
 - Senate Bill 1813 (MAP-21) passed March 14, 2012
- FY2012 Appropriations Act
 - **September 30, 2012**
 - North Dakota's Apportionment \$119,636,649 **[50%]**
 - North Dakota's Obligation Limitation is \$112,957,202 **[50%]**





Highway Account Balance



Ending balance for FY 2008 includes \$8.017 billion transferred from the General Fund in September pursuant to Public Law 110-318.

Ending balance for FY 2009 includes \$7 billion transferred from the General Fund in August pursuant to Public Law 111-46.

Ending balance for FY 2010 includes \$14.7 billion transferred from the General Fund in April pursuant to Public Law 111-147.



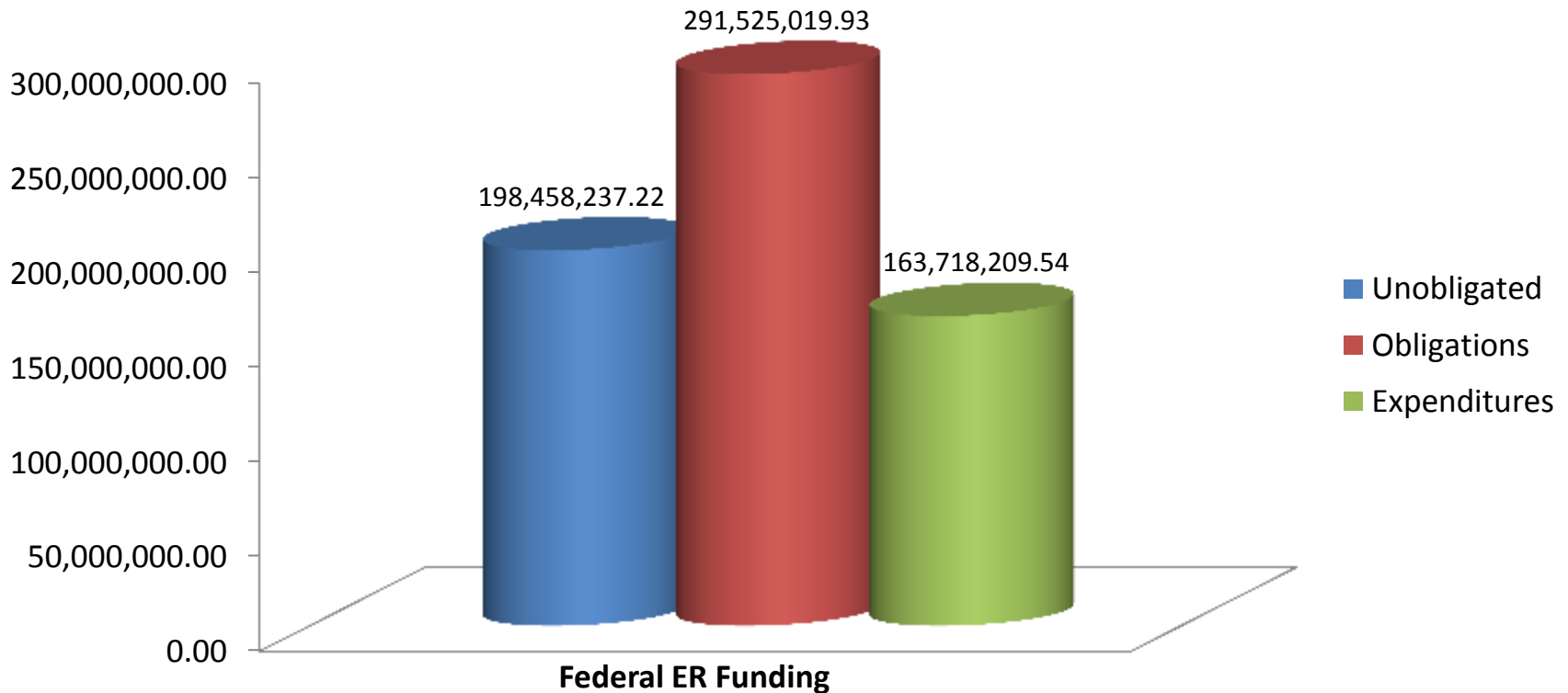
Emergency Relief

- Four separate events in both 2009 and 2010
- Five separate events in 2011
- About 775 detailed damage inspection reports
- Total damage to the federal-aid system at a cost of about \$740 million
- Current emergency relief about \$490 million (doesn't include pending request)



Emergency Relief

2009 - 2011 Emergency Relief Events

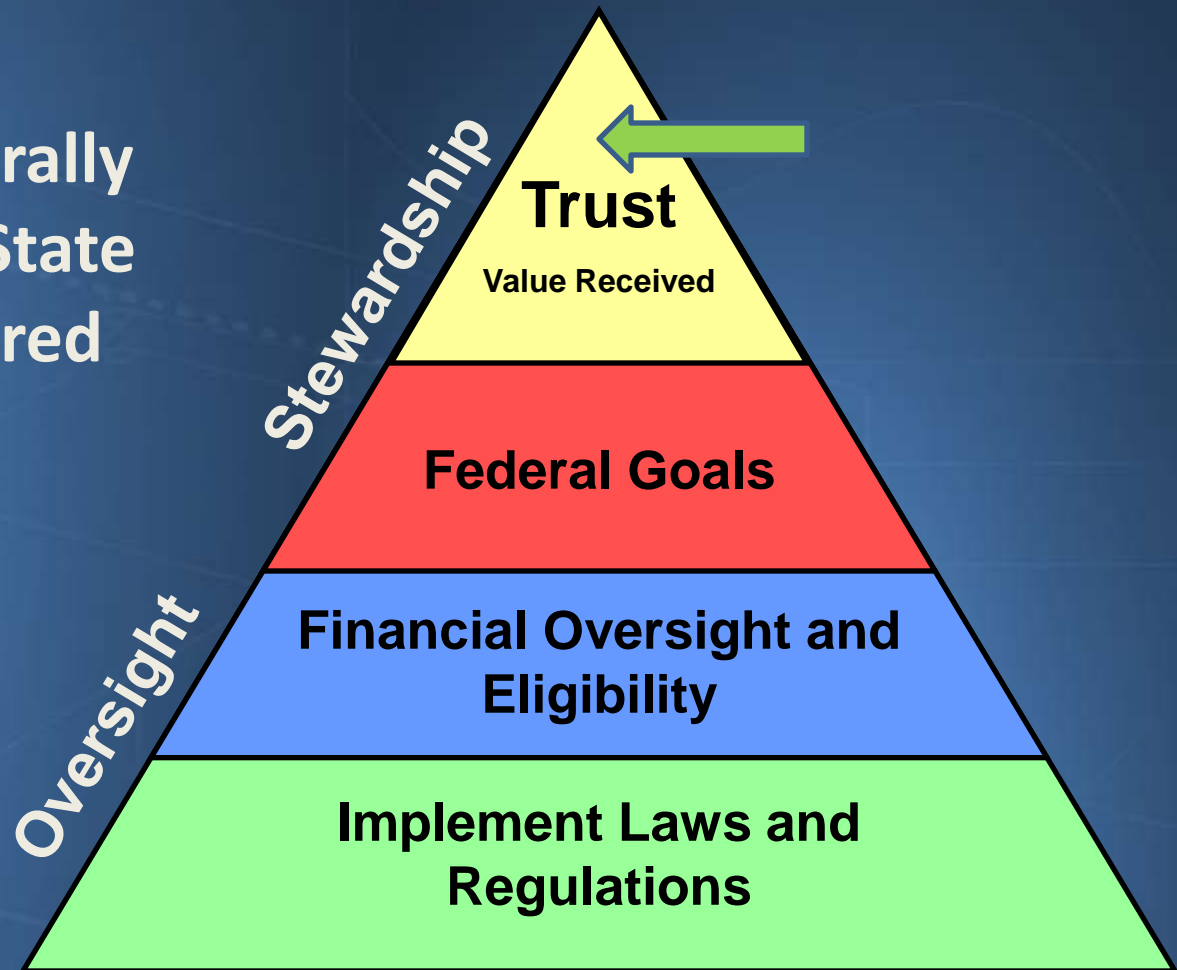




FHWA: Our Role Today

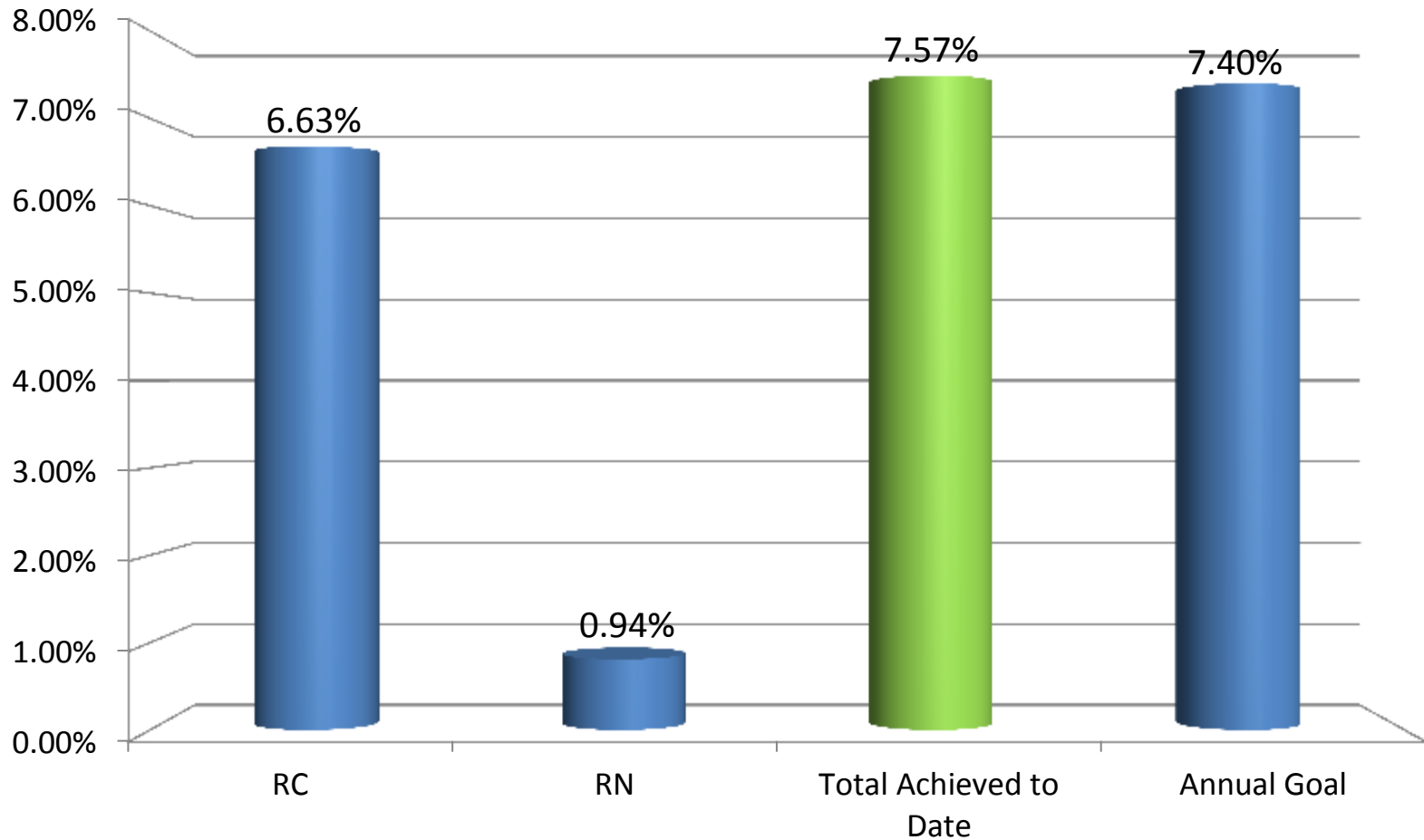
A Partner...

In “A Federally Assisted, State Administered Program”





FHWA Focus: Oversight (DBE)





TERMINATION FOR CONVENIENCE

DBE Final Rule: Effective February 28, 2011

- 49 CFR §26.53(f) has been expanded
 - Prime contractors may not terminate for convenience a DBE that it relied upon to obtain the contract without:
 - Good Cause
 - State DOT written approval



TERMINATION FOR CONVENIENCE

DBE Final Rule: Effective February 28, 2011

- What Constitutes Good Cause?
 - DBE fails or refuses to sign contract
 - DBE fails or refuses to perform to normal industry standards
 - DBE fails to meet prime's reasonable bond requirements
 - DBE goes bankrupt
 - DBE is suspended or debarred (ineligible for fed. contracts)
 - DBE is not a responsible contractor (in opinion of recipient)
 - DBE voluntarily withdraws
 - DBE is ineligible to receive DBE credit for work type
 - DBE death or disability
 - Other documented good cause



TERMINATION FOR CONVENIENCE

DBE Final Rule: Effective February 28, 2011

- What Does Not Constitute Good Cause?
 - Prime wants to self-perform the work
 - Prime want to substitute with another DBE or non-DBE subcontractor
 - Prime contractor makes it impossible for DBE to perform its work in an acceptable manner



TERMINATION FOR CONVENIENCE

DBE Final Rule: Effective February 28, 2011

- Request to Terminate for Good Cause
 - Prime gives written notice to DBE of intent to terminate with copy to State DOT.
 - DBE has 5 days to respond to notice and explain why it objects and why State DOT should not approve prime's request (shorter period if public safety involved).
 - Applies to post-awards and pre-award deletions and substitutions



FHWA Focus: Performance-Based Federal Highway Program



Side-by-Side Comparison

Element	Senate Version	House Version
Performance Goals	<p>5 national goal areas:</p> <ul style="list-style-type: none"> - Safety - Infrastructure Condition - System Reliability - Freight Mov/Economic Vitality - Environmental Sustainability 	<ul style="list-style-type: none"> - 1 national performance management goal - Nation's highway and public transportation systems - Ensure: <ul style="list-style-type: none"> - economic growth - safety improvement - increased mobility
Measures	<ul style="list-style-type: none"> - Measures for 5 national goal areas - USDOT establishes measures 	<ul style="list-style-type: none"> - Measures for 11 categories (22 max measures) - States recommend measures - USDOT establishes measures



Side-by-Side Comparison

Element	Senate Version	House Version
Targets	<ul style="list-style-type: none"> - States & MPOs establish targets - USDOT certifies target - Accountability to meeting targets 	<ul style="list-style-type: none"> - States establish & adjust targets - USDOT sets process
Plans	<ul style="list-style-type: none"> - Investment plans required - Integrated into planning process - USDOT certifies plans 	<ul style="list-style-type: none"> - Investment plans required - Integrated into planning process - USDOT sets process - Plans required to use funds
Reporting	<ul style="list-style-type: none"> - States required to submit performance progress report - USDOT required to produce national performance report 	<ul style="list-style-type: none"> - States required to submit performance progress report



Common Authorization Themes

- National performance areas
- National performance measures
- State performance targets
- Plans to document investment strategies
- Transparent performance reporting
- Performance based planning and programming
- Performance accountability



FHWA Focus: Every Day Counts (EDC)

- Shortening Project Delivery
- Accelerating Technology and Innovation Deployment

<http://www.fhwa.dot.gov/everydaycounts/>



EDC Implementation Teams North Dakota

- Planning and Environmental Linkages
- In-Lieu Fee and Mitigation Banking
- Flexibility in Utility Relocation and Accommodation
- Warm Mix Asphalt





Additional EDC Effort North Dakota

- Adaptive Signal Control (research)
- Safety Edge (performance evaluation)
- Geosynthetic Reinforced Soil (LTAP training)





Safety Edge



Goal 1: By December 2011, 40 State DOTs will have used the Safety Edge_{SM} on projects



Goal 2: By December 2011, 15 State DOTs and all Federal Lands Divisions have adopted Safety Edge_{SM} specifications.



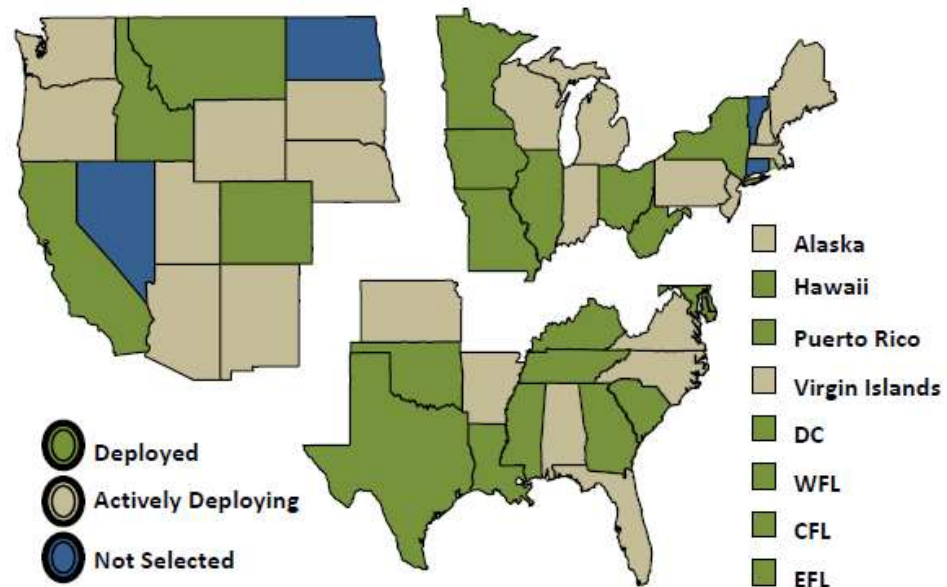
Goal 3: By December 2012, 40 State DOTs will have adopted as a standard for paving projects

52 implementing organizations

602 projects nationwide since October 2010

5 more states with first time use in 2012

24 states adopted specifications for statewide use





Warm Mix Asphalt



Goal 1: By December 2011, 40 State DOTs and all Federal Lands Divisions will have a specification &/or contractual language that allows WMA on Federal-aid or Federal Lands projects.

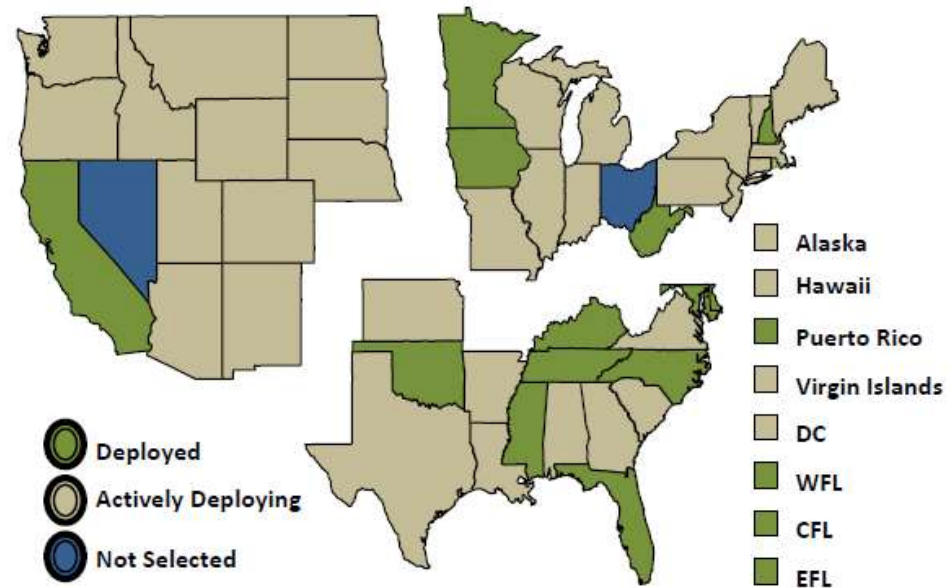


Goal 2: By December 2012, at least 30 State DOTs will have achieved set targets for WMA usage.

54 implementing organizations

34 DOTs and all FLH have adopted standard specifications

14 DOTs have usage goals set





Programmatic Agreements

Goal 1: States will expand, revise or create 15 programmatic approaches at the state and regional scale by December 30, 2011.

Goal 2: FHWA will assess potential for and initiate where feasible development of regional programmatic approaches by December 30, 2011.

■ 106 Process

■ Endangered Species

■ 404 Merger Process

■ Cat Ex

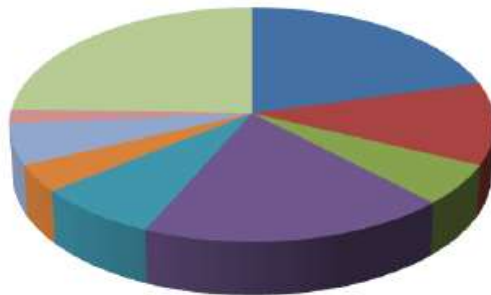
■ NEPA Processing

■ Historic Roads & Bridges

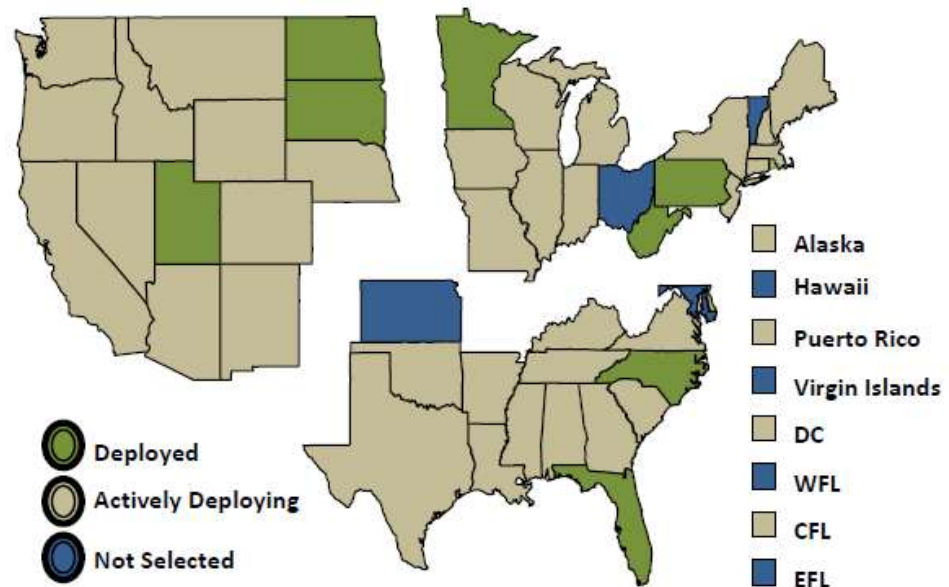
■ Water Depletion

■ Archaeological

■ Others

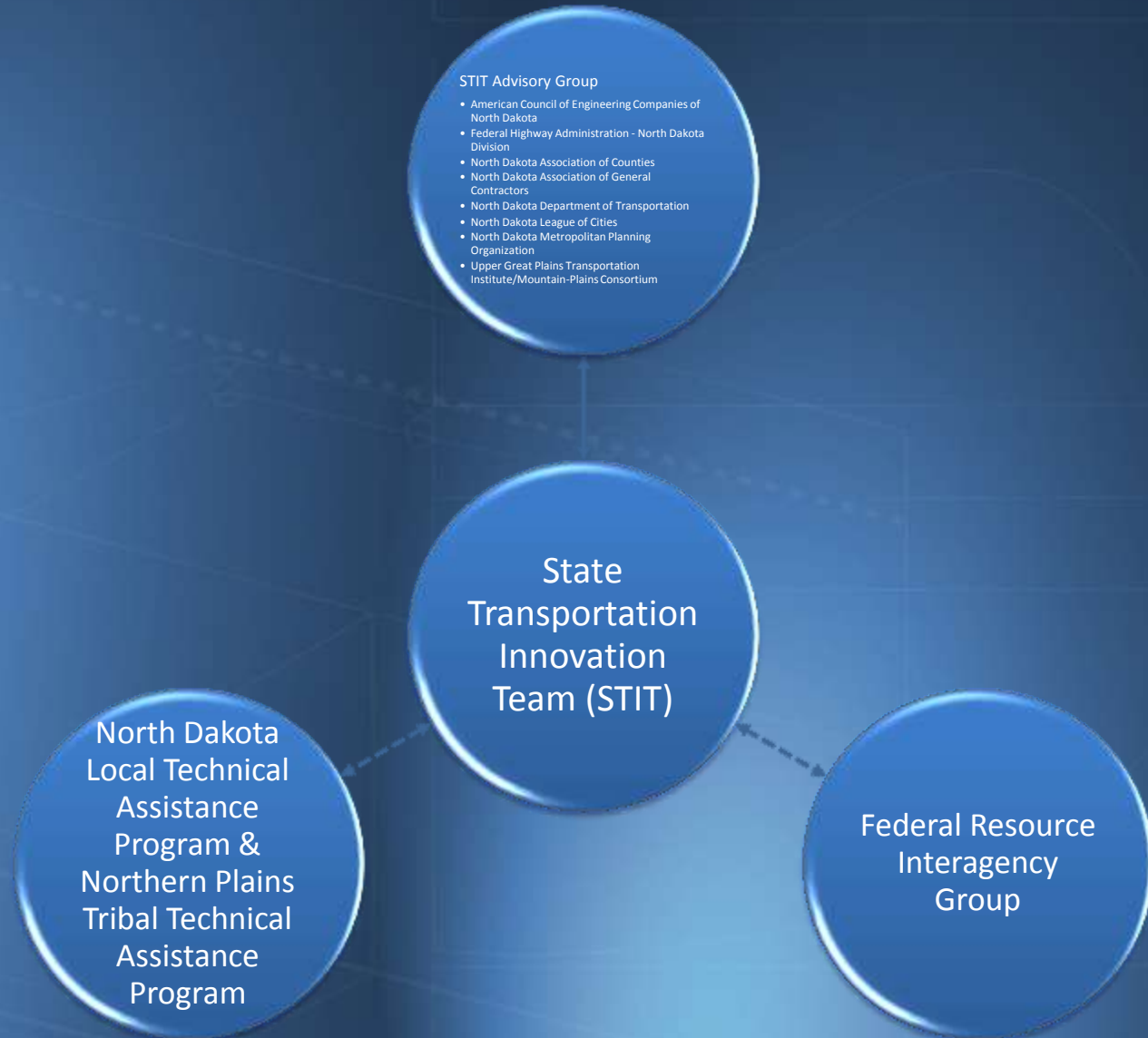


Types of Agreements





North Dakota's EDC Model





STIT Advisory Group

STIT Advisory Group

- American Council of Engineering Companies of North Dakota
- Federal Highway Administration - North Dakota Division
- North Dakota Association of Counties
- North Dakota Association of General Contractors
- North Dakota Department of Transportation
- North Dakota League of Cities
- North Dakota Metropolitan Planning Organization
- Upper Great Plains Transportation Institute/Mountain-Plains Consortium

Thank You!

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Buckle Up, Every Trip, Every Time