

North Dakota Division Office

# North Dakota Association of County Engineers 2015 Annual Conference January 22, 2015

## FHWA Update



# Discussion Areas

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Rugged North Dakota Landscape

- FHWA Briefly
- Federal Funding
- FHWA Focus
  - Program Oversight
  - Project Oversight
    - Common Project Pitfalls
    - Maintaining Federal-aid Eligibility

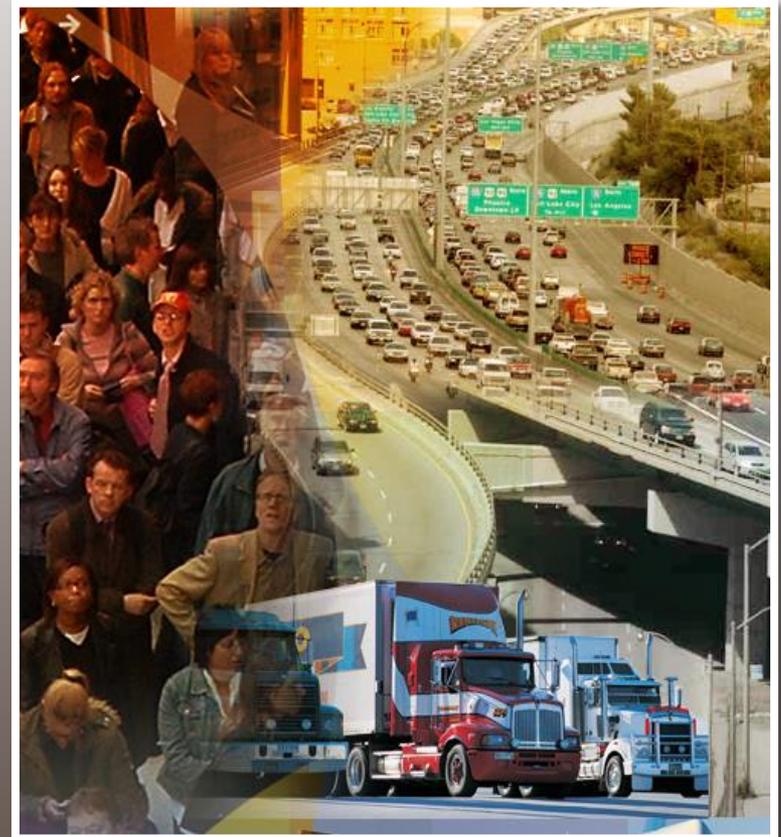


# FHWA Briefly: Who are we?

Rugged North Dakota Landscape

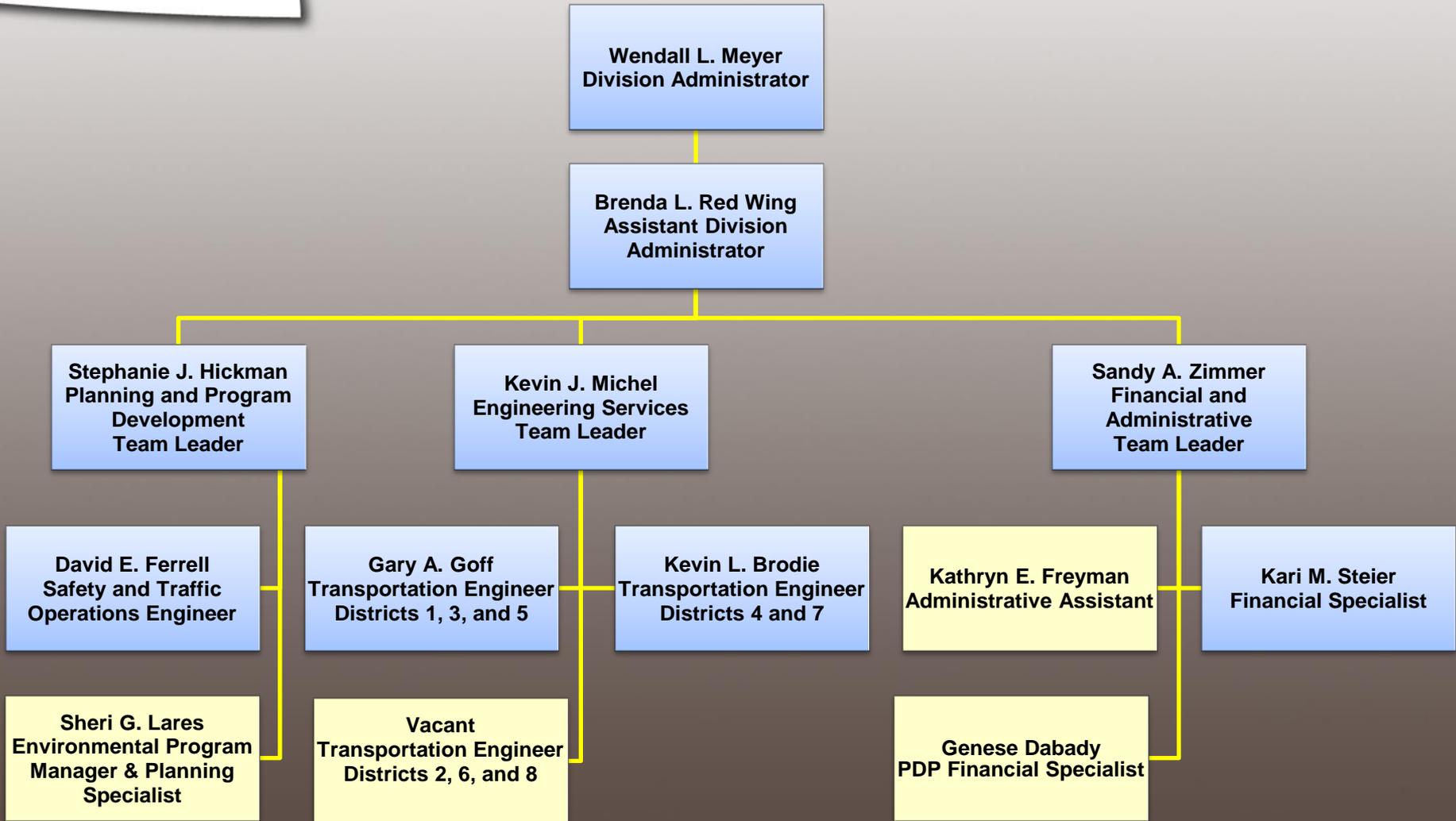
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- **Money:** About \$40B Federal Highway Funds
- **Legislated Mission:** “...provide for a strong and vigorous national economy...” 23 USC 101(b) *(and associated regulations)*
- **What we aspire to through our Mission:** Improve Mobility on our Nation’s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



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# Federal Funding

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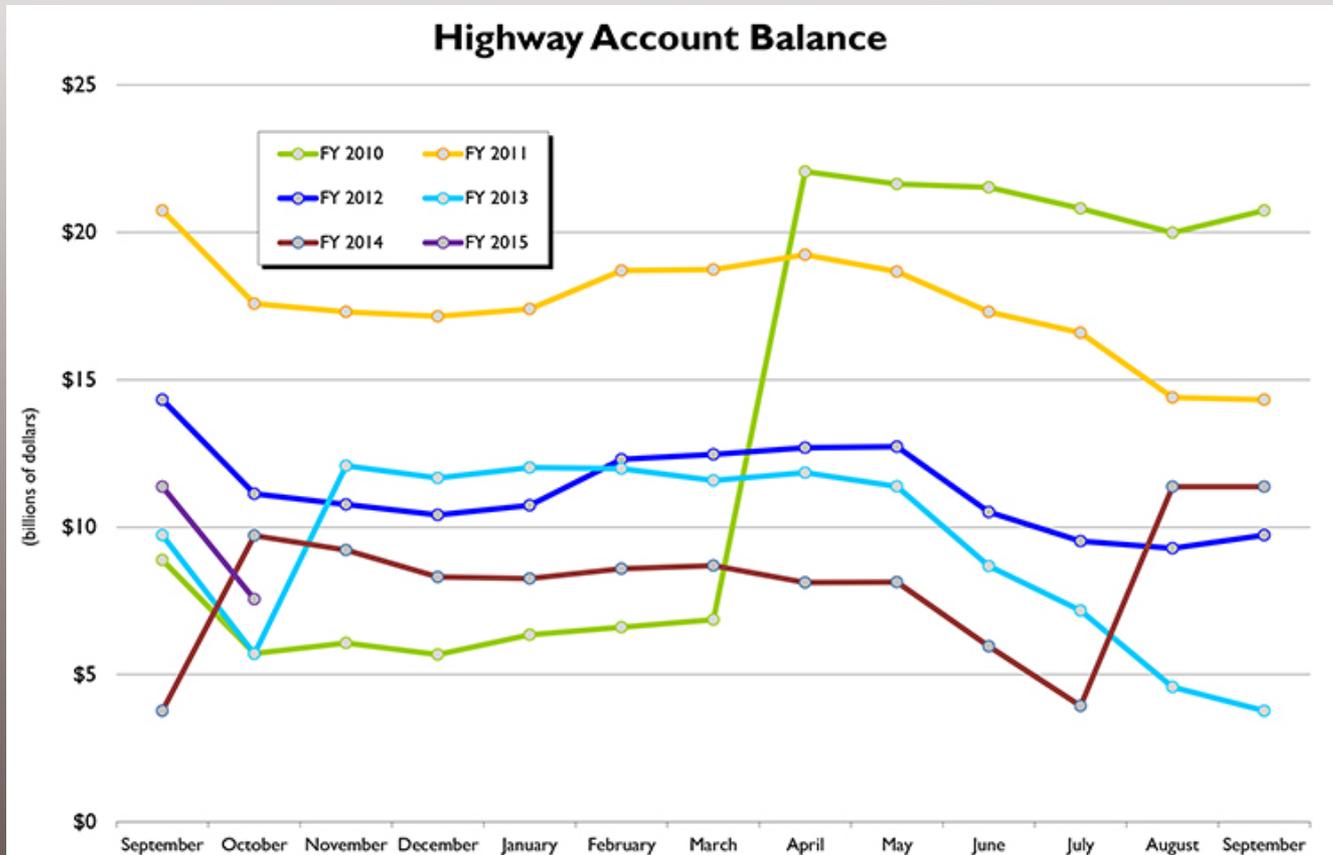
- Transportation Reauthorization
  - MAP-21 Extension (Expires May 31, 2015)
  - Administration Surface Transportation Reauthorization Proposal (Four-Year, \$302 Billion)
- FY2015 Appropriations Act
  - North Dakota's Apportionment \$155,948,150
  - North Dakota's Obligation Limitation is \$147,185,904



# Highway Trust Fund

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For FY 2010 includes \$14.7 billion transferred from the General Fund (GF) in April pursuant to Public Law (P.L.) 111-147.

For FY 2012 includes \$2.4 billion transferred from the Leaking Underground Storage Tank (LUST) Trust Fund in August pursuant to P. L. 112-141

For FY 2013 includes \$6.2 billion transferred from the GF in November pursuant to P.L. 112-141, of which \$316.2 million was sequestered in August.

For FY 2014 includes \$10.4 billion transferred from the GF in October pursuant to P.L. 112-121 less sequester of \$748.8 million. Also includes \$7.765 billion transferred from the GF and \$1 billion transferred from the LUST Trust Fund in August pursuant to P.L. 113-159

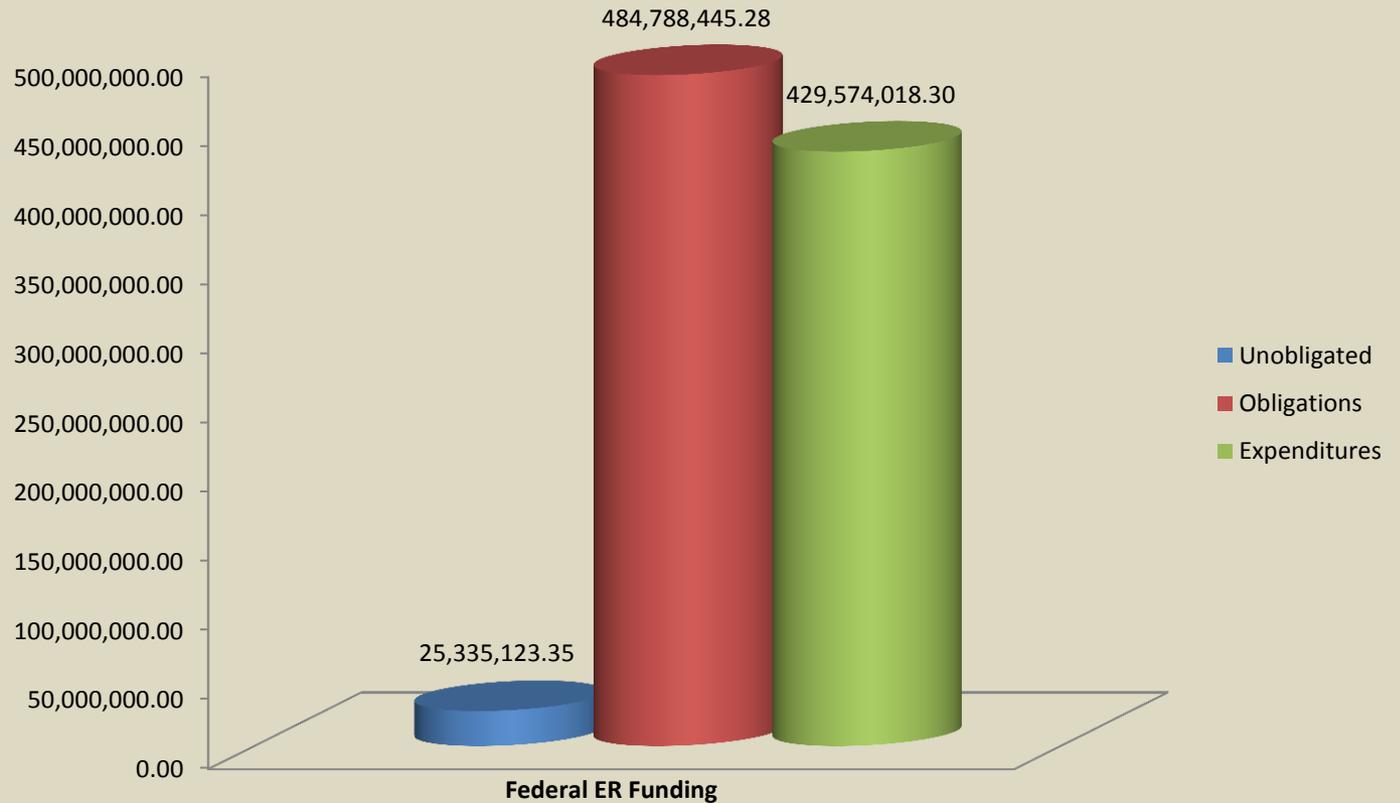


# Emergency Relief

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## 2009 - 2013 Emergency Relief Events



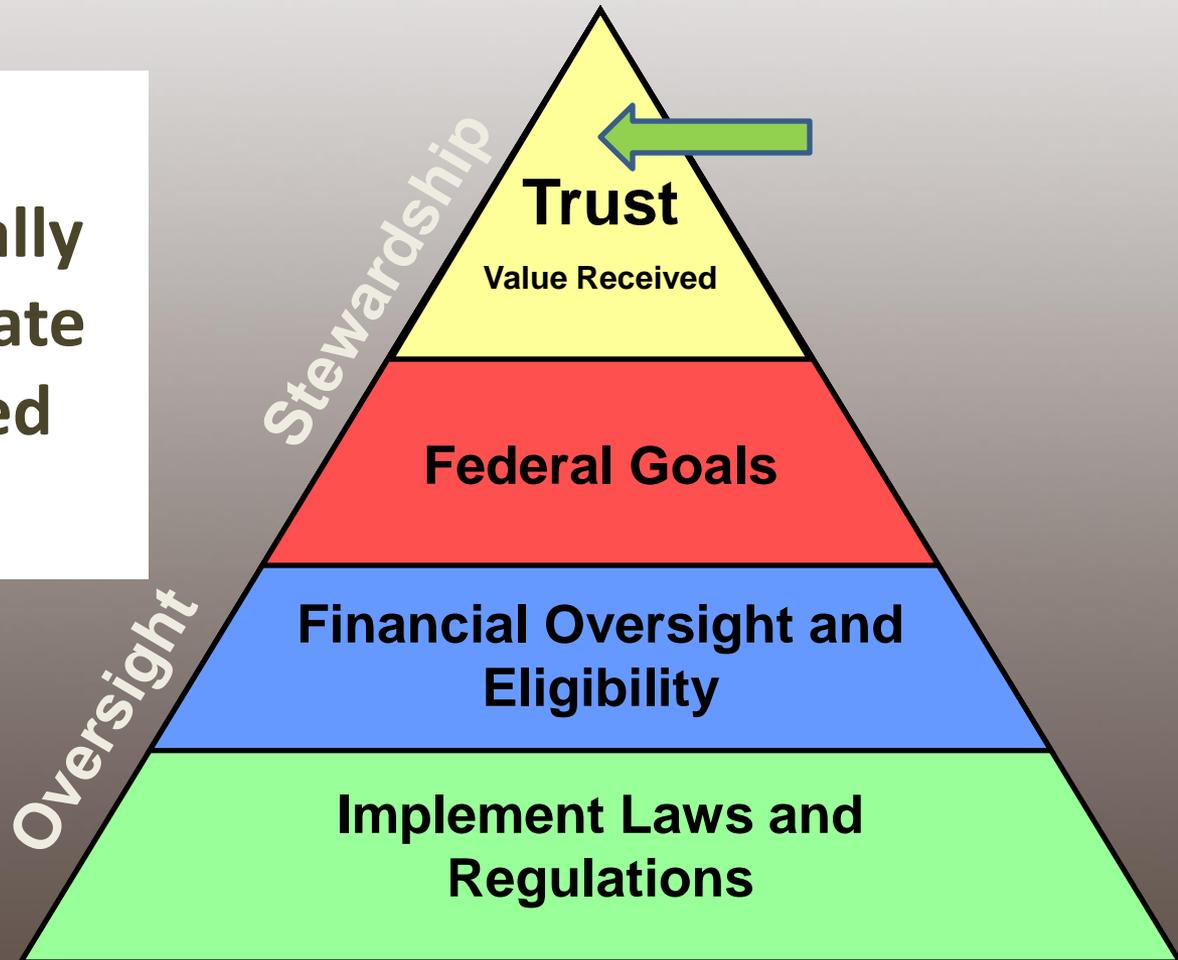
# FHWA Role and Focus: Today

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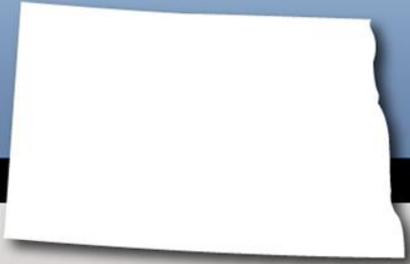
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**A Partner...**

**In “A Federally Assisted, State Administered Program”**



# Program Oversight



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## FHWA Focus: Bridge Loading Rating and Posting



# Bridge Loading Rating and Posting

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- NDDOT currently re-load rating all bridges in the state
- When change in load posting is required (new process):
  - NDDOT sends bridge owner letter [revised] to correct posting deficiency
  - 90-day requirement for owner to respond to NDDOT with adequate resolution
  - If no response returned, a second letter is sent to owner with a 30-day expected response time
  - If no response, MAP-21 allows Federal funds to be redirected to correct the problem; costs could be applied to current/or future County funds



# Project Oversight

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- “Full Oversight” language is no longer used for new federal oversight projects
- Existing “Full Oversight” projects will continue with federal oversight until they are closed out
- Now called Projects of Division Interest (PODI)



# Common Project Pitfalls

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- Do these things to avoid pitfalls on Federal-aid contracts:
  - Keep your haul tickets (approved contractor daily haul summary is a source document)
  - Retain sampling and testing results to support material certifications
  - Request and retain Buy America certifications
    - 2014 NDDOT Spec Book: 106.08 BUY AMERICA
  - Meet DBE project goals
  - Document field books



# Common Project Pitfalls

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- Do these things to avoid pitfalls on Federal-aid contracts:
  - Identify “Employee in Responsible Charge”
    - <http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=15>
  - *Project Development*: Proper railroad coordination and required certification
    - <http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=10>



# Federal-aid Essentials for Local Public Agencies

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- <http://www.fhwa.dot.gov/federal-aidessentials/index.cfm>



# Maintaining Federal-aid Eligibility State or Local Funded Only

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- Acquire right-of-way under the Uniform Act
- Adhere to the MUTCD; 23 CFR 655, Subpart F
- If the National Highway System, adhere to standards in 23 CFR 625
- If Federal-aid is used in any phase, then applicable environmental requirements need to be complied with throughout the project



# Maintaining Federal-aid Eligibility State or Local Funded Only

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- Section 106 of the National Historic Preservation Act, Section 7 Consultation of the Endangered Species Act, and Section 404 of the Clean Water Act may still apply if an action is needed by another federal agency.
- Buy America applies if under a National Environmental Policy Act (NEPA) decision, regardless of funding source, if at least one contract within the scope of the same NEPA document is funded with Federal funding provided under Title 23.



# Thank You!



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*Buckle Up, Every Trip, Every Time*