

From: "Anthony R. Giancola" <agiancol@naco.org>
To:
Date: 10/6/2010 3:06 PM
Subject: Talking Points - Every Day Counts (EDC) Summits
Attachments: Summit One Page Handout.docx; Federal-aidimprovementIssuepaper.pdf; FHWAMendezThankYou.pdf; NACELtrFHWAAdministratorLegLang.pdf; FHWAMendezResponseAug 2010.pdf

All:

To ensure a consistent message from county engineer participants is maintained "talking points" for those attending these summits to use in making our case for improvements to the federal aid program through streamlining and the use of best practices has been developed and listed below. I attended the first day of the EDC Summit in Vienna VA this Monday and I believe that through these summits we can reinforce our case for pursuing improvements in the federal aid program and the LPA process. The attached generic agenda was followed and will probably be used at all summits. The bulk of the agenda is in breakouts where you will receive a short tutorial from FHWA on the topic with lots of opportunities to hear from those states represented and to provide input. The only opportunities for addressing the full assemblage will be in the first morning's plenary session during "Q and A" and the final session "what did we miss" time. I encourage you to take this opportunity to detail some of the below points:

- * Identify yourself, title and county and thank the FHWA for the invitation to participate. Remember local governments own 75% of the nation's public roads, counties about 50%. We are an important stakeholder in project delivery.
- * Express support for the EDC initiative and the importance of making it successful, in particular the reduction of project delivery time of 50%.
- * Besides implementing new technologies which will be highlighted during the summits stress the importance of needed improvements to the Federal aid program and LPA process through streamlining and best practices to allow greater access to federal aid by counties and other local agencies. Acknowledge that each State DOT will approach these improvements in different ways and stress your willingness to work with your State representatives and the FHWA Division offices to make improvements.
- * By getting local government out of the way through streamlined processes the states will free up staff to focus on the review of regionally significant transportation projects. Streamlining project delivery for counties and local government agencies provides more time for the review of regionally important projects which accelerates delivery of important Highway projects which accelerates job growth and stimulates our economy.

Below are some additional talking points to stress during the breakout sessions. I have attached our original issue paper, letters to FHWA and their response for background information. Glean what you can for your meetings. We have also had discussions with APWA transportation leaders on the issues and both organizations are in parallel advocating improvements in the LPA and Federal aid programs. Some of their members (who may be members of both NACE and APWA) will be in attendance. Please seek them out and network.

- * Certification of small-scale Federal-aid project sponsors was identified as an effective practice because it reduces the administrative burden on DOTs by placing more responsibility for project delivery on local agencies. We understand that those states who have a LPA certification process have indicated that they allow some larger local agencies (who are certified) to administer small-scale Federal-aid projects on behalf of smaller agencies, who are either not certified or do not have the appropriate staff or adequate resources to conduct Federal-aid projects. DOTs have cited this approach has a streamlining effect by allowing smaller agencies access to federal funds to produce projects that previously would not have been possible. NACE does not have any anecdotal information on how well this is working.

o Encourage each State Transportation Agency to create an Office of Local Assistance to assist local transportation agencies with the development of federal-aid projects and shall publish a local government assistance manual for federal-aid projects. Many States have this type office and dedicated staff but not all do.

* Many DOTs consider their leadership of the NEPA phase of LPA projects as a streamlining practice, based on the higher level of familiarity of DOT staff with the environmental process. FHWA noted that if local agencies handle the NEPA process themselves, additional time and money can accumulate quickly. Some states have an environmental staff member who works with local agencies, providing guidance throughout the NEPA process, and potentially someone similar from the right-of-way office for real estate acquisition and appraisals. We understand this is working well in Minnesota but do not have any information from other states.

* Some DOTs mentioned that the use of programmatic agreements between agencies expedites the environmental process on small-scale Federal-aid projects. Agreements created for completing environmental actions related to Section 106, endangered species, and categorical exclusions for off-system projects are just some examples. This practice used primarily for projects that incur very little impact to the socioeconomic or natural environment, such as replacing traffic signs, pavement maintenance or preservation activities, and signalization related projects. The agreements significantly reduce the number and complexity of environmental studies and associated paperwork required to obtain the clearance to move ahead with final design and construction phases of project delivery. We understand these work well but have no information on whether any specific programmatic agreements with local governments are being used.

* Several effective practices reported involved the orchestration of federal, state, and local funding. Many survey respondents cited effectively securing federal funding for small-scale projects through the creation of a uniform documented process during the project selection phase. Another effective practice reported entails ensuring that local funding matches are available before projects are selected for implementation. In California, state law requires the swapping of state funds to cover the federal share for a certain amount of rural county STP projects, relieving small-scale projects from the administrative burden rendered from some of the Federal-aid requirements. Iowa uses a state match rather than local agency match in Federal-aid programs so its State-aid funding is not held up. NACE needs more examples on how this is working in other states.

* DOTs stressed the effectiveness of holding early and frequent project meetings with local agencies to ensure they get off to a successful start. Continual periodic status meetings are held to ensure LPA projects are developing in the most efficient manner possible, particularly since there are many other competing regional projects and priorities which can cause a small-scale project to become lost among projects of higher priorities. Status meetings were reported to help project sponsors and their teams stay on target, especially since LPA projects have historically taken much longer to complete when the sponsor is not very involved. NACE assumes that better and frequent communication is an important element.

* In order to ensure federal regulations are being met consistently for the LPA program, many DOTs have identified recurring training sessions as an effective practice for project delivery. Another effective practice demonstrated by most states is to hold "as-needed" training sessions to address any particular concerns a local agency may have during project implementation. NACE assumes that this training is important but is not sure how many states actually do it or how effective it is.

* An effective practice for project delivery involves generating checklists which specifically identify what is expected and required of a local agency in each phase of a particular project. In many cases, the use of simplified checklists for different stages of project delivery has been shown to improve local agency understanding of what is required of them per each project phase in terms of schedule and federal requirements. NACE is aware of several states who have developed streamlined check lists and that they are helpful.

* Inconsistencies between the interpretation and the implementation of regulatory requirements were identified as an issue, but the level of concern varied from state to state. Ongoing, and open communications between LPAs, their state DOT, and the FHWA Division Office is the key to clarifying the interpretation of regulations, resolving differing expectations, and implementing best practices and/or streamlining the process. NACE realizes this is a big concern for local governments and a need by FHWA to issue better guidance to FHWA Division offices.

* Some states who allow the tying together, or bundling, of several small LPA projects into a single larger project at any phase of project delivery consistently highlighted this approach as an effective practice to getting projects built efficiently. This approach was cited as particularly useful when dealing with funding programs that have expedited obligation and expenditure requirements, such as the American Recovery and Reinvestment Act. We understand this has worked well in Oregon.

* Some states allow local agencies to use their own materials or construction specifications and design standards for roadways off the national highway system (NHS) and state systems, as preapproved by the DOT. Some DOTs created specifications specifically for local agencies that they can use directly without going through the specification approval process. This process was reported as saving time and reducing costs to local agencies since, under this approach, they would not be required to use more complex state specifications nor to hire DOT-qualified design consultants or materials testing laboratories. NACE does not have anecdotal information on this.

EDC Regional summit attendees (based on input from you): If there are others let us know and share this information with them.

October 4-5, 2010 Vienna VA

Tony Giancola, NACE

Warren Schlatter, County Engineer Defiance County OH (gave presentation on Geosynthetic Reinforced Soil)

Several District of Columbia (city, county, state) reps primarily in planning area

October 12-13 - Minneapolis, MN

Larry Benz, Cole County Engineer, Missouri

David Patterson, Washington County Engineer, Iowa

Ron Sklenar, Buffalo County Highway Superintendent, Nebraska

October 14-15 - Chicago, IL

Dave Brand, Madison County Engineer, OH (will be giving presentation on Safety Edge technology)

Bruce Stelzner, Chippewa County Engineer, WI

Dan Fedderly, Executive Director, WCHA

Jon Rice, Managing Director, Kent County Road Commission, MI

John Niemela, Executive Director, County Road Association MI

Bill Williams, Monroe County Engineer, IN

Fredrick B. Pausch, Executive Director County Engineers of Association of Ohio

Carl Schoedel, Kane County Engineer, IL

October 25-26 - Albuquerque, NM

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November 4-5 - Sacramento, CA

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November 9-10 - Denver, CO

Rod Meredith, Assistant Public Works Director, Riley County, KS

November 30-December 1 - Vancouver, WA

Jon Oshel, Road Manager, Association of Oregon Counties
Gregg Miller, Washington County Engineer, OR (APWA rep.)
Brian Stacy, Pierce County Engineer, WA
Eric Johnson, Executive Director, Washington Association of Counties

December 6-7 - New Brunswick, NJ

??

December 8-9 - Boston, MA

No invitations expected since counties do not have transportation infrastructure responsibilities.

December 13-14 - Atlanta, GA

Wayne Sullivan, Director Roads and Transportation, Jefferson County, AL

Richie Beyer, Elmore County Engineer, AL

Ramon Gavarrete, Highlands County Engineer, FL

Federal Highway Administration
Every Day Counts
Innovation Initiative

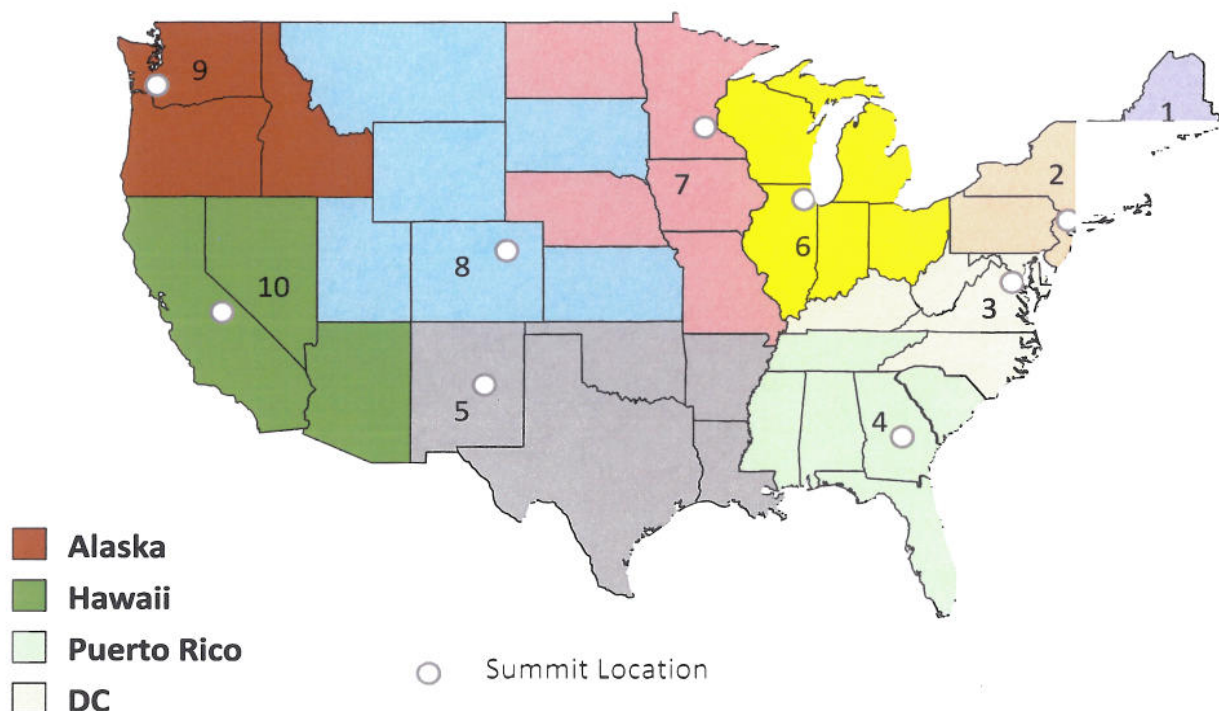


EDC Regional Innovation Summits

Dates

October 4-5 –Vienna, Virginia
October 12-13 – Minneapolis, MN
October 14-15 – Chicago, IL
October 25-26 – Albuquerque, NM
November 4-5 – Sacramento, CA
November 9-10 – Denver, CO
November 30-December 1 - Vancouver, WA
December 6-7 – New Brunswick, NJ
December 8-9 – Boston, MA
December 13-14 – Atlanta, GA

Innovation Summits



Day 1	Plenary Session				
7:00 - 8:00	Registration and Breakfast				
8:00 - 9:30	Greeting and EDC Vision - FHWA Administrator Summit Purpose, Charge, and Schedule - FHWA Deputy Administrator EDC Benefits to States - AASHTO				
9:30 - 9:45	Break				
	Concurrent Sessions				
	Room 1	Room 2	Room 3	Room 4	Room 5
9:45 - 12:00	In Lieu Fee / Mitigation <i>- Understanding the Process</i> <i>- Barriers to Implementation</i>	Planning and Environmental Linkages <i>- Understanding the Process</i> <i>- Barriers to</i>	CMGC / DB <i>-Understanding the Method</i> <i>-Barriers to Implementation</i>	Technology and Innovation Plenary Session	
12:00 - 1:00	Lunch				
1:00 - 2:30	Expanding Programmatic Agreements <i>- Understanding the Process</i> <i>- Barriers to Implementation</i>	Planning and Environmental Linkages <i>- Current state of use in your state</i> <i>- Commitment for future</i>	CMGC / DB <i>-Current state of use in your state</i> <i>-Commitment for future</i>	Warm Mix Asphalt, Safety Edge and Adaptive Control Technology/ACS Lite <i>-Current state of technology</i>	Prefabricated Bridge Elements and Geosynthetic Reinforced Soil <i>-Current state of technology</i>
2-30 - 3:00	Break				
	Concurrent Sessions				
	Room 1	Room 2	Room 3	Room 4	Room 5
3:00 -5:00	Expanding Programmatic Agreements <i>- Current state of use in your state</i> <i>- Commitment for future</i>	Legal Sufficiency Review	Flexibilities in ROW and Utilities <i>-Understanding the Flexibilities</i> <i>-Barriers to Implementation</i>	Warm Mix Asphalt, Safety Edge and Adaptive Control Technology/ACS Lite <i>-Barriers to Implementation</i>	Prefabricated Bridge Elements and Geosynthetic Reinforced Soil <i>-Barriers to Implementation</i>
Day 2	Concurrent Sessions (continued)				
7:00 - 8:00	Breakfast				
8:00 - 10:00	Enhanced Technical Assistance on Delayed EISs	Clarifying the Scope of Preliminary Design	Flexibilities in ROW and Utilities <i>-Current state of use in your state</i> <i>-Commitment for future</i>	State Based Technology Discussions	
10:00 - 10:15	Break				
	Plenary Session				
10:15 - 12:00	What Next? - What Did We Miss?				

NACE Federal-Aid Process Streamlining Issue Paper

(Approved NACE Board of Director 4/19/2009)

Issue(s):

In April 2008 NACE President Sue Miller established a NACE Federal-aid Improvement Task Force to study how improvements in the administration of federal-aid dollars by local agencies could be attained and to pursue improvements in the federal-aid highway program to allow more accessibility of federal-aid funding to local agencies. Associated with this would be an effort to "Restore the Partnership" among government agencies by the establishment of improved communications and collaboration with state departments of transportation and FHWA Division offices located in every state.

Background & Discussion:

In April 2007 the FHWA issued a final report from the recently completed national review titled, *The Administration of Federal-Aid Projects by Local Agencies*. The findings suggested that the administration of Federal-aid projects by Local Public Agencies (LPAs) may lack a systematic or comprehensive oversight approach. The review also suggests that the current oversight activities, as a whole, may be inconsistent from State to State and ineffective for ensuring that Federal-aid requirements are met on LPA-administered projects. It emphasized the need for a stronger emphasis on educating local agencies on how to navigate through the Federal-aid processes, but also identified a need for a stronger partnership between the States and the locals to get this done.

From the input of several State DOT local roads offices on the Task Force it is clear some states are implementing improvements to allow greater access to programs involving federal-aid dollars.

In Minnesota they are trying to streamline the application processes particularly with safety improvements projects for HSIP projects. They are simplifying the process by combining reporting and getting out of the actual contracting of work, limiting MNDOT involvement to design approval. The on line project memorandum writer process for simple project approval has simplified the paperwork and is receiving favorable response from local agencies. They have State Aid staff in all district offices as well as in expert offices like Bridge, Cultural Resources and Construction. The State Aid manual documenting processes is online. They are pursuing a fund exchange of state aid funds for federal funds to concentrate the federal funds on fewer projects. This will save money and time by using the more streamlined state aid process. The HELPP process is a program of streamlining between MNDOT and the FHWA Division office which is separating out what are federal vs. state requirements with a view toward just requiring what is absolutely needed for project approvals under federal-aid. While primarily administrative, not legislative, requirements they have included County Engineers on the review committee. A key to its success is the progressiveness of the FHWA Division office to seek improvements through process review and change.

Iowa was one of the pilot states in the national report and have been working on improvements over the past two years. Iowa has developed a Federal-aid project guidance manual that is on line. While it does not streamline the steps they have done some streamlining items in some projects with negligible impacts on the environment. If a project has no impact they can issue clearance and do not have to go to FHWA to gain additional approval. Work is continuing on the manual outlining all the federal steps and it is available on the web along with a detailed description of the approval process. It may be necessary to encourage FHWA headquarters to provide clear direction on regulations. In summary they have their oversight agreement with FHWA, a guidance document and environmental streamlining process. Locals are using about \$20 to \$26 million per year at the county level in the federal aid bridge program while cities receive about \$6 million. The cities submit applications for funds and the state funds projects until

the available funds are gone. Counties are provided an annual allocation of funds that they can allocate to qualifying bridges. The STP funds for counties and cities are programmed through 18 Rural Planning Affiliations and 10 Metropolitan Planning Organizations. Projects are programmed in local TIPs and then submitted to the DOT for inclusion on the STIP. The counties do not like going through these steps to obtain STP funds. You can find the Programmatic Agreement at the following locations.

<http://www.ole.dot.state.ia.us/documents/106PA&Procedures.pdf>

<http://environment.fhwa.dot.gov/strmlng/searchresults.asp?keyword=&StateSelect=Iowa&CategorySelect=all&startrow=1&ResultsSelect=10>

California has an office of local assistance in the State DOT (CALTRANS) with each of the 12 district offices having an office working with locals. All projects compete and go through their planning agencies. They have a local assistance manual which is available on line. While the program is well defined the biggest challenge is the environmental process. In SAFETEA-LU California was identified to work on streamlining and NEPA delegation whereby the State DOT could get approval authority without going back to the federal government for a second review. This is still being pursued.

In Oregon they have a Local Agency Guidelines (LAG) manual (also on-line). ODOT has put together a training program on the federal aid system which is in the website. ODOT has an "Exchange Program" for STP funds with counties and cities where ODOT provides 96 cents on the dollar of state monies in lieu of local agency STP allocated federal dollars. It was noted that other states also grant local agencies state-aid in lieu of federal dollars. Oregon noted that some programs like CMAQ at the federal level limit how you can use the dollars and do not allow use of the monies for program management. This is an item which needs to be changed to allow states to use monies for program staff. This appears to be a language issue in the current legislation and/or regulations which we should try to address through the legislative process.

In Kansas, they have a "Bureau of Local Projects" within the KDOT organization. It was noted that while Locals have some opportunity interact with the Kansas FHWA Division staff at professional meetings, Counties are expected to work through KDOT when seeking interpretation or clarification of FHWA requirements. This generally is reinforced by both KDOT and the Division office itself, which adds to the confusion about whose requirement/regulation it is. In the past, it had been found some of these requirements originated within KDOT, not the FHWA. Counties have been able to resolve these issues in some instances but not easily.

Washington has a "Highways & Local Programs" office within WSDOT. A strong relationship has existed between WSDOT and local entities for many years, including well established procedures and standards. General communication and coordination efforts are supported and enhanced through Washington's County Road Administration Board. Very limited contact occurs directly between locals and FHWA. Even with the long history of cooperation, declining resources has begun to create more adversarial situations, especially due to an increasing role being taken by the State Legislature in determining funding distributions. Even a long standing Federal-Aid program such as Washington's can benefit from improvements in federal guidance and simplification of rules.

In Idaho, the Local Highway Technical Assistance Council (LHTAC) was formed by the Idaho Legislature in 1994 to improve the coordinated efforts to all Local Highway Jurisdictions (LHJ) with the Idaho Transportation Department (ITD). The primary intent of LHTAC is to provide technical assistance to each of the LTJ's. LHTAC is independent of ITD. In 2000, LHTAC's role was expanded. Its purpose is to promote the continuing, cooperative, comprehensive, multi-jurisdictional transportation planning, and achievable capital improvement programs within the Local Highway Jurisdictions. LHTAC is authorized by Idaho Code to "cooperate with and receive and expend aid and donations from

the federal or state government and from other sources for the administration and operation of the council". LHTAC provides technical training to the LHJ's, administers and oversees the application processes, prioritizes and makes recommendations to the State Transportation Board for Federal Funding. The Federal STP projects are assigned to one of three engineers in the LHTAC office. The assigned engineer coordinates the efforts of the Federal Aid money between the Idaho Department of Transportation, the consulting engineer, FHWA, and the LHJ's. At this time, LHTAC is required to conform to ITD's Project Development process which has been approved by the Idaho Division of the Federal Highway Administration (FHWA). One goal was to better formulate the process to use Federal-aid Highway Funds on the Federal-aid system. The Local Federal-aid Funds are to be used on the Local Federal-aid system. When the fiscal year for project construction arrives, ITD administers the advertisement, bidding process, and construction of the local projects. The volume of road projects and bridges that LHTAC is trying to oversee causes some projects to sit, when other projects are demanding time and or attention. Idaho is evaluating the process, addressing the needs, and proposing improvements.

Conclusions:

1. Under a certain value, pursuing federal-aid dollars by Local Agencies is not cost effective due to the excessive reporting, environmental reviews, and time commitments. Thresholds should be considered for projects with federal-aid funding under which local jurisdictions would comply with state and/or local regulations only.
2. Local Agencies are not always familiar with federal and state regulations regarding State Transportation Agency and federal-aid programs and the funding of these programs.
3. There appears to be a need for clarity of legislative language in some federal programs to authorize and possibly mandate the funding of program management with federal-aid funds. Declining resources have begun to create more adversarial situations with the result of restrictive interpretations which have the effect of inhibiting and/or discouraging Local Agencies from applying for federal-aid dollars.
4. A need exists to get all the players talking to each other on a continuing basis to respond to questions and resolve possible confusion over the interpretation of both state and federal-aid regulations and to suggest changes to streamline the processes.
5. There are many best practices being implemented by State Transportation Agencies with some practices being more effective than others. Those truly best practices need to be shared with all states.
6. There exists confusion on regulations by both state and local agencies as to whether some are a state requirement or a federal requirement. This confusion may discourage Local Agencies from applying for federal-aid and State Agencies from providing assistance in conforming to FHWA rules.

Recommendations:

1. Establish Federal-aid funding thresholds below which procedures, reviews, certifications and the process would be relaxed and/or streamlined to reflect the risk encountered. Additionally certain projects under a designated dollar threshold involving no real estate transactions would receive categorical exclusions from meeting federal and state requirements and comply with local regulations only. For example, projects under \$1 million in value for safety, intersection improvements, beautification, sidewalk improvements, bridge and road reconstruction projects (replacement in kind within existing footprint and/or on previously disturbed land) and involving no real estate acquisition would qualify.

2. Establish in every State Transportation Agency the equivalent of a “federal and state aid office” or “local roads office” to work with Local Agencies on how to access both state and federal-aid dollars. This office should facilitate communications about, and serve as a clearinghouse for, information about federal-aid programs involving Local Agencies, and ensure that local agencies are educated —by the DOT or another entity such as LTAP—on both the federal and state regulations related to the administration of those programs.
3. Modify federal legislative language in specific programs to clarify or authorize and possibly mandate the use of federal funds on program management of federal-aid projects being submitted by Local Agencies.
4. With clear and consistent FHWA Division Office interpretations of federal-aid regulations State Transportation Agencies need to take the lead to implement in a continuing communications process with Local Agencies on the administration of federal-aid and state programs. The goal of all stakeholders is to work in cooperation and collaboration to clarify and distinguish between regulations as to whether they are state or federal requirements and engage in a continuous process to review these regulations for streamlining opportunities.
5. The FHWA should provide consistent interpretations of their regulations and provide firm guidance and direction to State FHWA Division offices to help facilitate cooperation and collaboration among State and Local agencies in the streamlining and administration of federal-aid programs. The several best practices already being implemented by some states need to be shared and promoted among all State Transportation Agencies.
6. The FHWA Division offices should willingly respond to questions from Local Agencies about interpretations of federal regulations without automatically referring those questions to the State Transportation Agency to reply.

National Association of County Engineers



A. R. Giancola, P.E. Executive Director

LOCAL ROADS MATTER!

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March 12, 2010

The Honorable Victor Mendez
Administrator, Federal Highway Administration
U. S. Department of Transportation
1200 New Jersey Ave., S. E.
Washington, DC 20590

Dear Administrator Mendez:

I want to thank you for your interest and the time spent with me and NACE members last Friday. I feel the discussions were frank and sincere and went along way to outline firsthand the issues and concerns that County Engineers are witnessing in the field.

Let me take the liberty of summarizing what I came away with from our meeting.

1. Commitment by each to restore and reinvigorate the partnership between the FHWA and county government recognizing the need to engage our State Transportation Agencies in this effort. This can be accomplished by;
 - a. Improved communications between the FHWA Division offices/State Transportation Agencies and county engineers. We appreciate the FHWA effort to have either a full time or collaterally assigned point of contact in each Division office to work on local road issues. We would request FHWA assistance in encouraging each State Transportation Agency to establish, if not already functioning, a "State Aid Office for Local Projects" or equivalent as outlined in Recommendation #1 of our issue paper on Federal-aid streamlining. It is clear those States with such offices are leading the way in implementing efficiencies in the program.
 - b. Forming a joint FHWA/AASHTO/NACE Task Force/Working Group to explore ways to reduce project delivery time in executing the Federal-aid program
2. That the FHWA communicate to its Division Offices the need to provide accurate and consistent guidance as to the Federal-aid program and to encourage the partnerships noted above.

3. Recognize that the FHWA role and responsibilities, in oversight and guidance in insuring the laws of our nation are complied with respect to NEPA, EEO, Davis-Bacon, etc.
4. Work toward identifying and considering legislation in the next authorization which would improve the efficiency of the execution of the Federal-aid program. We are specifically supportive of the tiered project approval process that we discussed and which seemed well received at the NACo Transportation Steering Committee meeting.

We also appreciated your participation and remarks at the NACo Transportation Steering Committee meeting on March 7, 2010. We too support your "Every Day Counts" initiative and were pleased to have Tony Giancola, NACE Executive Director, participate in reviewing and finalizing those priority technologies last month. You noted one of the three goals is to reduce project delivery time by 50%. We strongly feel some of the above initiatives will allow us to reach this goal on implementing local projects using the Federal-aid program. Finally we remain committed to working with you to achieve these mutual goals.

Sincerely,

A handwritten signature in cursive script, reading "Chris Bauserman".

Chris E. Bauserman, P. E. & P. S.
President

National Association of County Engineers



THE VOICE OF COUNTY ROAD OFFICIALS

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June 23, 2010

The Honorable Victor Mendez
Administrator, Federal Highway Administration
U. S. Department of Transportation
1200 New Jersey Ave., S. E.
Washington, DC 20590

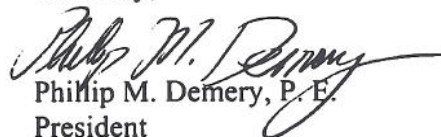
Dear Administrator Mendez:

I would like take this opportunity to follow up with you from previous meetings with NACE Past President Chris Bauserman and 7 NACE members on March 3, 2010 and the April 12, 2010 meeting with Executive Director Tony Giancola and AASHTO Executive Director John Horsley and staff and provide legislative language proposals which we feel would improve the efficiency of the federal aid program and accelerate the delivery of federal aid projects by local government agencies.

Besides the legislative language proposals included in this letter, we are committed to continue working with the AASTHO Executive Director and Staff to explore and implement improvements in the administration of federal-aid dollars by local agencies in each state.

In summary, we applaud your leadership in addressing improvements and streamlining of the administration of federal-aid by local agencies and request your serious consideration of our recommended legislative language proposals.

Sincerely,


Phillip M. Demery, P.E.
President

Copy: Jeff Paniati, FHWA Executive Director

Proposed National Association of County Engineers

Legislative Language for Next Transportation Authorization

The following legislative language changes/additions to the next Transportation authorization bill to improve the efficiency of implementation of the federal-aid program and access by local government include:

- “Within one year after the enactment of this legislation, each State Transportation Agency shall create an Office of Local Assistance to assist local transportation agencies with the development of federal-aid projects and shall publish a local government assistance manual for federal-aid projects.”
- “FHWA shall provide a Guidance Document to State DOT’s within one year of enactment of this legislation outlining the Federal desire and intent to streamline the processing of Categorically Excluded projects as a means of expediting the delivery and minimizing the costs in implementing these projects which have been deemed to have insignificant impacts to the environment.”
- “Any federal aid highway pavement preservation or rehabilitation, bridge replacement or rehabilitation, safety, sidewalk, bicycle and pedestrian project in the existing right-of-way and not requiring any additional real estate acquisition and under \$1 million dollars in total value only have to comply with State and Local regulations”
- “All federal permitting agencies shall have sixty days to determine if a permit will be required for a federal aid highway, bridge, safety, sidewalk, bicycle and pedestrian project that is designated as a categorical exclusion, is in the existing right-of-way and does not require any additional real estate acquisition. If it is determined by a federal agency that a permit is required, such federal agency shall have an additional sixty days to issue a permit.”
- “Non-NHS projects and low-cost NHS projects.-Any State may request that the Secretary no longer review and approve plans, specifications, and estimates for any project (including any highway project on the National Highway System with an estimated construction cost of less than \$1,000,000 but excluding any other highway project on the National Highway System). After receiving any such notification, the Secretary shall undertake project review only as requested by the State.” **(From ISTEA Section 1016: Program Efficiencies)**



U.S. Department
of Transportation
**Federal Highway
Administration**

Office of the Administrator

1200 New Jersey Avenue, SE
Washington, D.C. 20590

August 11, 2010

In Reply Refer To:
HIPA

AUG 17 2010

Anthony R. Giancola, P.E.
Executive Director
National Association of County Engineers
25 Massachusetts Avenue, NW.
Washington, DC 20001

Dear Mr. Giancola:

Thank you for your message following-up on our meeting about program delivery under the Federal-aid highway program.

I appreciate the opportunity to discuss our mutual interest to address strategies that will help shorten project delivery time. I understand how important it is to do all we can at the Federal Highway Administration to assist our State and local partners in delivering highway and bridge projects with maximum efficiency. With transportation resources constrained at all levels, we must all work to maximize the value of every taxpayer dollar we spend, and deliver the benefits of the projects to the public sooner. In order to accomplish that goal, I believe we must employ 21st century practices and technology. As we discussed, our innovation initiative, Every Day Counts (EDC), has as one of its core elements shortening project delivery (see enclosure).

This fall, we are partnering with the American Association of State Highway and Transportation Officials (AASHTO) to hold 10 regional EDC Innovation Summits around the country, where we will work directly with State and local transportation agency leaders on implementation of the EDC initiatives. At its core, EDC is about rapid deployment of innovation. It is important that we work directly with those we count on to deliver the projects if we are to be successful in deploying innovative practices and technologies. We will invite officials from State and local transportation agencies as well as representatives from the construction and consulting sectors to participate. I invite you to join us to ensure county transportation engineers are included in the EDC Innovation Summits. We will be in touch with you soon to discuss the summits in more detail.

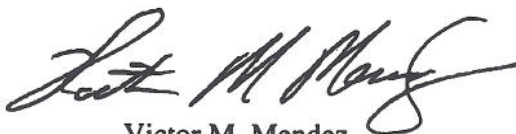
I also appreciate the information you provided regarding all the work NACE has done on reauthorization and improvement of the local public agencies process. One strategy we are considering is the expanded use of programmatic agreements (PA). This is one tool that



I believe we can use more effectively with any agency using Federal-aid dollars. Expanded use of PAs can accelerate the time it takes to both permit and construct infrastructure improvements under the Federal-aid program. On a nationwide basis, we are assessing the use of PAs through the AASHTO Center for Environmental Excellence. Once we conclude this assessment we will be able to identify further opportunities to deploy PAs as a best practice throughout the Nation.

I am anxious to continue working with you and NACE to further pursue innovative approaches to accomplish our combined mission - to provide the traveling public with safe and reliable transportation.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor M. Mendez", written in a cursive style.

Victor M. Mendez
Administrator

Enclosure