

Michigan Local Public Agency (LPA) Stakeholder Partnering (SP)

2019 Accomplishments Report

August 7, 2020

The Local Public Agency (LPA) Stakeholder Partnering Team met five times in 2019 and focused on improving partner communications and relationships including working towards resolution of various challenges identified on the Stakeholder Partnering issues matrix. This report summarizes the major issues worked on by the team during 2019.

Meetings occurred on 1/10/19, 3/26/19, 5/09/19, 7/17/19, and 11/7/19.

There were no changes in the sponsors or team leads.

Sponsors: Denise Donohue from County Road Association (CRA) of Michigan, John LaMacchia from Michigan Municipal League (MML), Brad Wieferich from Michigan Department of Transportation (MDOT), Theodore Burch from Federal Highway Administration (FHWA)

Team Leads: Steve Puuri from CRA/MML, Tracie Leix and Kelly Crannell from MDOT, and Kurt Zachary from FHWA

Local Project Packaging/Certified Design Engineer

Local agencies wanted to trial submitting a Local Agency Program (LAP) project while hosting their own Grade Inspection (GI). The trial was done by Kent County in YEAR. A presentation by Kent County showed this project was more work on the local agencies, but there was the added benefit of time savings surrounding a GI timeline. However, this was before the current LAP structure of scheduling GI within 30 days of complete package submittal and consultant assistance. Kent County feels this process could still benefit local agencies.

Cost Sharing Agreements

Agreement staff began to trial paperless cost sharing agreements with local agencies in 2019. It was decided that this process was more efficient for tracking and held benefit. It was decided that agreements will go completely paperless by 2020.

Local agencies requested that MDOT add language to clarify that Federal Grants are to be used before local dollars, as well as whether grants are capped or not. Agreements staff inserted a footnote on agreements to distinguish if federal funds are capped or pro-rata. Obligations are typically set up to utilize capped funds before other funds. If a local agency requires something different or unusual, they should be working with their LAP staff engineer regarding those needs.

Bridge Design and Bundling

MDOT Bureau of Bridges and Structures (BOBS) is piloting a bridge bundling program and solicited a representative from each county to do a structure review and prioritize bridges. Funding for an initial pilot was secured through Highway Infrastructure Program (HIP) and a pilot with approximately 20 bridges commenced in late 2019. Bridge projects are being chosen and bundled together by criteria and designed by one consultant to see if this process will save money. It is anticipated that another consultant will perform construction engineering for the project bundle.

MDOT Trunkline is no longer specifying side by side box beam bridges. Due to premature deterioration and constructability issues (post tensioning on part-width construction), MDOT has decided to eliminate the use of side by side box beam bridges. Spread box beam bridges are still allowed.

Environmental - Mussel Concerns

MDOT has posted mussel protocol, mussel maps for prescreening, the local bridge call for projects includes information regarding mussel timelines, information to be shared at the Bridge Conference and was shared at Transportation and the Environment Conference. Mussels will not only impact bridges, but culverts too.

Conflict of Interest for Preliminary Engineering & Construction Engineering

MDOT and FHWA are working to streamline and increase flexibility of Conflict of Interest (COI) guidance for projects which utilize federal funds for services. The current COI guidance can be confusing. MDOT anticipates releasing revised guidance in 2020.

National Environmental Policy Act Process Improvement

A new process in which MDOT approves local agency submitted National Environmental Policy Act (NEPA) documentation was implemented for all new GI packages received on/after October 1, 2019. Outreach activities related to this new process includes the following. Documentation training schedule posted to LAP website and official training was conducted via webinar. NEPA was discussed at the 2019 CRA Conference. A listserv was sent out with the NEPA updates. Dynamic Environmental GIS Resource (DEGR) training was given at an LPA Stakeholder Partnering meeting demonstrating the new NEPA software. MI Login access is necessary to access to the DEGR software. A new 5323 NEPA Form was developed to be used in conjunction with DEGR. Next steps will be to monitor the effectiveness of the training and tools.

AASHTOware

As MDOT prepares for the retirement of FieldManager and the implementation of AASHTOware, it has been determined the platform, licensing, and customization required for local agencies to utilize AASHTOware for local let project outside of MDOT's LAP Federal Aid Program is not viable. CRA is researching solutions for 'local let' projects, including MERL enhancements and Appia software.

MDOT Construction Field Services (CFS) staff discussed the challenges of AASHTOware for 'local let' projects during a presentation at the 2019 County Engineers Workshop. All projects processed for letting thru MDOT's Local Agency Program will use AASHTOware. Exact implementation dates are still unknown currently. In 2019, MDOT was piloting the software at Transportation Service Centers (TSC's) throughout the state, however pilots were put on hold to work out some calculation errors which were discovered in the software. MDOT pilots will restart in 2020, with local agency pilots following thereafter. Full transition to AASHTOware for MDOT Let projects is anticipated no earlier than October 2022.

2018 Labor Dispute

MDOT CFS staff reiterated information previously shared through TSCs to local agencies. Labor dispute was discussed at 2019 CEW and local agencies found it helpful. Operators decided to work without contracts. Local agencies are concerned about who will pay for maintenance on open projects.

2019 Labor Dispute

MDOT Construction Field Services issued guidance related to the 2019 Reith Riley labor dispute, which was shared thru TSCs to local agencies, regarding project contracted before and after July 31, 2019.

Project Closeout Process Improvement

In 2018, MDOT started a project closeout process improvement to facilitate timelier closeout of construction projects. In 2019, information was shared with local agencies. Two articles were published in CRA's Engineering Newsletter soliciting local agency feedback on how the project closeout process could be improved. Final changes to the project closeout process are being reviewed with publication in the MDOT Construction Manual slated for 2020.

Liquidated Damages

The process to recover extra costs related to Liquidated Damages was reviewed with no changes proposed. The process is contained in the Construction Manual and Spec Book which are anticipated to be updated in 2020.

Project Award

When bids are received by contractors, projects are awarded without justification if the low bid is less than 10% over the engineers estimate. Local agencies have asked MDOT to consider a sliding scale for larger projects.

MDOT Charges on Local Agency Projects

Local agencies would like notification from MDOT when they bill against the project and details on what the bill is as there was little details in SIGMA invoices. When local agencies have construction engineering as participating a separate obligation is made to allow MDOT oversight activities to be charged to the job rather than a statewide job.

MDOT Invoicing on Local Agency Projects

Finance attended a LPA Stakeholder Partnering meeting to discuss on local agency invoices with the goal of providing better information prior to sending out invoices. Because SIGMA is a statewide application, MDOT is very limited as to what changes can be made within the system.

Statewide Monitoring and Reporting Tool

SMART replaced the Administrative Customizable Reporting System tool at MDOT. SMART is accessed through MI Login and is a web-based environment that allows you to customize reports that pull live data regarding projects. MDOT did a presentation to share the capabilities within SMART.

Warranty Training Program

Non-technical trainings were completed and posted on the Michigan Local Technical Assistance Program website. These were 5 (15-20min) modules. Technical trainings will be done differently with, potentially, a two-hour webinar. This training is anticipated in early 2020.

Michigan Department of Environmental Quality Footprints

The team was monitoring Michigan Department of Environmental Quality (MDEQ) footprints, as the encroachment into wetland within ROW required mitigation. MDOT coordinated with MDEQ (now EGLE - The Michigan Department of Environment, Great Lakes, and Energy) on local agency project concerns. This issue was resolved and removed from our LPA Stakeholder Issues Matrix.

This topic related to whether wetland mitigation would be required. Discrepancies between FHWA and MDEQ (now EGLE) existed where FHWA was noted as a “no net loss” agency and MDEQ would permit up to 0.10 acres. FHWA policy will be followed on federal aid projects.

Wetland Banking

State legislation provided funding that created a program for local agencies for wetland banking. The legislation was updated in January of 2019 and this item was resolved and removed from the LPA Stakeholder Issues Matrix.

Training Addressed

The new software program, DEGR, used to screen for NEPA impacts, was created and made available to local agencies through MI Login. Several training efforts related to DEGR and NEPA were provided in 2019. Webinars on Office Tech, Field Inspection, & Fabrication Inspection were conducted, and LAP Region Workshops were held during spring 2019 throughout the state.

Local Agency Fund Swap/Buyout

Local agencies continue to operate a Local Federal Fund Exchange through the Rural Task Force program. The only change for 2019 was to allow up to 30 exchanges statewide.

EGLE Lead and Copper Administrative Rules

In 2018 the EGLE issued updates to their Lead and Copper Rule. During 2019, MDOT and local agencies became aware of the requirements which specifically prohibited the reconnection of any water service leads unless there was verification said leads to not contain lead or galvanized materials. As many local agency transportation projects coincide with watermain improvements MDOT strongly encouraged agencies to work with their jurisdictional water authority during project development regarding any potential LAP project impacts. LAP projects currently under construction were to be evaluated on a case by case basis to work on compliance. This topic was discussed as several stakeholder partnering meetings.

Superior Region Pavement Marking Partnering Project

In 2019 four county road commissions and MDOT did a joint bid pavement marking project. The joint project highlighted opportunities including learning the differences between the MDOT and local agency processes in pavement marking and additional understanding of agency processes is needed. Regardless, this pilot showed that MDOT and local agencies can work together on joint projects. In the future, communication can be improved by understanding individual agency needs. Local agencies may be open to more joint projects.

Anticipated 2020 Action

Calendar Year 2020 will include re-evaluating the challenges matrix. A new survey will be developed to compliment the 2017 “MDOT Construction Oversight Consistency and Alignment” survey, evaluate the development phase of the LAP project process, assess progress in addressing challenges of the original challenges matrix, and to generate an updated list of challenges for the LPA Stakeholder Partnering Group to address in 2020 and beyond.

There will be a continued focus on bridge bundling, a pilot bridge bundling program with design and fund obligation in 2020 and construction in 2021, certified design engineer, continued invoicing/payment issues, implementing paperless agreements, local agency buyout, and other topics.