FHWA Update

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AASHTO Highway Subcommittee on Construction
2008 Annual Meeting
San Antonio, Texas
Presentation Overview

• New Buy American Requirements and Policy Changes
• FHWA Stewardship and Oversight
• Other FHWA Programs & Initiatives
New Buy America Requirements

Two new laws change the FHWA’s process for reviewing / approving Buy America Waiver requests:

– Public Law 110-161, the "Consolidated Appropriations Act, 2008", Division K, Section 130 (enacted 12/26/2007)

– SAFETEA-LU Technical Corrections Bill (Public Law No. 110-244, 122 Stat.1572, enacted June 6, 2008)
New Buy America Requirements
(Informal public notice and comment opportunity)

Public Law 110-161, the "Consolidated Appropriations Act, 2008", Division K, Section 130

- FHWA must provide an informal public notice and comment opportunity for at least 15 days prior to waiving Buy America requirements for any product

- FHWA must prepare an annual Buy America Waiver Report to the appropriations Committees of the Congress
New Buy America Requirements

Notice of Buy America Waiver Request

The purpose of this webpage is to provide the public with an informal notice and comment opportunity in accordance with Public Law 110-117, the “Consolidated Appropriations Act, 2008”, Division H, Section 130, which states:

“Not less than 15 days prior to waiving, under its statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons thereof. Provided, That the Secretary shall provide an annual report to the appropriations Committees of the Congress on any waivers granted under the Buy America requirements.”

Each Buy America waiver request that is currently open for public comment is listed below under the section “waiver request for comment.” To view the information pertaining to a particular waiver request, click on the appropriate link and follow the directions for submitting a comment. A listing of all waiver requests either approved or denied dating back to March 2009 is also provided in the appropriate sections below.

Follow-up coordination on the comments received may result in a waiver decision more than 15 days after the initial posting. The decision to approve or deny the waiver request will be posted on this site.

For additional information regarding the FHWA’s Buy America policies, see http://www.fhwa.dot.gov/construction/cgi/buyam.cfm

- Sign up to receive emails when new Notices of Buy America Waiver Request are posted
- Waiver request for comment
  - There are no waiver requests pending review.
- Waiver request pending action (comment period closed)
  - There are no waiver requests pending action.
- Waiver requests approved
  - Alaska Domestic 1-14 at Diameter Holoye Road Anch (estimated quantity 100 units) 03/05/09
  - Michigan Stainless-Less reinforcement bars 6 & 8, R P 306 lbs 10/01/08
  - See Buy America Waivers Since 2001
- Waiver requests denied
  - Minnesota 1C2 new piling 10,000 (max feet) 03/07/08
  - See Buy America Waivers Since 2001
New Buy America Requirements
SAFETEA-LU Technical Corrections Bill – Section 117

- FHWA must publish in the Federal Register a notice providing a “detailed written justification” as to why the waiver is necessary before the effective date

- Must provide “notice of such finding and an opportunity for public comment on such finding for a period of not to exceed 60 days”

- FHWA must provide an annual report to Congress by February 1st of each year
Changes in Buy America Policy

Implications for FHWA / States

– Contracting agencies need to verify the availability of domestic steel prior to letting a project

– Waiver requests initiated after contract award may result in project delays
FHWA Stewardship and Oversight

- Major Projects
- Local Public Agency Program
- Emergency Relief Program
- National Review Program
- Work Zone Safety and Mobility Rule
- Temporary Traffic Control Devices Rule
- FHWA Suspension & Debarment
Major Projects

• Projects that receive Federal assistance and are estimated to cost $500 million or more
• As of May 31, FHWA is tracking 67 Major Projects in 25 states
• Over 180 potential Major Projects in 35 states (NEPA or Planning stage)
• Project Management Plans and Annual Finance Plans required for Major Project
• Major Projects Team and the Resource Center are conducting risk-based probabilistic cost and schedule reviews
Local Public Agency Program

• In FY07, FHWA reviewed DOTs’ oversight processes and procedures for LPA-administered projects

• Division reports echo findings of 2006 National Review – ineffective administration of Federal-aid projects by LPAs

• Administrator self-declared the program as having a programmatic material weakness (10/25/07 Memo)

• Agency implementation plan – focus is on information dissemination, training, policy development and program support initiatives
Emergency Relief Program Review

• ER Team formed in November 2006

• **Purpose** – To identify issues and best practices of existing ER programs and assess the need for program changes (guidance, policy, regulations)

• **Scope** – National, broad-focused. Solicited input through a detailed survey of the Divisions to capture a wide range of experiences

• Report with recommendations is completed and soon to be released

• ER Manual revisions currently underway
National Review Program

• 2008 Topics
  – Construction Change Orders
  – Stewardship and Oversight Agreements
  – Asset Management

• 2007 Reviews
  – State Practices of Environmental Review Tracking Systems (draft)
  – Consultant Procurement and Administration (draft)

For additional information, contact: Jim Lunetta, Program Improvement Team, 703-235-0262
Work Zone and Mobility Rule

Status -

• 48 States fully met initial compliance requirements
  – Approved WZ policy, definition for significant projects, procedures for TMPs, training plan

• 4 States partially in compliance – close to finalizing their WZ policies

• Agencies should be implementing their WZ policy and procedures on all Federal-aid highway projects going to bid after October 12, 2007, unless a project exception is obtained
Work Zone and Mobility Rule

**FHWA Implementation Support** -

- **Process Review Toolbox** – Available online in late Summer
- **Implementation Examples** – Regularly adding new examples to FHWA’s website: [www.fhwa.dot.gov/workzones](http://www.fhwa.dot.gov/workzones)
- **WZ Analysis Tools** – Primer and case studies available by Fall 2008
- **WZ ITS Assessment** – Report available this Summer
- **Training Available** –
  - NHI Advanced WZ Management and Design
  - FHWA Law Enforcement in WZs
  - WZ Safety Grants course
Temporary Traffic Control Devices Rule

An Overview -

- Final Rule published December 5, 2007
- Compliance required by December 4, 2008
- Supplements WZ Safety & Mobility Rule to add emphasis on specific safety considerations including:
  - Use of positive protective measures
  - Use of uniformed law enforcement
  - Installation and maintenance of TTCD
  - Use of separate pay items for safety measures

# FHWA Suspension & Debarment

(CY 2007 Decisions)

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<td><strong>Total</strong></td>
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**EPA Decision not counted

“Decisions” include not debarring
Other FHWA Programs and Initiatives

- Construction Program Evaluations
- Program Delivery Improvement Tool
- Work Zone Peer-to-Peer Program
- National Highway Specification Website
- Training Opportunities
Construction Program Evaluations

**Purpose** -
Enhance the delivery of the Federal-aid construction program to improve the performance of the Nation’s Highway System, by:

- Establishing a baseline of construction program practices, policies, and procedures
- Identifying opportunities for continuous program improvement
- Sharing successful practices, and
- Clarifying / verifying roles
FHWA Approach to Reviews

- **National Review Program**
  - Addresses issues that are considered critical to the agency
  - Limited focus on specific areas of need
  - ~ 4 to 6 completed each year

- **Program Office Evaluations**
  - Build the knowledge base of program strengths and weaknesses
  - Identify national trends
  - Provide feedback to States
  - Multi-year reviews

- **State & Division Office Reviews**
  - Focused reviews of individual projects or various program areas
  - Hundreds completed each year
Construction Program Evaluations

Major Focus Areas -

- Preconstruction
- Quality
- Construction Administration
- Safety
- Staffing
- Process Improvement / Innovation
Construction Program Evaluations

How?

Several approaches are being considered
Construction Program Evaluations

**Timeline** -

- **July 8-9, 2008:** Steering committee meeting
- **Dec 2008:** Finalize format
- **Spring 2009:** Tool development
- **Spring 2009:** Solicitation
- **Summer 2009:** Team formation
- **Fall 2009:** 1st evaluation
- **Summer 2010:** Assessment of evaluation effort (first 3-4 efforts)
Program Delivery Improvement Tool

• Seek ways to improve the efficiency and effectiveness of the highway program

• Activity statements for 10 Program Areas that are essentially recommended processes, procedures, or actions that once implemented would result in a more successful program

For additional information, contact: David Hawk, Program Improvement Team, 609-637-4212
Work Zone Peer-to-Peer Program

• Launched in April 2007

• **Goal** – Facilitate exchange of information to improve work zones and WZ safety

• Provides short-term assistance to agencies interested in improving WZ safety and mobility

• It is **FREE**!

For additional information, see: [http://ops.fhwa.dot.gov/wz/p2p/index.htm](http://ops.fhwa.dot.gov/wz/p2p/index.htm)
National Highway Specification Website

2008 Web Site Improvements -

Updated Content

– Standard specifications
– Expanded alternative and emerging specifications
– Construction Manuals
– Links to standard plans
National Highway Specification Website

2008 Web Site Improvements -

• Improved Functionality
  – Administrative procedures
  – Enhanced search capabilities

• Web-based training
  – Administrative procedures
  – 508 compliance

www.specs.fhwa.dot.gov
Training Opportunities

• National Highway Institute
  – www.nhi.fhwa.dot.gov

• Transportation Curriculum Coordination Council (TCCC)
New Training Courses in 2008

- Inspection of Bridge Rehabilitation Projects
- Pavement Preservation: Preventive Maintenance Treatments, Timing, and Selection
- Risk-based Cost Estimating for Major Projects (scheduled to be available in FY 2008)
- Environmental Factors in Construction & Maintenance Operations
- Quality Assurance Technologist Course
- Inspection of Mechanically Stabilized Earth Walls and Reinforced Soil Slopes
- Partnering for Improved Project Delivery
- Alternative Contracting
Thank You

Questions?

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