

# Every Day Counts II

## Arizona Local Public Agency Stakeholder Council Meeting Minutes

**Thursday, March 6, 2014**

**TIME: 11:00AM - 2:00PM**

**MAG – 302 N. 1<sup>st</sup> Ave, Suite 300, Phoenix, AZ 85003**

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FACILITATOR: Susan Anderson

NOTETAKER: Brian Fellows and Jodi Rooney

TIME KEEPER: Susan Anderson

ATTENDEES: Dallas Hammit/ADOT State Engineer's Office, Randy Everett/FHWA, Sharon Gordon/FHWA, Bahram Dariush/ADOT LPA Section, Jodi Rooney/ADOT LPA Section, Susan Anderson/ADOT LPA Section, Brian Fellows/ADOT LPA Section, Keith Brann/City of Marana, Duane Eitel/City of Casa Grande, Paul Casertano/PAG, Ana Olivares/Pima County, Teresa Welborn/ADOT Partnering, Karen Lamberton/Cochise County, Dave Swietanski/Apache County, Steve Tate/MAG, Debbie Albert/City of Glendale, Chris Bridges/CYMPO, Madhu Reddy/ADOT Phoenix Construction District, Frank Marbury/City of Kingman.

Welcome comments: Susan Anderson welcomed everyone to the meeting and began by asking the participants how they communicated the previous meeting's EDC II issues to their communities. Karen Lamberton responded that she had distributed them throughout Cochise County via survey, and had mentioned them at a SEAGO TAC meeting. Karen shared a summary of the comments she had received with the council.

Susan spelled out the day's agenda. Members were to work in groups at four boards for approximately one-half hour. Each board contained two of the eight high priority topics identified at the previous meeting. Groups would note the issues and possible solutions that they had discussed within their respective networks. After the initial brainstorming activity, the group would reconvene to further discuss the issues and solutions offered for each topic.

The members worked well to get ideas documented on the topics of interest (attached). After a short break, the group reviewed the work on each topic.

AGENDA ITEM: Right of Way

DISCUSSION:

- Karen and Duane Eitel presented a parallel process (like in non-federal projects) meaning some things can be going on in parallel, they do not have to be linear.
- Suggested creating a checklist so LPAs can be proactive and not "scared" to acquire ROW.

- Karen stated simplify the Uniform Act requirements-urban and rural issues are different; the culture and land use are different.
- Debbie noted the issue Design & ROW programmed in the same fiscal year (doesn't work). The solution to this is to program them in the correct fiscal year. Paul mentioned the LPA Section has helped with this (education).

#### AGENDA ITEM: Administration – Procuring Consultants

##### DISCUSSION:

- Debbie Albert asked if locals can use the ADOT on-call consultants list. And why can't the list accurately reflect the skills. She stated an example in which an on-call consultant has indicated that their firm has many skills, but actually isn't strong in all of them. Consultant will "check many (skill) boxes" because "that's just what consultants do."
- Steve Tate said that it might be helpful to give the local agency a heads-up regarding the firm (that they've been assigned?).
- Dallas Hammit stated that ADOT's commitment to FHWA must be consistent. He explained that there are approximately 20 consultants on ADOT's on-call list. In terms of jobs/task assignments; is it harder to balance 20 consultants or 3 consultants? Firms are very diverse in their areas of specialty.
- Frank Marbury and Dallas shared that each task is evaluated for DBE. For tasks with little availability, the DBE goal will be low, and vice versa.

#### AGENDA ITEM: Environmental - NEPA

##### DISCUSSION:

- Chris Bridges began the conversation by opining that many (ADOT/EPG staff?) feel that "small project are not as important as big ones." This is not true. However, many smaller projects get downgraded in priority and are not reviewed as quickly as large ones.
- Due to much staff turnover in ADOT EPG there is a lack of consistency.
- In addition, there is a perception that EPG staff are overly cautious/ conservative in their decisions relative to the cognizant FWHA officer.
- There is the need for training and coordination between FHWA Environmental and ADOT EPG.
- Karen stated perhaps we could assess how other states interpret NEPA.
- Chris gave us realistic estimates for the time required to review and approve. Also suggested that if at the beginning of a local project you are told the amount of time it takes (you will know what to expect). A reasonable time frame needs to be communicated.
- Other members commented that "someone in Phoenix" often can't get a better picture and understanding of a site/project than a local, or even the ADOT District. Some members have utilized the services of the Arizona Department of Game and Fish for environmental review.
- Dallas explained that ADOT District environmental staffs are not trained in NEPA and environmental is more than just biology. He also stated that the District Environmental Coordinators do not have authority over ADOT's EPG.
- Sharon Gordon and Dallas clarified that different federal agencies are governed by different federal laws.

AGENDA ITEM: Finance

DISCUSSION:

- Dave Swietanski stated we need credible/confirmation of (ADOT) design review fees of \$35,000 or up to 6% of the project. Asked if ADOT would consider using a sliding scale for small projects, say less than \$100,000? One-third of \$100,000 for design review is exorbitant.
- Dallas noted that local agencies can request an hour-by-hour breakdown of how design review fees are accrued by ADOT staff.
- Karen stated that local agencies want to use the same rules/expectations for ADOT as we do for consultants. Staff turnover can cause delays and projects overruns; if a consulting firm lost a staff member; they would be expected to quickly replace that person. Why shouldn't ADOT do this when they lose staff?
- Debbie noted closeout funds can take a long time to get back; possibly 80% could be sent back (while closeout is finishing).
- Paul Casertano suggested a tracking form to follow the project.
- Steve Tate commented on the information MAG needs from ADOT
- Dallas asked "What should ADOT do when we get substandard products from locals? Then we have to re-review and fix the problems. This costs ADOT time, which we often must charge back to the project." Chis replied ADOT should expect higher quality from the locals.

AGENDA ITEM: Administration

DISCUSSION:

- Debbie asked when Self-Administration is coming back.
- Suggested that LPA Participation use a hybrid model and have LPAs pay for an ADOT person to run their project, use of standards in project and work with a project manager.

AGENDA ITEM: Next steps

DISCUSSION: Given that our topics require much detailed discussion, the next meeting will be increased to three hours, and will focus on only one EDC topic.

CONCLUSION: The topic for next meeting will be NEPA. LPA Section will coordinate with FHWA and ADOT Environmental staff to be present.

NEXT MEETING:

The next meeting will be held on June 5, 2014 at 11:00AM. After a location has been determined, the council members will be notified.

ANNOUNCEMENTS:

Dallas announced Jodi Rooney has taken a new position within the State Engineer's Office.

Randy announced that FHWA is hosting an EDCII webinar on 3-D Modeling scheduled for March 18<sup>th</sup>. Additional webinars are scheduled in the future. The information will be provided to Susan so she may forward to all council members.



## RIGHT-OF-WAY

## ADMINISTRATION

Process	Ways to Procure a Consultant
<p><b>Issue:</b> Inability (apparently) to discuss with landowners project until the Fed ROW authorization <u>after</u> CE.</p> <p><b>Solution:</b>            → Parallel ROW and CE process            → lobby or changer to Uniform Act            → Talk to other states (FHWA should know) on interpretation of Uniform Act.</p>	<p><b>Issue:</b> Limitations on available consultants in area – due to multiple “eligible” list</p> <p><b>Solution:</b>            → Look at CA lists?            → Once ADOT approved selection list allow LPA to select from ADOT list directly to cut down on Finance lag and directly administer with approved consultant (yes, with FHWA approved format)            → Especially the smaller issue like surveying</p>
<p><b>Issue:</b> threats of LPA secured ROW jeopardizing projects distinctive to proportive and cheaper, ROW acquisition</p> <p><b>Solution:</b> Provide best practices/checklist to LPAs to facilitate ROW acquisitions</p>	<p><b>Issue:</b> Lack of LPA input into selection process – e.g lack of experience in local area.</p> <p><b>Solution:</b>            Include LPA in final selection from betted group of consultants.            → Option of three choices            → Have consultants in RFQ process            Identify areas of State of performance (costs for transportation travel)</p>
<p><b>Issue:</b> If rural rely on historical 66” fell under statue as declared ROW why is this not good enough for project and must perfect it?</p> <p><b>Solution:</b>            → Is this a statutory requirement?            → Causes need for more extrusive environmental ever if the finding disturbed and material 66’ ROW</p>	<p><b>Issue:</b> LPA can procure in a more timely manner</p> <p><b>Solution:</b> Why? – use LPA techniques/procedures to streamline process.</p>
<p><b>Issue:</b> Business owner discussion – feel trapped is not talking to them.</p> <p><b>Solution:</b></p>	<p><b>Issue:</b> Lack of background on consultant that is assigned</p> <p><b>Solution:</b> Provide LPA background on the selected consultant.</p>

ROW – timeframes to agree

## FINANCE

Review Fees	Timelines/Timeframes
<p><b>Issue:</b> For the costs incurred, what am I getting?</p> <p><b>Solution:</b> Perform a few random audits and verify the credibility of the fees. → the fees to deliverables</p>	<p><b>Issue:</b> MAG needs accurate information for ADOT to balance the books on a yearly basis.</p> <p><b>Solution:</b> ADOT's data needs to incorporate TOP reference numbers.</p>
<p><b>Issue:</b> What is the ADOT policy on review fees?</p> <p><b>Solution:</b> If there is not a formal process/policy, then develop it. Take into account:</p> <ul style="list-style-type: none"> <li>● type of project</li> <li>● size</li> <li>● complexity</li> <li>● tracking</li> <li>● frequency</li> </ul>	<p><b>Issue:</b> Delays to approve consultants already on on-call lists.</p> <p><b>Solution:</b> Trust/use PMs coordination efforts if PM has checked it all out e.g. match fees said why waste time checking it again?</p>
<p><b>Issue:</b> Are review fees eligible for reimbursement and how?</p> <p><b>Solution:</b> Develop a policy in conjunction with FHWA. Identify criteria.</p>	<p><b>Issue:</b></p> <p><b>Solution:</b></p>
<p><b>Issue:</b> The cost of the fees in relation to the cost of the project.</p> <p><b>Solution:</b> Use a sliding scale. → Consistent cost estimate sheets to help estimate design review fees.</p>	<p><b>Issue:</b></p> <p><b>Solution:</b></p>

## ADMINISTRATION

Self-Administration	LPA Participation
<p><b>Issue:</b> Late Stage S.A. Requests (Construction)</p> <p><b>Solution:</b> Not allowed</p>	<p><b>Issue:</b> Lack of Local Agency Coordinator during construction.</p> <p><b>Solution:</b> ADOT – Local Partnership using local inspectors.</p>
<p><b>Issue:</b> When will S.A. be available for construction?</p> <p><b>Solution:</b> Training No current time frame Investigate the demand for S.A. Local Inspector Cert.</p>	<p><b>Issue:</b> ADOT Assignments / Load</p> <p><b>Solution:</b> Local use another C.A. Agency for assistance. Local “hire” ADOT Staff for their specific project.</p>
<p><b>Issue:</b> Procure Consultant</p> <p><b>Solution:</b> Allow Locals to use ADOT on-call</p>	<p><b>Issue:</b> Participation of LPA (C.A.) During Construction</p> <p><b>Solution:</b></p>
<p><b>Issue:</b> Use of Local STDS/SPECS</p> <p><b>Solution:</b> Specify sole source materials Work w/PMs and C&amp;S Consistency</p>	<p><b>Issue:</b> Consistency of (Funding) rules; Timely Programming</p> <p><b>Solution:</b> Educate COGs on process/time</p>

## ENVIRONMENTAL

NEPA	Timelines/Resources
<p><b>Issue:</b> ADOT Phoenix Staff insulated from the real world application of decisions, overruling local environmental staff.</p> <p><b>Solution:</b></p>	<p><b>Issue:</b></p> <p><b>Solution:</b></p>
<p><b>Issue:</b> Environmental staff overly cautious in interpreting NEPA beyond what FHWA would actually require.</p> <p><b>Solution:</b></p>	<p><b>Issue:</b></p> <p><b>Solution:</b></p>
<p><b>Issue:</b> EPG is understaffed and inexperienced (due to high turnover).</p> <p><b>Solution:</b>            → Contract with AZ Game and Fish staff for review            → Actually issue the pending overall contracts for environmental overview.</p>	<p><b>Issue:</b></p> <p><b>Solution:</b></p>
<p><b>Issue:</b> The Peer Review process of EPG is handicapped by these two issues:            → Local Staff can't help when Phoenix is the delay</p> <p><b>Solution:</b></p>	<p><b>Issue:</b></p> <p><b>Solution:</b></p>