



June, 2010

No. 57

EMPLOYEE NEWS:

Senior Engineer - Joe MacPherson has been selected to fill a new Senior Engineer position in SALT, as a State Aid Construction Engineer, effective June 18. Joe will provide oversight of construction contract administration of state-aid and local federal-aid programs, as well as serve as liaison to FHWA on local federal-aid projects. He will be responsible for developing and promoting best construction contract administration practices and providing related training.

Joe received a Bachelor of Science degree in Civil Engineering in 2004 from North Dakota State University (yeah!!!). Joe comes from a consulting firm working primarily on all aspects of municipal engineering and construction, bringing a wealth of field and design experience to the Division, and we welcome him. Joe's new telephone number is 651/ 366-3832 and his e-mail will be joseph.macpherson@state.mn.us.

District 8 New District State Aid Engineer – Mel Odens, Willmar City Engineer, has accepted the position of District State Aid Engineer, effective July 12. He is replacing Tom Behm, who retired earlier this spring. Mel has been in Willmar 14 years; prior to that he was with the South Dakota DOT. Mel received his degree from South Dakota State University, is married to Michelle and they have 3 boys.

As ADE, he will split his time between the Willmar and Marshall Mn/DOT offices.

Mel can be reached in Willmar at 320/235-4202. His e-mail will be mel.odens@state.mn.us

Congratulations and welcome to State Aid, Mel.

Graduate Engineer 2 - Sulmaan Khan will be joining the Federal Aid unit of State Aid on July 21. Sulmaan is completing his rotation period and will be starting in Federal Aid as a Graduate Engineer 2. He will be assisting with the review of federal aid project memos and plans and will be helping Mark Vizecky with the Safety program.

Sulmaan began work at Mn/DOT in May 2006 as a Seeds worker and he was hired as a graduate engineer after his graduation from the University of Minnesota.

During his career at Mn/DOT he has been in Metro Traffic, Design, Right of Way, and Water Resources, as well as Construction in District 1. He did an external rotation with the city of Eagan and is currently working in the office of Personal Rapid Transit and as the DBE/Workforce Collaborative Assistant. Sulmaan's phone number will be 651-366-3829 and his e-mail will be sulmaan.kahn@state.mn.us.

Safe Routes to School Coordinator - In April 2010, Mark Fiers was appointed as the permanent Safe Routes to School (SRTS) Coordinator. Mark had been working on mobility in this position since July 2009 for Kristie Billiar who was on mobility as the ADA policy coordinator. Mark has been a transportation planner with MnDOT since 1997, having worked in the Bicycle/Pedestrian unit until 2002, and the Office of Investment Management until July 2009.

Mark has been learning the "ins and outs" of the federal process of delivering the SRTS program. If you have an SRTS project in your district and the project is not proceeding, please get in touch with the local contact and encourage them to keep projects moving to meet the STIP timelines. You want to avoid amendments to the STIP. State Aid is preparing for an SRTS project solicitation for approximately \$2 million this coming fall 2010. It is anticipated the solicitation will open in September and application training will follow at various locations around the state.

Mark can be reached at 651-366-3833 or at mark.fiers@state.mn.us if you have any questions about the Safe Routes to School program.

FEDERAL AID NEWS:

Complete Streets

Chapter 351, Sec. 52 as passed by the Minnesota Legislature includes a requirement for Mn/DOT to consult with stakeholders and then implement a Complete Streets Policy in Minnesota for the state highway system. The law also encourages local agencies to adopt their own policies.

Complete Streets does not mean "all modes on all roads"; rather, the goal of Complete Streets should be to 1) develop a balanced transportation system that integrates all modes via planning inclusive of each mode of transportation (i.e., transit, freight, automobile, bicycle and pedestrian) and 2) include transportation users of all types, ages and abilities.

The Commissioner assigned the Mn/DOT Division of State Aid to manage this task. We had started work on the effort before Chapter 351 was signed into law but this action formalizes the commitment and documents reporting requirements. An External Advisory Group has been established and will meet for the first time to advise Mn/DOT on July 29, 2010.

Dennis Berg of Anoka County, Alan Johnston of Roseau County and Karen Nikolai of Hennepin County will represent the counties on the External Group. Steve Elkins of

Bloomington, Richard Freese of Rochester and Deb Nelson of Pipestone will represent the cities.

Mn/DOT will be maintaining a website to document the progress of work on this effort. You can find it at <http://www.dot.state.mn.us/planning/completestreets> .

ADVERTISING FEDERALLY FUNDED PROJECTS

In April 2010, the Construction Bulletin ceased publication. In addition to agency official publications, this had been a mainstay of advertising federally funded contracts for several years. Up to that time, guidance from the FHWA required publication in a *Trade Journal*, in addition to the locally designated "official" publication.

In April, the St. Paul Division of the FHWA sent the following excerpt from FHWA Core Curriculum manual.

"Advertisement of a contract proposal can legally take the form of a classified ad in a newspaper or any other form that is permitted by State law or practice that is acceptable to the FHWA. Other forms to announce upcoming projects, which are deemed acceptable, can include advertisements in trade journals, bulletins, and mailed notices to potential bidders (i.e., from a mailing list). These other forms of advertisement can attract greater attention and, thereby, enhance competition.

The Internet has created another forum for advertising projects. Several States have now created a single website which posts project notices for all State agencies. Provided that the STA notifies all interested bidders about the website and the website is readily accessible to all interested bidders, Internet advertising is acceptable for Federal-aid projects as a supplement to traditional means."

As a result, you will need to follow state statutes at a minimum when advertising federally funded projects. These requirements vary depending on the contracting agency and the nature of the local funds being used. Local ordinances are allowed to be more restrictive than Minn. Statutes, but can't be less restrictive. Relevant statutes are listed below for your reference.

Minn. Stat. 471.345 (Uniform Municipal Contracting Law) req. sealed bids if > \$100,000 (this limit was raised in 2008 from \$50,000).

Minn. Stat. 160.17 is for counties and towns (definition of town = township) when sealed bids required (advertise 3 successive weeks + 10 days for counties; advertise 2 successive weeks + 10 days for townships).

Minn. Stat. 429.041 is for cities (advertise 3 weeks min. if > \$100,000), when there is a special assessment.

23 CFR 635.112 governs advertising for federal projects (advertise 3 weeks minimum).

Minn. Stat. 161.32 is for trunk highways (advertise 3 weeks minimum).

Minn. Statutes are allowed to be more restrictive than CFR (Code of federal Regulations), but can't be less restrictive.

Local ordinances are allowed to be more restrictive than Minnesota Statutes, but can't be less restrictive.

Providing an affidavit of publication poses a challenge for agencies that have designated their websites as their official publication. One county has taken the initiative to address this by appointing a Web Site Administrator's Designated Agent to sign a notarized affidavit in order to prove compliance with the statute. This is posted on the SALT website at:

http://www.dot.state.mn.us/stateaid/sa_bid_procedures.html

Federal MUTCD to Require Minimum Levels of Retroreflectivity on Pavement Marking

Your input is needed! The Federal Highway Administration is currently holding a comment period for the proposed rule establishing minimum levels of retroreflectivity for pavement markings, Docket No. FHWA-2009-0139.

This rule may have an impact on your system. I strongly encourage you to comment and offer the following suggestions when commenting:

1. Please note this rule does NOT apply to all pavement markings.
2. Don't dwell on the topic of the unfunded mandate.
3. Note improvements, omissions or required clarifications.

I have developed a sample letter and additional information about the proposed new requirements on our traffic safety webpage:

http://www.dot.state.mn.us/stateaid/sa_traffic_safety.html.

Comments must be received before August 20, 2010. They may be submitted via mail or electronically at the following locations:

Contact Mark Vizecky, State Aid Program Support Engineer at mark.vizecky@state.mn.us or via phone (651) 366-3839.

Mailing Address:

U.S. Department of Transportation
Docket Management Facility
1200 New Jersey Avenue, SE
Washington, DC 20590

Electronically:

<http://www.regulation.gov>
(Docket No FHWA-2009-0139)
Fax (202) 493-2251

If you have any questions, please feel free to Mark.Vizecky@state.mn.us

ADA Transition Plan Guidance

Title II of the Americans with Disabilities Act passed in 1990 obligates every public entity, regardless of size, to complete a self-evaluation. The self-evaluation is a comprehensive review of the public entity's current policies, services, communications and practices, and its effect upon persons with disabilities. The scope of the review includes formal written policies and procedures and actual operating practices. Self-evaluations should have been completed by January 26, 1993; therefore, if discriminatory policies or practices are identified during the review process, they should be modified immediately.

Under Title II, public entities employing 50 or more individuals are also required to complete a transition plan. The Title II ADA regulation at 28 CFR § 35.105 and Section 504 regulation at 49 CFR § 27.11(c)(2)(i)(ii) provide that all recipients and public entities, regardless of size, must conduct a self-evaluation. Transition plans detail when structural changes to existing facilities are necessary in order to make a program, service, or activity accessible to people with disabilities. When a public entity has jurisdiction over roads and highways, the transition plan must cover both its buildings and pedestrian rights-of-way and any other type of transportation facility the entity owns, operates or maintains. In developing transition plans, jurisdictions must include all facilities that have been found to require structural modifications to achieve accessibility to their programs.

Title II ADA public entities were required to develop the transition plan by July 26, 1992, with the removal of all physical barriers identified in the Plan completed as expeditiously as possible, but, in any event, by January 26, 1995. Title II of the ADA does not require the submission of transition plans to FHWA, nor does the regulation require that FHWA approve transition plans. However, FHWA can request that a recipient or public entity submit its transition plan as necessary for program or project oversight activities, as well as complaint investigations.

To assist in the development of a transition plan, we recommend the following resources:

<http://www.pagnet.org/documents/transportation/ada/PCADA-2010-05-18-TransitionPlan.pdf>

<http://www.ada.gov/pcatoolkit/toolkitmain.htm>

<http://www.okc.gov/pw/pdf/ADA%20Transition%20Plans%20Report%20May%202009.pdf>

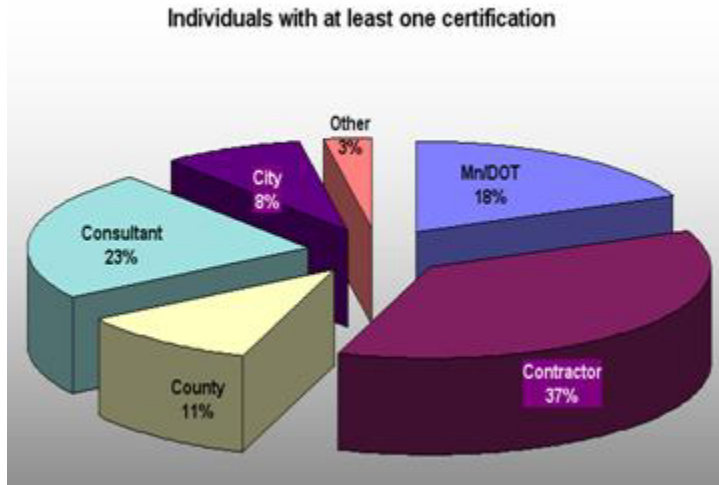
TECHNICAL CERTIFICATION TRAINING

MnDOT's Technical Certification website is at <http://www.dot.state.mn.us/const/tcp/>

The following is a summary of Technical Certification classes held in 2009-2010 and attendees:

- Certification - 66
 - ▶ Students- 1,391
- Re-Certification - 42
 - ▶ Students- 1,146

- TOTAL = 108 classes with 2,537 students



Snowplow Simulator Training

Snowplow Simulator Training is now available for local agency personnel to use for their training needs. The cost for State Aid cities and counties is \$75 for a four-hour training session per driver. Currently, most drivers are being trained on the skills assessment module that provides a baseline for drivers and supervisors. Several other modules are also available.

Currently Mn/Dot only has staff to operate two simulators at this time. As the program is implemented, the goal is to expand to four simulators, two mobile units and two fixed units in Arden Hills. Currently the training is being offered in District 4 and will be headed to Districts 6, 7, 8 and Metro in the near future. More details on availability in each District will be coming out closer to when the simulator will be in your area.

Here are dates and locations that are available for cities and counties in District 4:

Detroit Lakes

6/28 7:00-11:00
 6/28 11:30-3:30
 6/29 7:00-11:00
 6/29 11:30-3:30
 7/1 7:00-11:00
 7/1 11:30-3:30
 7/2 7:00-11:00

Fergus Falls

7/8 7:00-11:00
 7/8 11:30 - 3:30
 7/9 7:00-11:00

Morris

7/13 7:00-11:00
 7/14 7:00-11:00
 7/14 11:30-3:30
 7/15 7:00-11:00
 7/15 11:30-3:30
 7/16 7:00-11:00

If you have any questions regarding the training or would like to schedule some of your operators for the training, please use the following contact:

Rick Shomion, Maintenance Training Coordinator, (Office) 651-366-3576, (Fax) 651-366-3555
rick.shomion@state.mn.us

See the following training brochure for this assessment.



SKILLSET SOFTWARE

THE ASSESSMENT TRAINING TOOL FOR COMMERCIAL-VEHICLE ROAD CHALLENGES

SkillSet Software tests the driver's response to tough situations. Through proper assessment and training, drivers can improve their decision-making process and become skilled at recognizing and managing risk.



WHAT SKILLSET SOFTWARE MAKES POSSIBLE

- Instantly replay, review, and discuss a driver's performance.
- Clearly define criteria to facilitate a fair and consistent evaluation.
- Consistent, tangible results across multiple instructors.
- Tailor training to improve individual aptitude or group certification.
- Instructors spend more time training and less time capturing results.
- Group reports facilitate evaluation of individuals, relative to the group.
- Bottom line: Improved safety training will reduce accidents and increase your ROI.



INDUSTRY APPLICATIONS

- Prescreen hiring
- Post-accident remediation
- Benchmarking the decision-making skills within an entire fleet of drivers
- Targeted training for experienced drivers
- Back and dock tractor-trailer



SkillSet Software integrates seamlessly with our transportation training curriculum.

Instructors get immediate reports upon completion of a simulation exercise.

A VARIETY OF SCENARIOS DESIGNED TO TEST THE DRIVER'S JUDGMENT

Commercial vehicle operators encounter suburban and highway surroundings, intersection protocols, railroad crossings, as well as vehicles and pedestrians behaving dangerously, among many challenging situations.



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Currently Mn/Dot only has staff to operate two simulators at this time. As the program is implemented, the goal is to expand to four simulators, two mobile units and two fixed units in

Arden Hills. Currently the training is being offered in District 4 and will be headed to Districts 6, 7, 8 and Metro in the near future. More details on availability in each District will be coming out closer to when the simulator will be in your area.

MISCELLANEOUS:

Update – FWD “Analysis Tool”

To date, **44** counties have been provided their Falling Weight Deflectometer (FWD) “Analysis Tool”. The majority of counties who already have their “Analysis Tool” are located in the northern half of the state. This year FWD testing is predominately occurring in counties located in the southern half of the state.

Counties tested this year can expect their “Analysis Tool” to be available within a couple of months after the FWD testing of their county is completed. All completed county “Analysis Tools” are located on the State Aid website:

http://www.dot.state.mn.us/stateaid/sa_FWD.html

Joe Thomas, State Aid Project Engineer, will notify you when your “Analysis Tool” is available.

Currently, the user of the “Analysis Tool” must input four variables:

- previous day’s temperature,
- sub-grade factor,
- bituminous thickness
- traffic

Please be advised that the “Analysis Tool” only provides **valid** results for the in-place tested pavement condition. If a different bituminous thickness other than the in-place bituminous thickness is entered, the results will not be valid. The only variable that can be changed for “what-if” scenarios is traffic.

State Aid is currently working on an automatic import of the four variables and plans to have that version of the “Analysis Tool” available later this year.

2010 Uniform Act (URA) Low Income Limits – Effective May 14, 2010 **Rental Assistance Calculations**

***** Attention *****

The 2010 URA Low Income Limits, used in connection with Relocation Rental Assistance payment calculations for low income persons as provided for under 49 CFR 24.402(b), have been updated and re-issued with an effective date of May 14, 2010. All income and rental assistance calculations made on or after 5/14/10 must use the updated 2010 tables.

The 2010 (and 2009) Low Income Limit tables for Minnesota, and all the various states, along with guidance, are available on the web at:

<http://www.fhwa.dot.gov/realestate/ua/ualic.htm>

Please Note: The 2010 HUD Low Income Limits are rounded to the nearest \$50. Agencies may round income limits for nine or more persons to the nearest \$50, or may use the un-rounded numbers at their discretion. Whichever method the Agency chooses should be applied consistently. FAQ's at the link provide an example of this flexibility.

FHWA is the "Lead Federal Agency" for the Uniform Act.

In Minnesota, for any questions concerning this or other Relocation matters, you may contact Mike Moran by phone or the email address as shown below.

Mike Moran | Office of Land Management | **Direct Purchase and Relocation Assistance Unit**
395 John Ireland Blvd - MS 631 | St. Paul, MN 55155 | **Office:** 651.366.3481 | **Fax:** 651.366.3422 |
mike.moran@state.mn.us www.olmweb.dot.state.mn.us

Category Cap vs Project Cap for Federal Funding

A Category Cap is different than a Project Cap and can make a major difference in the amount of federal funds you will be able to collect on your project.

A Project Cap allows the federal funds to be used on any federally eligible category, which means if one category under-runs and one category over-runs, the federal funds can be adjusted to maximize your federal funding.

A Category Cap means the federal funds can only be used on that category. So if that category under-runs, those funds cannot be moved to cover over-runs in another category. In this situation, federal funds will not be maximized.

Be sure your bid estimate does not show caps by category if you do not intend to have a category cap.

Over-runs & SA's, CO's, WO's

When a county submits a partial or final payment request, and the amount of the request is more than the awarded contract, the county must submit a Supplemental Agreement (SA), over-run report, Change Order (CO) or Work Order (WO) in order to receive the additional funds.

The State Aid Accounting System (SAAS) will allow you to enter the total work certified, but it will only create a payment request for up to the amount of the award cap.

If you submit your documentation along with the payment request, State Aid Finance (SAF) will increase your payment up to the allowable amount.

Use Current Forms for Federal Projects

Please use the current forms available from the SAF website at www.dot.state.mn.us/safinance for your Payment Request, Over-runs, SA's, CO's, and WO's. All these forms have been updated for your convenience and will expedite the payment process if used. In the future, old forms may not be accepted and will be returned.

EVENTS:

Variance Committee Meeting

The next quarterly Variance Committee meeting is scheduled for the morning of Thursday, September 16, 2010 at the MnDOT Training Center, 1900 West County Road I, Shoreview, Minnesota, 55126. Variance requests to be heard at this meeting need to be submitted by September 1, 2010 to the Commissioner, in order to be included on the agenda for the meeting. Variance requests must be in the form of a resolution adopted by a local government unit requesting the variance as required under MN Rules 8820.3300.

These rules can be found at:

<https://www.revisor.leg.state.mn.us/rules/?id=8820&view=chapter#rule.8820.3300>

Please contact your District State Aid Engineer early for assistance and advice regarding variances or possible options to avoid the need to request a variance. The DSAE should be copied on all request submittals and subsequent information or correspondence regarding the requests.

The Design Element Variance Justification Checklist is available in the [State Aid Manual](#) in Chapter 1 Section VII – Variances to State Aid Rules or on the State Aid Website in [Plan Design and Preparation](#)

If you have questions or need assistance regarding the requirements for requesting a variance, please contact your District State Aid Engineer or Joe Thomas at 651-366-3831 for further information or assistance.