

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

2020 Accomplishments Report

April 16, 2021

The Local Public Agency (LPA) Stakeholder Partnering Team met five times in 2020 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 2020.

Meetings occurred on 1/09/20, 5/07/20, 7/15/20, 9/23/20, and 11/05/20.

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

Website Postings

All Meeting Notes, Accomplishments, and current Matrix Topics can now be found on the [LPA Stakeholder Page](#) of the MDOT website.

Matrix Review

Team leads talked about matrix topics and approaches for the matrix. MDOT Local Agency Program (LAP) worked with the Office of Organizational Development to brainstorm new ways to approach the matrix. We are considering using the platform Monday.com. The topics on the matrix also needed to be updated, and LAP sent out a survey to locals to get a better grasp of topics for the team to work on and revamp the matrix. Still to be determined whether we will switch to Monday.com for the matrix.

LAP Survey to Locals Completed 12/11/2020

MDOT LAP created and sent out a survey to locals to determine issues, concerns, or gaps in information. It was a 22-question survey, and it was left open for a month. The survey was sent out via LAP listserv and distributed via MML and CRA to local agencies. The results of that survey were discussed with the LPA team and with MDOT agencies to provide support to local agencies for concerns they had. The results are still being worked through to determine the best way to incorporate into a new matrix.

State D Discussion

Local agencies are questioning the use of State D funds and the question has been asked about having direct grants. MDOT has taken the feedback from the local agencies and is attempting to come up with options and tools to help local agencies get into earlier lettings. An option, at this moment, is that local agencies can hold federal aid for a year and roll over to the next year.

Local Federal Fund Exchange

Clarification on using STP rural funds that is made up of flex funds. CRA has received its first county that has opted to use flex funds in the federal fund exchange. CRA tracks all local federal fund exchanges including flex funds. CRA has posted a chart on their website that tracks which agencies have requested use of flex funds.

Note: Flex funds need to be capped when LAP goes to obligate.

Project Close Out Process Improvements

Final Project Review, Escalation of Accountability, Letter to File, and Certified Engineer sections of the MDOT Construction Manual were updated and published during summer 2020 to reflect process changes/improvements developed during a Lean Process Improvement focused on closing construction projects in a timelier manner. The new sections are applicable to all projects, existing and new. Escalation of Accountability will be utilized more discretionarily for the time being, on projects already in the closeout process.

Project Closeout and Billing Concerns

Local agencies were having an issue with all state payments for a local agency going into one account. The payments did not have enough information to distinguish what the payment is going towards. LAP talked with the Finance team and they were able to work with payment workers to enter description and details into the system for better payment understanding.

Federal Aid 101 training

FHWA and MDOT conducted a Federal Aid 101 training at the 2020 County Engineers Workshop (CEW) per the request of this group. The turnout was good and local agencies found the information useful. FHWA presented the basis information and MDOT supplemented with State Law and/or LAP specific process information.

LAP Section of Construction Manual Guidance

The LAP section of the Construction Manual was updated and published in August 2020. This section gives more structure to the guidance in the Construction Manual that is related to local

agencies projects. Definitions have been included to clarify key positions including LPA and MDOT Responsible Charge.

2020 Spec Book Update

The draft version is out and available for local agencies to view. A link to this was shared in the CRA Engineering Update. The Spec Book has undergone updates and reviews throughout 2020 and the implementation date was delayed to August 2021. A link will be sent to CRA as to where it is posted once that happens. A hard copy is expected to be printed by the end of 2021. No new advisory or training is being developed at this time since the roll out date has been delayed. MDOT is hoping to do a webinar training once the Spec Book is published.

New Pay Items in MERL

2020 Spec Book pay items have been added to the Michigan Engineer's Resource Library (MERL) database. Marshall mix pay items are unique and are anticipated to be added.

Getting Access to JobNet and SMART

Local agencies who had not had access to JobNet and SMART were able to request and gain access. It has made a difference overall to understand project programming and whether or not a TIP change will be required prior to obligation of funds.

SHPO Updates – Clearance Issues

Local agencies have experienced significant delays on project clearance for a couple years due to the new National Environmental Policy Act (NEPA) clearance process, volume of projects, and lack of funding for the Michigan State Historic Preservation Office (SHPO) which has impacted their staffing and digitization of their records. These have combined to delay projects as much as three months or more. All sides wish to be part of the solution, and the following issues are being pursued.

1. LAP was assisting local agencies with transmitting electronic SHPO applications until July 1, 2020. SHPO has since created their own submission portal for local agency documents where locals will have to submit.
2. Beginning in July, SHPO will require local agencies to utilize qualified staff to submit an application.
 - a. CRA SHPO Status – A small group meeting held July 29 to discuss SHPO qualified applicants. CRA is taking this slow and investigating options. Looking at if outside consultants are best. CRA interviewed 3 teams and is looking at costs and responsiveness. The electronic submission portal will not be permanent.
 - b. MDOT SHPO Status– Working on an Request for Proposal (RFP) for contract services to clear for local agencies. Need update to programmatic agreement

that FHWA, SHPO and MDOT have. Until that happens projects still must go through SHPO. This update could take up to 2 years to go through.

3. Delegation Authority – On 11/4/20 a listserv went out explaining new guidelines. Anytime a local agency will need to go through SHPO they will need the following: include a FHWA Delegate Authority letter dated October 16, 2020, and proof of federal funding. Please review the advisory here.
4. Exemptions List – Received suggestions to update the exemption list. Waiting to discuss changes between MDOT and CRA. MML has been invited to participate.
5. Programmatic Agreement – MDOT has a programmatic agreement with SHPO for trunkline projects that expires July 2021. A kickoff meeting will happen next week to create a new programmatic agreement.

Section 106 Programmatic Agreement & SHPO General Update

MDOT is working has created several teams to focus on different aspects of SHPO consultation.

1. A Core Team that includes representation from CRA/MDOT/FHWA/SHPO that is focused on development of a new programmatic agreement.
2. A Tribal Team focused on working through tribal issues as the new programmatic agreement is developed.
3. A RFP Team tasked with developing the RFP MDOT will utilize to solicit consultants to clear local agency projects once the new programmatic agreement is in place.
4. A Review Team to look over the products of the other 3 teams. The “Quality Assurance team”.

COVID-19 Impact on Local Agencies Ability to Obligate Projects

CRA talked to counties about concerns with delays due to working remotely, Environmental, Great Lakes, and Energy (EGLE) permits, SHPO issues, and Right-of-Way (ROW) acquisition. As of mid-2020 \$12 million of federal aid from county projects was in jeopardy of not being obligated. Local agencies requested for an extension of the obligation authority, which MDOT or FHWA did not have the authority to grant. CRA put out survey to local agencies in the Engineering Listserv and Engineering Update and received 20-30 responses. MML also put out a survey and they plan to take feedback and determine a plan of action. Online meetings and discussions between MDOT and its stakeholders successfully resolved all outstanding issues by Fall 2020.

LAP had a few issues with Bridge and Safety projects but was able to progress. Transportation Service Centers were very quick to adapt to an electronic format for GI meetings. Some challenges came up when working with property owner or Real Estate agency as it slowed down the process for ROW approvals.

MDOT Date for Return

MDOT is unsure we they will move back into their offices. MDOT continues to telecommute and will do so for the foreseeable future.

Mutual Benefit

Mutual benefit has been determined to be non-compliant with Federal Regulations and local agencies must discontinue use as of October 1, 2020. Any Grade Inspection packages received on/after 10/1/20 can no longer use mutual benefit.

AASHTO Local Program Peer Exchange (LPPE)

This group was developed through Association of American Highway and State Transportation Officials (AASHTO) in 2017 and is in pilot status. Group has proven to be very valuable to state Department of Transportation (DOT) local program professionals and is working with AASHTO to expand past the pilot stage. Each state DOT has quarterly webinars to discuss topics of challenge in local agency programs with the hopes of sharing information to make all local agency programs stronger. This group has future plans including development of a state resource document, seeking an opportunity for an in-person peer exchange, and continuing to provide webinar trainings. Kelly Crannell serves as the steering committee co-lead.

Local Program Peer Exchange (LPPE) had a webinar on an asphalt technology trailer that goes throughout the country. [FHWA Mobile Asphalt Technology Center \(MATC\)](#)

2020 Mid-Michigan Flooding

MDOT is working diligently on the Emergency Relief program to provide aid and reimbursements for flooding. MDOT has also set up a consultant contract that local agencies can also utilize for work on their system.

US Fish and Wildlife Transportation Liaison

US Fish and Wildlife transportation liaison position was filled in late 2020. Shaughn Galloway is the new Liaison.

Contractor Performance Evaluation Process Improvement

Review of MDOT's Contractor Performance Evaluation (CPE) process was initiated in Fall 2019 but was put on hold. Upper Management is currently looking at the CPE process and will be providing direction on how they would like the improvements to evolve. MDOT is hoping to restart the process improvement in 2021. While CPE's are supposed to improve contractor performance, consensus from the field indicate current process:

- is too subjective, and just done to 'make the file smile'.

- is too time consuming and expensive to defend a rating below 8, since contractor immediately appeals, so engineer feels they cannot rate contractor accurately (even with interim reviews).
- doesn't seem to work since there are never 'consequences' for poor performing contractors.

L-PAMS Program Application IT Project

MDOT has approved Fiscal Year (FY) 2021 IT funding for a new software system called the Local Agency Program Application Management System (L-PAMS). LAP hosted a process improvement session back in April 2019 and had several representatives from local agencies and consultants in attendance. The process improvement team concluded that the best way to improve the program application was to move to a software application. The goal of the software is to take our current program application and NEPA 5323 form and put all that information into a software application that can interact with other software systems MDOT has. This will help reduce rework on the program application when there are issues with funding, allow for partial submittals (NEPA, ROW, funding), easy updates, automatic notifications, and more. The project will kick off in 2021 and will likely take a couple years to be completed.

State of Michigan Website Update

The state and MDOT are going through a process to update the look and feel of all state websites. LAP has asked the team to provide any ideas for how the website could be improved to help local agencies navigate the material easier. LAP is planning to have a sit down with CRA and see what links might be helpful for locals to navigate the MDOT website. Some examples of things LAP are hoping to improve are:

- Have an overall Local Agency website that would house information for LAP Design, LAP Construction and Maintenance under a single link.
- Under the LAP Design link, you would get to the different design units (Bridge, Rural, Urban, etc.) and then to all the guidance.
- LAP is reviewing guidance and advisories to determine those that are out of date and removing them from the website.

Small Business Program Designation

MDOT is reviewing how to better convey to local agencies when their project has been designated as a Small Business Program project. The purpose is if local agencies have comments on this, MDOT would like to hear them in advance of letting which, in some cases, has been when a local agency found out their project was designated small business.

Bridge Bundling

Bridge Bundling is going well. Bureau of Bridges and Structures (BOBs) is leading this with Sue Datta and Matt Chynowyth. A number of MDOT work areas, including LAP, are working with BOBS staff on the project. Kelly is assisting BOBs in creating a local roles and responsibilities guidance document for construction.

MDOT Trainings

MDOT Office of Organizational Development is determining how we will do trainings in this new telecommuting environment moving forward. An article was published in the recent CRA Engineering Update to submit training requests to MDOT-TechTraining.gov.

MERL Steering Committee

Committee took place to look at the proposal put together by the Local Technical Assistance Program (LTAP) for a construction module within MERL. They are working on a two-year strategy of how to get the program to where they would like to see it to ensure project documentation can occur once FieldManager is retired. Going back to CRA and MML management for how to approach MDOT moving MERL forward.