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Issue Number 75, March 2016

State Aid E-Scene

Numbering Districtwide Federal Projects

By: Merry Daher, State Aid Project Delivery Engineer

Districtwide projects, typically Highway Safety Improvement Program projects formerly identified with an overall project number of 088-070-XXX with individual SP numbers for each county identified in the plan's statement of Estimated Quantities and Engineers Estimate may no longer use the "088" designation for plans and authorization.

It is understood that when the HSIP projects are selected and placed in the State Transportation Improvement Program, the lead agency is not always known, so the "088" prefix is used as a placeholder. However, once the lead agency is identified, their SP number becomes the "prime" SP and the other counties' numbers become "associated" numbers. The district will need to have the STIP revised to reflect this via an Administrative Mod and the project documents – NEPA and plans, etc. will need to reflect the

prime SP number in lieu of the "088" number.

MnDOT's PPMS programming application needs to show the prime and associated projects with the federal and local match (this can be state aid funds, local funds, or a combination—they don't care, to them it is all "local") funds by each SP number. The State Aid Federal Aid section will furnish this detail to the district PPMS coordinators when the plans come in for authorization, so that PPMS will reflect the breakdown as needed for federal authorization.

This will not affect how the federal funds are reimbursed to the lead agency during construction – this is part of the FMIS 5 implementation.

Kim DeLaRosa receives MCEA Special Service Award

We're happy to announce Kim DeLaRosa, CSAH Needs Manager is the recipient of the MCEA Special Service Award. The award was presented by Dave Olsonawski from Hubbard County at the 2016 MCEA Conference Banquet in January 2016.

The MCEA Special Service Award honor's Kim for all the hard work, dedication and continued drive that has led to the final approval of the new Needs program.



(Dave Olsonawski)

Northern Long-Eared Bat Update

By: Gary Reihl, Federal Aid Project Development

As you probably have heard by now, the US Fish and Wildlife Service recently published a Final 4(d) Rule on the northern long-eared bat. This new rule dramatically reduced restrictions on impacts to the bats. Under this rule, bridge work and most (not all) tree removal work are no longer considered to be prohibited impacts to northern long-eared bats.

Here is what we know so far.

Projects that have completed Section 7 consultation still need to uphold commitments made during consultation (such as winter tree clearing, bridge inspections, etc.). If there will be any changes to the season of tree clearing, the amount of tree clearing, or the type of bridge work that was proposed at the time you sent information to the Office of Environmental Stewardship, **you will have to re-initiate consultation** with OES.

Projects which have not completed Section 7 consultation will be reviewed under the final 4(d) Rule. You will need to provide information on proposed tree clearing (quantity and timing) and bridge work, and you will still need to consult with FWS about any possible impacts. The big difference is that instead of being required to avoid these impacts by clearing trees in winter or surveying bridges for bats, we will simply say that **“the work may affect bats but is not prohibited.”** The review timeline will not change much.

Tree clearing is prohibited in two situations (see [list and map of known locations of maternity roosts and hibernacula](#) (PDF)):

- 1) Clearing within 150' of a known maternity roost tree during June and July.
- 2) Clearing within ¼ mile of a known hibernaculum at any time of year.

(Currently there are not many of these sites known in Minnesota, but the map

will change and you will be responsible to know if the bat habitat has extended into your project area)

Also prohibited is any activity that alters a hibernaculum, either directly or indirectly (work could include blasting, extreme vibration, or hydrologic alterations in the vicinity of a hibernaculum). The number of known hibernacula is limited, however there will probably be occasional encounters of such situations.

Although there are no restrictions on bridge work and few restrictions on tree removal, OES is still considering changes to reduce impacts on bats. These will include measures such as **limited winter tree clearing and limited bat surveys on bridge projects**. This limited work will likely be focused on areas in which we expect relatively high bat populations. Bats can be present in the entire state.

The intent of this is twofold:

- 1) Reduce impacts in situations where bats are most likely to occur.
- 2) Continue to prepare our department for the strong possibility of future restrictions related to changes in the status of this or other bat species.

If your project was reviewed prior to April 2, 2015 for the Endangered Species Act and your contractor has not mobilized yet, your project must be re-reviewed if you are doing any tree removal or bridge construction. This is the date prior to the NLEB being formally listed as a threatened species. If your project was reviewed since February 16, 2016 you are covered unless guidance changes in the future.

The basic statement of a Determination should look like:

Notice of Determination

Northern Long-Eared Bat— May affect, but will not cause prohibited incidental take.

According to the information provided, this project will include bridge work and tree removal. There are no known locations of NLEB roost trees or hibernacula in the vicinity of this project (**MNDNR 2015**). By signing this form, MnDOT on behalf of the FHWA, determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) Rule.

If the USFWS does not respond within 30 days from submittal of this form, MnDOT may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic Biological Opinion. MnDOT will update this determination annually for multi-year activities.

MnDOT, on behalf of the FHWA, understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. MnDOT will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. **Involved parties will promptly notify the appropriate USFWS Field Office, and MnDOT Office of Environmental Stewardship, upon finding a dead, injured, or sick NLEB.**

New State Bridge Engineer

By: Dave Conkel, State Aid Bridge Engineer

We're happy to announce Kevin Western's appointment to serve as Minnesota's State Bridge Engineer. As you may recall this critical MnDOT position was most recently assumed by Beverly Farraher who served in the position on a temporary basis. During Bev's relatively short time in the position, she provided great leadership and tremendous support of all local bridge matters. Prior to Bev, Nancy Daubenberger and Dan Dorgan



served us as outstanding State Bridge Engineers. Along with Kevin in these individuals were instrumental with advancing Minnesota's local bridge program.

Back in the late 1990's Kevin served as the State Aid Bridge Engineer. Kevin moved on to serve as the State Bridge Design Engineer for many years, and continued to work closely with the State Aid Bridge Unit to support and assist owners and consultants with their complex bridge projects. Kevin's knowledge of Minnesota's local bridge inventory, and the many different bridge structure types was reflective in his ability to guide and recommend better ways to design, detail, and build local bridges.

Note, eventually Kevin's advanced bridge engineering skills, experience and reputation called him to

serve as a bridge engineering lead on several major bridge projects such as the 35W bridge reconstruction project, St Croix River Crossing, TH 53 realignment project and the Red Wing Bridge project. Kevin now has 29 years of dedicated MnDOT experience in bridge design, standards, and construction. Also Kevin currently serves as vice-chair of the AASHTO Bridge T-13 Culvert Committee. Kevin holds a master's degree in Structures from the University of Minnesota and a bachelor's degree in Civil Engineering from the University of Wisconsin. He and his wife, Dawn, live in Osceola, Wisconsin, and raised their four children there. He is also the proud grandfather of two grandchildren and is an avid fisherman.

Sign Maintenance/Management and Sign Retroreflectivity Training

The Minnesota Local Technical Assistance Program is currently offering both online as well as hands-on training for participants who would like to be trained in traffic sign maintenance and management, sign retroreflectivity, sign inventory development, and sign post crashworthiness.

The online course consists of 10 lessons that includes a narrated presentation, video clips and quiz for each lesson. This course is designed to be completed at your own pace and will take about 10 hours to complete. The cost for the online

sign maintenance and management course is \$65 (\$75 to register for a Continuing Education Credit). Please visit the [Sign Maintenance and Management for Local Agencies \(Online\) webpage](#) for more information and to register.

LTAP has also announced a new hands-on workshop that will provide participants training on conducting the various sign retroreflectivity assessment and management methods, including nighttime inspection. There are 16 scheduled workshops throughout the state that will begin at the end of March and will continue until the

middle of May. The cost for this hands-on workshop is free, however each workshop is limited to 10 participants so early registration is recommended. Please visit the [Traffic Sign Maintenance/Management and Sign Retroreflectivity Training webpage](#) more information and to register.

Questions about sign maintenance and management or sign retroreflectivity can be directed to Sulmaan Khan by emailing sulmaan.m.khan@state.mn.us or by phone at 651-366-3829.

Who makes a de minimis 4(f) Determination?

By: Lynnette Roshell, Special Programs Project Development Engineer

Section 4(f) refers to the original section within the U.S. Department of Transportation Act of 1966 which provided for consideration of park and recreation lands, wildlife and waterfowl refuges, and historic sites during transportation project development. The law, now codified in 49 U.S.C. §303 and 23 U.S.C. §138, applies only to the U.S. Department of Transportation and is implemented by the Federal Highway Administration and the Federal Transit Administration through the regulation [23 Code of Federal Regulations 774](#).

Use of a Section 4(f) property occurs: (1) when land classified as 4(f) is permanently incorporated into a transportation project; (2) when there is a temporary occupancy of 4(f) land that is adverse in terms of the statute's preservation purpose; or (3) when there is a constructive use (a project's proximity impacts are so severe that the protected activities, features, or attributes of a property are **substantially impaired**). We have seen many projects lately where the proposed transportation improvement is compatible with the recreational nature of the property. This is generally a trail project or some other park "enhancement type project."

For publicly owned public parks, recreation areas, and wildlife and waterfowl refuges, a de minimis impact is one that will not adversely affect the activities, features, or attributes of the Section 4(f) property. For historic sites, a de minimis impact means that FHWA has determined (in accordance with [36 CFR Part 800](#), regulations implementing Section 106 of the

(National Historic Preservation Act) that either no historic site is affected by the project or that the project will have "no adverse effect" on the historic site. A de minimis impact determination does not require analysis of feasible and prudent avoidance alternatives.

The FHWA is responsible for making most decisions related to Section 4(f) compliance at the project level after consulting with the appropriate officials with jurisdiction (note: some states have assumed responsibility for Section 4(f) compliance per 23 USC 326 and 327). These decisions include whether Section 4(f) applies to a property, whether a use will occur, whether a de minimis impact determination may be made, assessment of each alternative's impacts to Section 4(f) properties, and determining whether the law allows the selection of a particular alternative. In the cases where it appears that there will be a constructive use, the FHWA division office may only make a Section 4(f) decision with prior concurrence from FHWA headquarters.

We have received a number of project memos lately where the memo author has written that he/she has determined that the project will have a de minimis impact on the 4(f) resource. This is not the role of the project owner or memo author. The project owner or memo author can suggest and document, that the project as proposed, may have a de minimis impact on the 4(f) resource. It is their job to document the situation to help the FHWA (and the public) to understand the proposed project and the potential impacts. The

FHWA in conjunction with the owner or manager of the 4(f) resource are the ones who actually make the de minimis determination. If you have questions on de minimis 4(f) or any 4(f) issue please contact Lynnette Roshell or Gary Reihl. 4(f) issues are the most common issue that the FHWA is challenged on in court. Each situation is unique and interesting.

(Much of the verbiage for this article is taken from the 4(f) section of the FHWA website.)

Addendum to Dodd Ford Bridge Rehabilitation article

In last quarter's State Aid E-Scene article, Dodd Ford Bridge Rehabilitation, we failed to acknowledge the vital contribution the Historic Bridge Foundation has had on the Dodd Ford Bridge. We apologize for the mistake and have updated the article to include this. This update can be seen on page 3 of the [December 2015 E-Scene](#) (PDF) at the end of the second paragraph.



New Threatened & Endangered Species - Section 7 Staff at OES

From the Office of Environmental Stewardship

The Office of Environmental Stewardship is pleased to announce that we have filled the Section 7 Wildlife Ecologist position previously held by Jason Alcott. Christopher E. Smith started with OES on February 24, in the Environmental Assessment Unit under Deb Moynihan. Chris has a Bachelor of Science degree in Fisheries and Wildlife Management from the University of Minnesota and a Master of Science degree in Conservation Biology, also from the U of M.

Chris comes from the Minnesota DNR's Division of Ecological and Water Resources, where he worked as a Nongame Wildlife Biologist. He had a wide range of responsibilities with his work at MnDNR including: field survey, research, development of monitoring and survey methodologies for wildlife; tabulation and management of survey data; technical guidance to DNR land managers on habitat management activities; mitigation for conservation of wildlife; extensive use of ArcGIS; assistance with State Wildlife Grant application and report writing; threatened and endangered species review, and writing sections of MDNR environmental documents related to threatened and endangered species. As an added bonus, Chris has done research on the northern long-eared bat species. Chris has already hit the ground running and we are very fortunate to have him. Chris has a particularly strong interest in research on reptiles and

amphibians, serving as past President of the Minnesota Herpetological Society, for which he is still an active member. He also currently serves on the Advisory Board for Midwest Partners in Amphibian and Reptile Conservation, and is affiliated with the Dakota Amphibian and Reptile Network and the International Reptile Conservation Foundation.

We would also like to take this opportunity to introduce you to another new employee in the Environmental Assessment Unit, Elizabeth A. Brown. Beth (as she prefers to be called) is holding one of the temporary positions that will support Section 7, environmental review, and wetland regulatory work, among other possible activities within OES. Beth began on January 27, and immediately began assisting Ken Graeve (who has been pulling double duty) with some of the Section 7 responsibilities. Beth will continue to play a role in supporting the Section 7 activities.

Beth graduated from the University of Chicago with a bachelor's degree in Environmental Science and Biology. Previous to MnDOT, Beth worked at the Minnehaha

Watershed District working with aquatic resource permit applications and the Wetland Conservation Act. She also worked at Midwest Natural Resources, Inc., performing a variety of tasks including field work on various natural resources projects, wetland delineation, invasive species mapping, surveys of threatened and endangered flora and fauna, use of GIS products, and editing of documents for accuracy, grammar, and style.

Please begin sending all of your Section 7 review requests to Chris Smith at christopher.e.smith@state.mn.us (in place of Ken Graeve). You may also find yourself working with Beth whose email address is elizabeth.a.brown@state.mn.us.

We would like to once again thank Ken for his excellent service maintaining the Section 7 work load for the past three months and for helping Chris and Beth get started. If you have any questions, feel free to contact Deb Moynihan at 651-366-3618 or Lynn Clarkowski at 651-366-3602.



MnDOT Reclamation Inspector's Guide

By: Joel Ulring, Pavement Engineer

In February, a new pavement reclamation guide for field inspectors was introduced by MnDOT Grading and Base Engineer Terry Beaudry. Full Depth Reclamation and Stabilized Full Depth Reclamation projects are increasing around the state for both MnDOT and local agencies. In response, Terry took some time and put pencil to paper, or more likely, his fingers to the keyboard to document his thoughts. His goal was how to best inform field inspectors about this process to ensure the entire reclamation process is followed and achieve a successful outcome for reclamation projects. Terry pulled together the best and worst of projects from the last few years when developing this document.

The guide is written in basic terms to make it easy to understand and follow. It is broken into five sections as follows:

- 1) Reclamation Basics
- 2) Preliminary Responsibilities
- 3) Project Inspection Responsibilities
- 4) Common Problems and Solutions
- 5) Summary: The nine most important aspects to have a successful reclamation project.

Full Depth Reclamation is the process of grinding up (reclaiming) an existing asphalt pavement and mixing it with a portion of the underlying gravel base to be reused in a new pavement's structural section without removing it from the roadway. Stabilized Full Depth reclamation involves the same reclamation procedure while adding a stabilizing agent (liquid asphalt, cement, etc.) during the mixing process. The reclaimed material is then shaped and compacted to the new road grades. Additional gravel base may or may not be placed prior to placing a new pavement surface.

The guide discusses responsibilities prior to construction as part of the design phase and during construction. During the design phase you need to review historic documents and plans as well as perform a field review to assure you have selected the right fix for the road. If performing an SFDR project, samples of the pavement and aggregate base are required to prepare a mix design. At the start of construction, it is necessary to review and inspect equipment before work begins. This assures the right equipment is used and is in good repair. During construction, perform required testing and

observations, adjusting operations as necessary to obtain a successful project.

The guide closes with a section discussing common problems with possible solutions and another section providing a summary of the most important aspects to achieve a successful reclamation project. At the very end of the guide, several resources are listed including the pertinent specifications and special provisions to use and links to additional sources of information on pavement reclamation.

The guide can be found on the [MnDOT Grading and Base webpage](#) under link, [MnDOT Reclamation Inspector's Guide](#) (PDF). This is a living document. If you have questions concerning this guide or suggestions to improve it, please contact Terry Beaudry, Grading and Base Engineer at terry.beaudry@state.mn.us or 651-366-5456, or Joel Ulring, State Aid Pavement Engineer at joel.ulring@state.mn.us or 651-366-3831.



(SFDR Mixture Consistency)



(Initial Compaction)



(Grading)

Use the Electronic Proposal Document Table

By: Ron Dahlquist, Federal Plans Specialist

Spoon or Fork? Proposal Assembly

Would you use a spoon to eat spaghetti? Probably not. Sure, you can get the job done, but the results are most likely less than satisfactory. It's just not the best tool for that particular job. Use a fork.

Much the same could be said about using the MnDOT Proposal Sequence (the spoon) for assembling proposals (the spaghetti), for most locally administered state aid and federal aid projects. It's the wrong tool. You might end up with a document that "looks" good, but would be missing key components that are particular to state aid contracts. You may also be including some MnDOT sections or MnDOT forms that were never intended for local agency use. Please avoid the MnDOT Proposal Sequence unless your project actually involves MnDOT as a partner.

State Aid staff has dedicated much time and effort to create and maintain the State Aid Electronic Proposal Document Table (the fork) for your use in assembling proposals. There are even two

versions of the EPDT, one for use with the 2016 MnDOT spec book, and one for use with the 2014 MnDOT spec book. Please note that the 2014 version of the EPDT will disappear this summer. For details you may view State Aid Tech Memo, [13-SA-02](#) (PDF).

The EPDT contains the elements necessary to create both a solid "front end" and "back end" for your proposal for a locally administered project. The middle, or Division S, is where you want to get specific about your project. Almost every contract will have some project specific items, but please try to limit them to the Division S of your proposal.

What goes where?

When you go to the EPDT, you will notice the sequence numbers in the left column. Currently the front end and back end sections can be found in sequences 1 through 46. They are listed more or less in the order in which they should appear in your proposal (some minor shuffling shouldn't be a problem). The column in the middle of the EPDT will tell you whether any particular section belongs in federal aid, State Aid, or all contracts.

Sequence 19 of the EPDT will direct you to insert your Division S between the front and back end sections. Division S sections in the EPDT are currently numbered from sequence 0000 through 2573.

We suggest that you tinker as little as possible with the EPDT 1000 division (sequences 0000 through 1803) since most of these sections have been edited to apply to local agencies. Local agencies have been known to find trouble if they attempt to use similar 1000 sections from the MnDOT boilerplate.

The 2000 and 3000 sections are where you will have the most latitude in your proposal for project specific language, since they are mostly technical specifications. The EPDT 2000/3000 sections (sequences 2041 through 2573) have been edited to apply to local agencies. You may also insert 2000 and 3000 sections from the MnDOT boilerplate if you feel they are appropriate for your project.

Summary

Please use the State Aid Electronic Proposal Document Table (the fork) as a guide to prepare your locally administered projects. Avoid using the MnDOT Proposal Sequence (the spoon) unless you have a cooperative agreement project involving MnDOT. Try to limit the use of MnDOT boilerplate to technical specs. Following these simple principles will help ensure that your proposals (the spaghetti) will not result in an unnecessary mess. Bon appetit!

As always, feel free to contact the appropriate State Aid staff if you have any questions or concerns.



Plan Guidance for Projects on Trunk Highways

By: Merry Daher, State Aid Project Delivery Engineer

In the past, plans that were submitted to MnDOT's Pre-Letting Services Section for review and approval were required to make several "corrections" based on requirements of MnDOT's Sample Plan. This caused a fair amount of distress, to say the least from the county or city administering the project. Since that time, the electronic State Aid Manual has incorporated links to guidance for plans that include work on trunk highways that will require signatures from trunk highway staff in an effort to avoid any surprises at plan turn in. Here is a short summary with some links you should find helpful in preparing plans that require MnDOT approval.

Any projects that include work on a trunk highway must be formatted

according to the guidance found on the [MnDOT Design Guidance webpage](#) and utilize the MnDOT Standard Specifications designated for TH's. This includes projects administered by local agencies that include work on a trunk highway. The plan must be submitted with the [Quality Control Check Process Form](#) (Word). The project will also need to utilize MnDOT's Schedule of Materials Control that is in force at the time the contract is to be bid.

Plans should be signed according to the [Plan Signature Block](#) (Word). Note that district personnel signatures must be obtained before being submitted to State Aid. Also, if a MnDOT district is preparing a project with work on

the state aid system, the District State Aid Engineer needs to sign the plan before the district sends it to MnDOT's Pre-Letting Services Section.

The plan must be submitted to your DSAE just like any other project. The greater Minnesota district State Aid staff will submit it to State Aid in St. Paul who will coordinate the reviews and signatures with MnDOT. Metro district plans are submitted to the Metro State Aid Engineer.



Employee News

We are pleased to announce Rollin Larson as the new State Aid Construction Specialist for Districts 6, 7 and 8, effective February 24, 2016. Rollin took over this role from Mitch Bartelt who left MnDOT in January. Rollin will be working out of the Winona MnDOT facility. Most recently he served as District 6 DSAA and will bring a great deal of experience to this position. Rollin's new phone number is 507-205-6403.

Olga Kruglova is our new student worker. Olga started January 13th and attends Saint Paul College where she is currently enrolled in the college's Business Administrative Professional program and she will graduate in May. Previous to Olga earned a bachelor's degree

in Economics from the Volzhsky Institute of Civil Engineer in Volgograd, Russia and worked as an Administrative Correspondence Secretary for Volzhsky Pipe Plant (part of TMK-Russia) from 1991-2009. In addition to reviewing and scanning microfilm plans for electronic storage, she also helps to enter data in Project Tracking and assists with other general office work as needed.



(Olga Kruglova)

Hatem Qamhieh has taken a six month mobility (1/27/16-7/26/16) in the State Aid Office. Hatem's primary tasking will be with the federal aid unit in reviewing and processing plans. As time permits he will also get a chance to work with SRTS and HSIP on project selection/review, PM development/review, Agreement Writing, Needs Calculations and other assigned duties. Hatem has been working in MnDOT since 1989. He started as a student worker in the Hydraulics Office. After completing his Grad Rotation he spent time in the Bridge Design Office, in the Estimating Unit and Standards Unit in the Office of Project Management and Technical Support.

(continue on page 9)

continued, Employee News

Hatem earned bachelor's degree in Civil Engineering from North Dakota State University.



(Hatem Qamhieh)

Jane Krebsbach is the new Federal Aid Project Manager at Metro. She started on February 10th. Prior to this Jane worked as a Transportation Project Manager at Washington County since 2007. Previous to this she worked at SEH Consulting and in MnDOT's Final Design and Metro Offices.

Michael Scott will begin his role as the Assistant Project Development Engineer in the State Aid Federal

Aid Section on April 6th. Michael will be taking over this role from Malaki Ruranika who moved to MnDOT's Office of Technical Support in late December. Michael comes to State Aid from MnDOT's Cooperative Agreements Section in the Office of Technical Support and previously the Minnesota Pollution Control Agency. His phone number will be 651-366-3825.



State Aid for Local Transportation

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