

**Minutes**  
**ACEC/KDOT Liaison Committee Meeting**  
**Capitol Plaza Hotel, Topeka, KS**  
**October 25<sup>th</sup>, 2017**

Attendees:

KDOT: Chris Herrick, Scott King, Steve Bass, Mike Stringer, David Nagy, Sue Eiseman, Brent Terstriep

FHWA: Richard Backlund, Rusty Simerl

KTA: David Jacobson

ACEC: Mike McKenna, Cameron McGown, Mandy Anderson, Adam Stodola, John Riggins

Agenda & Minutes

1. Approval of Agenda
  - Approval motioned, seconded, and approved
2. Approval of last meeting's minutes
  - Approval motioned, seconded, and approved
3. Action Item Review
  - Need to send out meeting dates for 2018 meetings. Scott Heider and Cameron McGown are coordinating with Ron Seitz. Ron to distribute once dates are finalized.
4. Status of KDOT Funding – Chris Herrick
  - Chris Herrick serves on the national ACEC/AASHTO committee which discusses a number topics: contracting, barriers to innovation, handling of indirect costs, etc. Can elevate issues to that committee through Chris if necessary.
  - Motion made to add Chris Herrick to this committee. Seconded, and approved.
  - KDOT authorized during the last legislative session to sell up to \$400M in bonds which must be used for preservation in FY 2018 & 2019. \$242M in bonds have been sold to date.
  - In terms of future funding, there has been some discussion around increasing the gas tax but KDOT would prefer that this be done only in the context of a more comprehensive program and funding package. KS gas tax is already one of the highest in the region.
  - Modernization and expansion projects will essentially continue to be on hold without new funding. Design continues for some projects.
  - Compounding the funding struggles is the issue of the upcoming rescission in 2018 (see additional explanation under FHWA Update)

#### 5. FHWA Update – Richard Backlund

- Unless action is taken, there will be approximately \$120M rescission from all the state DOTs. The impact to KDOT would be approximately \$17.8M. However, the last time a big rescission was planned Congress acted and prevented this from happening. Likely to be much debate on this matter.
- For the moment, KDOT continues to make its Federal match, but hovers near the line between donor/receiver of Federal funds.
- The future of the TIGER grant program is uncertain, but it is likely it will continue as the program is popular in Congress.
- INFRA Grant – the deadline for submitting projects is coming up in early November. Anticipate applications from all states.
- Federal Infrastructure Package – Initial focus from the administration has been centered on P3s and encouraging private investment. Rural states have been pushing back due to lack of good P3 candidate projects. May have a larger portion of any new funds be distributed by formula. FHWA is assisting with draft legislation.
- The new 1R program is now in place - \$145M total with 50% being Federally funded
- The 3R policy, bridge preservation, and asset management policies are all currently under development and/or being updated.

#### 6. Bureau of Local Projects Update – Mike Stringer

- The recent changes to the Federal Funds Exchange Program went into effect October 1<sup>st</sup>. Recently completed an 8-stop tour around the state to explain the changes. The PowerPoint presentation is on the website.
- Changes include
  - The reduced exchange rate will now be 75 cents on the dollar (previously 90 cents on the dollar). The new exchange rate allows KDOT to break even on these exchanges.
  - Entities will no longer be allowed to “bank” funds. Must end each year with a \$0 balance.
- Funds must be used for transportation.
- The exchange rate is set by the Secretary and will be reviewed each year.
- There is currently a balance of \$3.5M.
- LP is currently developing the call for projects for the high-risk rural roads
- LP is experiencing issues with adherence to project schedules seeing several instances of schedule slippage. This puts a burden on KDOT staff, particularly estimators. If not addressed, KDOT may be forced to cancel projects. KDOT BLP would like to create a task force made up of KDOT, Locals, and Consultants to discuss the issue further.

- LP has recently had instances of KDOT plan comments from KDOT not being addressed in subsequent submittals. This is not acceptable.
  - Bridge Inspection Team Leaders – Have had some issues with team leaders leaving their current firm of employment and not notifying KDOT. This creates issues with their unique code which links them to a specific firm in KDOT’s system. May result in some inspectors being locked out of the system.
7. Contracts – David Nagy
- LPA Construction Inspection On-Call solicitation coming out in 2 weeks
  - Annual state audit is currently underway. Some questions regarding indirect cost certifications. KDOT typically asks for these at the beginning of a project but may start requesting these annually on multi-year contracts. Firms will submit KDOT’s certification form along with their firm’s certification from their independent auditor.
  - Currently reviewing proposals for on-call surveying
  - KDOT is developing internally a new web-based pre-qualification system
8. Update from Consultants
- Inspector/Observer Language – Carmen Bakarich
    - There was a spirited discussion regarding the designation of consultant personnel providing construction services as “inspectors” vs. “observers”.
    - Consultant firms have raised the issue of some insurance providers being unwilling to insure firms based on their understanding of the role of an inspector.
    - Both state law and Federal regulations require KDOT to certify that improvements are constructed per the plans and specifications. As such, personnel in the field must be prepared to make that certification, which cannot be done by someone that is simply observing. Consultant inspectors have the obligation to intercede when the plans and specs are not being fulfilled.
    - However, there are limitations of their responsibilities which are defined in KDOT’s specifications. Consultants should review those responsibilities (and what responsibilities still reside with KDOT’s engineer in the field) and discuss with their insurance providers.
    - KDOT will continue to refer to these services as construction inspection and encourage consultant firms to avoid reference to “construction observation” in titles, descriptions of experience, and statements of qualifications.
    - A special task force to discuss the matter further will not be formed.

- RCB Designs/Details – Cameron McGown
  - Recently learned that KDOT will no longer be providing .dgn's of standard RCB designs, only .pdfs. This can create additional work for consultants or locals when making modifications. Simply need to understand the policy so as to account for the appropriate amount of time when contracting.
  - Concerns from KDOT on making these .dgn's available to everyone (not just engineers). Ron Seitz may revisit this policy.

9. Bureau of Road Design Update – Scott King

- Nearly complete with new electronic seal policy for signing and sealing documents. The November letting will be the first letting under this new policy. Updates to the road manual will be coming soon outlining those changes as well as example seal sheets via KART. KDOT will be sealing plans along with consultants. Plan changes during construction will require re-sealing after completing modifications and re-releasing for construction.
- In addition to construction plans, other final work products will also require seals. These include special provisions, breaks-in-access or other engineering reports, geology reports, hydraulic studies, etc.
- At this time, deliverables will require signatures and seals incorporated into a .pdf. Will likely go towards a verifiable electronic seal in the future.
- Interim submittals need to be stamped "Preliminary, not for construction".
- Landscaping/monuments – Have had issues with local entities placing monuments or landscaping within the zone of influence at interchanges which can create sight distance issues. A new KDOT policy regarding monuments and landscaping will be coming soon. If on a state route or NHS, placement of monuments will require KDOT approval. If on an Interstate route, it will also require an agreement with FHWA. KDOT is asking consultants to be mindful of this new forthcoming policy as we work with local entities.
- Staffing – KDOT lost another EA recently and currently has a road squad leader position open. They are low on licensed staff in Road Design but are actively recruiting to try to fill those positions. A future issue in the next few years is the upcoming retirements for several engineering technicians.
- Guardrail – Recently conducted new guardrail training. A memo will be coming soon revising the Length of Need formula to be more in line with the Roadside Design Guide.

10. Bureau of Structures and Geotechnical Services Update – No report

11. Legislative Update – No report

## 12. KDOT/ACEC Partnering Conference Summary – Mandy Anderson

- Over 200 attendees at the KDOT-ACEC Partnering Conference
- No survey out yet but should be out soon.
- Comments
  - Liked hearing from legislators, but could consider inviting an opposing view
  - Lunch – the program filled the entire lunch period. It would be nice to allow more time for socializing during the meal ahead of the program

## 13. KTA Update – David Jacobson

- 14 projects let this year, 6 are complete and three more will begin by the end of 2017
- Anticipate a similar level of construction projects next year
- Kellogg/I-35 Project is ahead of schedule.
- Traffic Trends
  - Class 2-4 has seen a 4.7% decrease in traffic – mostly due to construction projects at Kellogg and East Terminal, and the opening of the South Lawrence Trafficway
  - Class 5 has seen a 10.5% increase in traffic
- Looking to increase the number of users of electronic toll tags
  - KTA is increasing the number of agencies in which they have toll tag interoperability.
  - Now have 15.2million tags that can be read on the KTA system – Oklahoma, Texas, BestPass, PrePass

## 14. Adjournment

### Action Items

- Chris Herrick – Provide membership information and minutes from national AASHTO/ACEC Committee meetings to this group.
- Scott Heidner – Add Chris Herrick to this committee
- Scott Heidner/Mike Stringer – Discuss creation of a task force to address issues of project schedules, plan comments, and bridge inspection personnel.
- Consultants – Clarify responsibilities of inspectors with your insurance providers. Discuss with other firms which insurance companies are willing to insure firms who provide inspection services.