City of Ridgecrest

INFRASTRUCTURE COMMITTEE
City Council Conference Room
100 W. California Ave.
Ridgecrest, CA 93555

Wednesday, June 9, 2010 at 5:00 p.m.

Minutes

Infrastructure Committee Member: Chairman Tom Wiknich, Councilmember Jerry Taylor, Members Lois Beres and Craig Porter
Recorder: Karen Harker, Administrative Secretary

1. CALL TO ORDER The meeting was called to order by Chairman Wiknich at 5:00 pm.

2. APPROVAL OF AGENDA: Lois Beres asked for a motion to approve the agenda. Motioned, seconded by Craig Porter. The Agenda was then approved as submitted.

3. APPROVAL OF MINUTES: Motion was made by Craig Porter to approve the minutes from February 10, 2010 minutes as written; motion was seconded by Lois Beres. Minutes were then approved as submitted.

4. COMMENTS: (PUBLIC COMMENT)

Don McKernan - wants to know if we have hired a consultant for the new Wastewater Treatment Facility. Mr. Speer indicated that we have yet to sign a contract with the firm picked for City Advisor and as soon as he comes on board an announcement will be made.

Dave Matthews – At the last City Council meeting he was surprised to find out that for sewer hookup for the new hotel found out that the City has to call USA and that USA needs to be called before you break ground. Also that USA will paint where all utility lines are at. He was asking if the City didn't have that capability. Mr. Wiknich discussed that there can be discrepancies and that is why we have USA do that service. Sometimes companies will choose to pothole just to make sure that the utility lines are there. Mr. Speer stated that the City has a

master sewer map. There are services are out there that can be used to provide GPS location of areas.

5. DISCUSSION ITEMS:

A. Intersection of La Mirage and French Avenue -Brought to the attention of Mr. Taylor as he watched a mother and three children try to cross the street it becomes a major challenge. Mr. Taylor and Mr. Speer had several follow up comments and emails regarding the situation and Mr. Speer will be able to report. Mr. Speer stated that after attending a pedestrian safety work shop, unfortunately and they are not allowed in California. Caltrans will need to update the MUTCD for them to be allowed in the state. Some concerns that the state has at this time is uniformity, and if they will be used as a toy by children to just stop cars. Mr. Speer passed out a handout that showed a sign that could be ordered and place (W- 54A) up and down the corridor. Discussed a primary warrant and the area will not meet the criteria. Committee members approved the sign (W-54A) and Mr. Speer will order and place in the Corridor.

B. Safe Routes to School – Peg at Argus and Coso – Ms. Anna Garcia lives on Peg and would like to have four way stops at Argus and Peg so that her children will have a safe route to go to school. She feels that four way stops will ensure that cars will make that complete stop and look for school age children in the area. Mr. Speer gave a handout of the Traffic Manual School Area Pedestrian Safety. Requests for Safe Routes to School need to be made with the School District and they need to make a Map and submit it to the City for recommendations. Studies would need to get done and costs would have to be determined to make traffic warrants available.

C. Engineering Services – Selection of New Firm – Mr. Speer would like to thank the Committee for their time and committee in the selection process and determining a new Engineering Firm. After written proposals, oral board interviews, and a fee analysis based on the ranking it placed the firm Penfield and Smith as our new Engineering Consulting Firm. The contract has been approved by the Council and is now at the Attorney. I have spoken to the City Manager to get the contract back and so that we can move forward with projects as soon as possible. Helt will continue with projects that they have started except for Plan Checks of Walmart and Ridgecrest Blvd.

D. IWVWD Utility Cut Process

1. Agreement between City and IWVWD

a. handout –There is no agreement with the City of Ridgecrest and the Indian Wells Valley Water District at this time. The agreement was suspended in 2005.

b. The Committee was concerned about the work that was being done by the Contractor hired by the water district. Mr. Speer stated that the Contractor was not following our specifications and our process and they have been informed and will be complying.

c. The Committee asked if the City had inspectors on site. Mr. Speer stated that we didn't have an inspector on site due to lack of staff. Mr. McKernan stated that the City has qualified inspectors in our community but the City probably doesn't want to pay fee for them.

E. Budget Discussion – Impacts

This year the Streets Department will see one time funding of 500K which will take us down by 50K, we are affected by 10%. This means that we will still be running the pothole patcher, doing some micropaving. We will still be down 1 employee and street sweeping is proposed to be cut. Stan Ratoja asked who gave the budget and Mr. Speer stated that he gave the budget presentation every year. Discussed the budget and the Pavement Management System and asking for more money on a yearly basis. If we don't ask for more to fix our streets how can we get more? We don't have any money for PMS or traffic studies this year but Mr. Speer will make in his presentation to the Council the need for the study. Our study is 7 years old and the need for a new one is overdue. Mr. Speer indicated that he is still hopeful and moving forward with a deviated fix route for the Transit Department. Three things still hold us back 1) SAU funding was eliminated and we have lost 300K. Also Article 4 and 4.5 is down along 2) actual revenues are down by 20% and 3) we do not have a full time person under the transit department at this time. Discussed unmet needs and how the hearing work with the language in place can we get more funding and how liberal is it. Mr. Speer did state that at a recent workshop he heard that there is billions of federal dollars that are available that can only be applied by Federal Agencies. It would be a big advantage to meet with our Navy counterpart and build relationships that would work to help build bike and pedestrian paths.

F. Update on Projects

1. S. Norma – CDBG Project Church to Upjohn

There will be an agenda item at City Council next week – City Council approved the Agreement but an issue came up which included 47K for Construction Engineering. When Mr. Speer verified, CDBG stated that we needed to hire Consultant by RFP/RFQ HUD process and that they would only pay for Construction Engineering for in-house staff.

2. ARRA Projects – There will be an agenda item at the City Council next week – It has been brought to Mr. Speer's attention that if the City gets audited on the ARRA projects that because an RFP/RFQ was not done in 2006-2007 for a Consultant that we might be asked for the funds back. This happened with a city in Southern California. Even though RSTP money paid for the consulting and preliminary engineering and we have set forth the proper RFP/RFQ process for the construction engineering return of funds could be possible.

3. TDA Bike Path Projects – The Bowman Bike Path and the Upjohn Bike Path are both designed and ready to proceed with construction. The Leroy Jackson Park project has come to a standstill when the design was presented to the county (Jon McQuiston's Office) and the proposed design was denied. Numerous talks with the county by Jim Ponek, Parks and Recreation Director, about different options so that it goes along the edge of the property line has come up with an unfavorable outcome. Mr. Wiknich and Mr. Taylor would like the City Manager to set up a meeting with Mr. McQuiston so that they can have a better understanding of what the issues might be.

6. COMMITTEE COMMENTS

Traffic lights – we can set the cycle time on the new traffic light that is going in so that you can have the green light at California and the green light a Church. Mr. Speer stated yes.

The owners of the Drive – thru Dairy talked to the City Manager and at one point and time stated that trucks shouldn't be going down Ridgecrest Blvd because that isn't the truck route. Topic for the next agenda.

7. FUTURE AGENDA ITEM

a. Designated Truck routes

b. 508 Dolphin Street

8. ADJOURNMENT meeting adjourned 6:47 pm.

Option:

Supplemental plaques (see Section 2C.43) with legends such as AHEAD, XX METERS (XX FEET), NEXT XX km (NEXT XX MILES), or SHARE THE ROAD may be mounted below Vehicular Traffic signs to provide advance notice to road users of unexpected entries.

Standard:

The Emergency Vehicle (W11-8) sign with the EMERGENCY SIGNAL AHEAD (W11-12p) supplemental plaque (see Figure 2C-9) shall be placed in advance of all emergency-vehicle traffic control signals (see Chapter 4F).

~~Option:~~

~~The Emergency Vehicle (W11-8) sign, or a word message sign indicating the type of emergency vehicle (such as rescue squad), may be used in advance of the emergency vehicle station when no emergency vehicle traffic control signal is present.~~

Standard:

The Emergency Vehicle (W11-8) sign or the EMERGENCY VEHICLES sign (SW52(CA)) shall be used for all types of emergency vehicles.

Guidance:

Vehicular Traffic signs should not be placed on the highway where the unexpected entry is located on an intersecting roadway.

Option:

The Snowmobile (W11-6) and Golf Cart (W11-11) signs may be used to alert road users to locations where unexpected entries into the roadway by snowmobiles or golf carts might occur, such as at snowmobile or golf cart crossings. Refer to CVC 38025. Also refer to CVC 21115.1.

The W11-11 sign may also be used in combination with the SHARE THE ROAD (W16-1) sign at locations where a local agency permits the sharing of the roadway with slower moving golf carts. Refer to CVC 21115.

The OFF HIGHWAY VEHICLES (SW47(CA)) sign may be used in advance of a segment of highway that permits the use of regular vehicular traffic and also the driving of off highway motor vehicles on that portion of the highway.

Guidance:

A Next Distance (W7-3a) plaque should supplement this sign.

Option:

The WATCH FOR SNOW REMOVAL EQUIPMENT (SW58(CA)) sign may be used on highways leading to snow areas.

Guidance:

The SW58(CA) sign should be covered or removed during the summer season.

Support:

The SW58(CA) sign is normally placed at lower elevations where the first snow is usually encountered.

Support:

See Figure 2C-9(CA) for the SW47(CA), SW52(CA) and SW58(CA) signs.

Section 2C.41 <u>Nonvehicular Signs (W11-2, W11-3, W11-4, W11-6, W11-7, W11-9)</u>

Option:

Nonvehicular signs (see Figure 2C-10) may be used to alert road users in advance of locations where unexpected entries into the roadway or shared use of the roadway by pedestrians, animals, and other crossing activities might occur.

Support:

These conflicts might be relatively confined, or might occur randomly over a segment of roadway.

Option:

When used in advance of a crossing, Nonvehicular warning signs may be supplemented with supplemental plaques (see Section 2C.43) with the legend AHEAD, XX METERS (XX FEET), or NEXT XX km (NEXT XX MILES) to provide advance notice to road users of crossing activity.

Standard:

When used at the crossing, Nonvehicular signs shall be supplemented with a diagonal downward pointing arrow (W16-7p) plaque (see Figure 2C-11) showing the location of the crossing for ground-

Dennis Speer

From: Harvey Rose
Sent: Thursday, May 27, 2010 10:11 AM
To: Dennis Speer; Jim Ponek; Jim McRea
Cc: Randy Brown; City Council; 'Kurt Wilson'
Subject: IWV Water District

The results of my monthly meeting with District Manager Tom Mulvihill:

- The District agrees to pull encroachment permits when working on City owned right of way – except for emergencies. There will be no fee for pulling the permits
- The District will pay the City for inspection service. Dennis, you will need to seek contract inspection service and identify the charge that will be made to the District.
- The District will charge the City for use of water by the Streets Division. (This should be negligible since I am recommending the City stop street sweeping in the draft budget.)
- The topic of converting the lawn in front of City Hall (i.e. the Sump) to a demonstration site for drought resistant plantings, or gravel, or (?) continues. Tom has appointed Lucinda Crosby to represent the District on this matter, and I am appointing Randy Brown (via Jim Ponek) to represent the City. Together, they will explore options for the conversion and associated costs.

Joe Pollock

From: Harvey Rose
Sent: Thursday, February 24, 2005 3:40 PM
To: Jim McRea; Joe Pollock
Cc: Jim Winegardner
Subject: Cold Mix

As you know, at your request I "cut off" the Water District's access to our cold mix. Today Tom Mulvihill called to say his crew dislikes the quality of cold mix they're getting from another source and think the City's cold mix is GREAT! They want to know if we'll sell them cold mix . . . and, at what price.

I also told him we're looking to rent a small batch plant for a pothole repairing blitz, and asked if he'd like to share the costs of the plant with us. He's very interested. (Maybe we can get the County to join us as well.)

From the office of:
Harvey M. Rose
100 W. California Avenue, Ridgecrest, CA 93555
760.499.5001
hrose@ci.ridgecrest.ca.us or hmrose@hmrose.com

CHAPTER XII

SEWER AND WATER

12-1 Water Wells and Water Supply Systems.

12-1.1 *Purpose and Scope.* The provisions of this chapter are adopted to preserve, protect and promote the health, safety and welfare of the public with respect to water supply. (Ord. No. 75-8, § 1; Ord. No. 86-32, § 2)

12-1.2 *Definitions.* Unless otherwise apparent from context, the following terms are defined for the purposes of this chapter:

a. *"Domestic service"* refers to water which is delivered to be used primarily for human consumption and sanitation.

b. *"Municipal and industrial service"* refers to water which is delivered to be used primarily for commercial and manufacturing purposes.

c. *"Agricultural service"* refers to water which is delivered to be used primarily for irrigation purposes.

d. *"Public water purveyor"* refers to a public agency or regulated public utility which delivers water to others. (Ord. No. 75-8, A3; Ord. No. 86-32, § 3)

12-1.3 *Water Well Permit Required.* No person, other than a public water purveyor, shall dig, drill, bore or drive a water well without first applying for and securing a permit from the City. (Ord. No. 86-32, § 4)

12-1.4 *Application.* Each application for a water well permit shall include:

a. Evidence that a well site plan has been approved by the Kern County Health Officer and Planning Commission.

b. Evidence that the water well will be constructed by a person holding a valid water well drillers contractors license.

c. Evidence that the water well will be constructed in accordance with standards from time to time established by the City Engineer.

d. Such further information as the City Engineer shall from time to time require. (Ord. No. 86-32, § 5)

12-1.5 *Review of Application.* The City Engineer shall issue a water well permit when the completed application has been filed with the necessary fees. (Ord. No. 86-32, § 6)

12-1.6 *Expiration of Water Well Permit.* Each water well permit shall expire on the 90th day after issuance if work has not been started and reasonable progress towards completion has not been maintained. The City Engineer may extend the expiration date of the permit. (Ord. No. 86-32, § 7)

12-1.7 *Water Distribution.* Water purveyors shall comply with all applicable state and federal laws and regulations governing the production, storage, transmission and sale of water. Water purveyors shall also comply with the provisions of Chapter XVII, Section 17-2, Uniform Fire Code, respecting the location and construction of fire hydrants and other fire protection devices. (Ord. No. 86-32, § 8)

12-1.8 *Use of City Right-of-Way.* A water purveyor may install, operate and maintain water pipelines and undergound appurtenances within City owned rights-of-way provided an encroachment permit is obtained from the City in accordance with Section 14-2. (Ord. No. 86-32, § 9)

12-1.9 *New Water System.* Under other parts of this Code, the City requires the proponent of land divisions or other developments to demonstrate to the satisfaction of the City that adequate arrangements have been made to secure the necessary and appropriate water supply. Except as provided hereinabove with respect to facilities for fire protection, the design and construction of such water facilities shall be the responsibility of the water purveyor. (Ord. No. 86-32, § 10)

12-2 Reserved. (Ord. No. 86-32, § 11)

12-3 Large Volume Discharges.

a. No person shall discharge water onto or upon a City street for longer than 15 consecutive minutes per a 24-hour period or in excess of 250 gallons per day, whichever is less.

b. Violation of this section is an infraction.

(Ord. No. 87-32, § 3; Ord. No. 87-33, § 3; Ord. No. 89-11, § 3)

12-4 Reserved. (Ord. No. 86-32, § 11)

12-5 Collection and Treatment of Sewage; General.

12-5.1 *Purpose.* In addition to providing for the terms and conditions of City sewer service, this section is also enacted for the purpose of establishing pretreatment regulations to prevent the introduction of pollutants into the City's treatment facilities which will interfere with the operation of the facilities or contaminate the sewage sludge; prevent the introduction of pollutants into the facilities which pass through the treatment works into receiving waters, the atmosphere, or otherwise be incompatible; and improve the feasibility of recycling and reclaiming waste waters and sludge resulting from waste water treatment. (Ord. No. 86-05, § 1)

12-5.2 *Scope.* This section shall apply to the collection, treatment, and disposal of all wastes delivered directly or indirectly through collector sewers, into the trunk sewers of the City; to the tapping of the connection to the collector and trunk sewers and the authority therefor; to the issuance of permits and the collection of fees therefor; to the imposition and collection of fees to pay the cost of checking plans, inspecting construction and providing "as-built" plans of the facilities permitted hereunder; and to providing penalties for violation of any of the provisions hereof. (Ord. No. 86-05, § 1)

12-5.3 *Definitions.* The definitions in this subsection shall govern the construction of this section and any permits issued hereunder, unless otherwise apparent from the context.

a. "*Applicant*" shall mean a person requesting sanitation service from the City.

CHAPTER 10
SCHOOL AREA PEDESTRIAN SAFETY

General 10-01

10-01.1 Need for Uniformity

Traffic control in school areas is a highly sensitive subject. If all the requests were met, there would have to be many more police and adult school crossing guards; and many more traffic signals, signs, and markings. Such requests, however, are not always in line with sound traffic engineering.

Traffic engineering analysis often reveals that at many locations, requested school crossing controls are unnecessary, costly, and tend to lessen the respect for those controls that are needed. It is important to stress the point that effective traffic control can best be obtained through the uniform application of realistic policies, practices and guidelines developed through properly conducted engineering studies.

10-01.2 Application of Guidelines

The guidelines of this chapter apply to all streets and highways open to public travel regardless of type or the level of governmental agency having jurisdiction (see CVC 21372).

All traffic control devices used in school areas shall conform to the specifications of this chapter and other applicable sections of the State Traffic Manual unless an engineering study, properly documented and approved, concludes there is a more appropriate solution. It is the intent that the provisions of this chapter define the use of traffic control devices, but shall not be a legal requirement for their installation.

10-01.3 Engineering and Traffic Survey Required

The decision to use a particular device at a particular location shall be made on the basis of an engineering and traffic survey (see CVC 21373). Thus, while this chapter provides guidelines for the design and application of traffic control devices in school areas, it cannot be a substitute for engineering judgement.

10-01.4 Maintenance of Traffic Control Devices

Maintenance of traffic control devices shall ensure legibility, visibility, functionality, and that the device is removed if no longer needed. Devices which are used on a part-time basis should be in operation only during the time periods they are required.

School Routes and Established School Crossings 10-02

10-02.1 Policy

There is a need in each school district to establish an organization concerned with students enroute to and from school. Through such an organization, the school district can be responsibly involved in processing requests for traffic safety controls and for safety programs and can coordinate activities within and between the community and public agencies.

In order to provide a responsible administrative structure for the school area, each school district is encouraged to (1) assign student pedestrian responsibilities to a competent staff member and/or (2) organize a school student pedestrian advisory committee to serve the needs of each public and private school.

When the advisory committee structure is used, the committee should include governmental and school district staff who have the responsibility and authority to initiate and provide programs and projects.

Representatives from the city and/or county superintendent of schools office should be the official members. Advisors should include representatives of the local area Safety Council, traffic engineers, police authorities, the Parent-Teachers Association, Automobile Clubs (AAA), plus others as needed.

10-02.2 Staff and Committee Responsibility

The duties of staff members and/or each committee should be to guide and coordinate all activities connected with the school traffic safety program, such as:

1. Establish traffic safety policies and procedures.
2. Recommend priorities for proposed improvement projects.
3. Notify the responsible agencies of school-pedestrian-traffic related issues.
4. Review and approve the various phases of the school student traffic safety program.
5. Review and process requests and complaints.
6. Promote good public relations.

The County Superintendent of School's office should coordinate all student pedestrian committees' actions in establishing and promoting uniform practices for school pedestrian safety throughout the county.

10-02.3 School Responsibility

Traffic related issues about school pedestrians on the approaches to the school shall be referred to the local principal for review and transmission to the appropriate staff person or to the school student pedestrian advisory committee. The school district governing board may request the appropriate city, county, or state agency to consider the installation of traffic control devices. The agency involved shall undertake an engineering and traffic survey to determine whether the request is justified. The school district may be required to pay an amount up to 50 percent of the cost of the survey (see CVC 21373).

The principal or designated staff person of every school serving kindergarten and elementary students should:

1. Develop, cooperatively with local officials, a "Suggested Route to School" plan showing all streets, school location, and the routes to be used by students enroute to and from school.

   School routes should be planned to take advantage of existing traffic control devices. This may make it necessary for children to walk an indirect, longer distance to a location where there are existing traffic control devices.

   Factors to be considered when determining the feasibility of requiring children to walk a longer distance to a crossing (at a location with an existing traffic control device) are:

   a. The availability of adequate sidewalks or off-roadway sidewalk areas to and from the location with existing control,

   b. The number of children using the crossing,

   c. The age levels of the children using the crossing, and

   d. The total extra walking distance.

   Guidelines for school routes are contained in a "A Teacher's Guide to the Safest Route to School Project" booklet.* A typical school route plan is shown in Figure 10-2.

2. Instruct the students on the use and purpose of the "Suggested Route to School" plan.

3. Make field reviews of the plan to ensure that the "Suggested Route to School" is being used. Special attention should be given to the activities of the students. Recommendations for alteration or addition of parking, bus loading, traffic control devices, and removal of obstructions along the route should be referred to the responsible government agency.

4. Review the "Suggested Route to School" plan annually for any necessary revisions or additions.

* Available from the Automobile Club of Southern California and the California State Automobile Association (AAA).

10-02.4 Governmental Traffic Agency Responsibility

Upon request of the local school district, responsible traffic authorities shall investigate all locations along the "Suggested Route to School" and recommend appropriate traffic control measures. Inherent in this analytical process are two fundamental assumptions developed from successful past experience:

1. The maximum delay to students at an uncontrolled crossing should be no greater than would be experienced if a traffic control signal were in operation at the location.

2. An adequate crossing gap (the time required for a student to cross the street) in approaching traffic should occur randomly at an average rate of 60 gaps per hour during the school crossing period.

See Traffic Manual Section 6-02.12, Crosswalks and Crosswalk Lines, for factors which should be considered in determining whether a marked crosswalk should be used.

10-02.5 School Crossing Control Criteria

Alternate gaps and blockades are formed in the vehicular traffic stream in a pattern peculiar to each crossing location. To reduce the risk of an accident at a specific crossing, adequate gaps must be available. When adequate gaps are less than an average rate of 60 gaps per hour, some form of traffic control device should be considered that will create adequate gaps in the traffic stream.

Properly conducted engineering and traffic studies will determine the appropriate measures to be developed at school crossings. Types of school pedestrian measures that can be considered can include:

1. Warning signs and markings.
2. Variable speed limits.
3. Intersection stop signs.
4. Flashing yellow beacons.
5. Traffic signals.
6. Remove visibility obstructions.
7. School Safety Patrol.
8. Adult Crossing Guard.
9. Pedestrian separation structures.
10. Pedestrian walkways along the roadway.
11. Pedestrian walkways separated from the roadway.
12. Parking controls and curb-use zones.
13. Bus transportation.

Some criteria to be used as guidelines for the application of school pedestrian measures are discussed throughout this chapter.

Dennis Speer

From: Bart Godett [bart_godett@dot.ca.gov]
Sent: Thursday, May 20, 2010 5:41 PM
To: Dennis Speer
Subject: Risks

I was typing this at lunch and the power went off 3 times.. here we go again. So I was going to explain that risks are involved in all parts of our funding. We are dealing with HSIP risks on all 3 safety projects. We are dealing with rules regarding safe routes to school. The sad part is stepping in when in the past maybe the requirements of our program may not have been followed completely. I remember a video conference audit 5 years ago that FHWA and our HQ folks asked what oversight we D-9 had regarding consultant contracts and chapter 10. Our DLAE, Tom Meyers, laughed and said when do we have time to do that? The FHWA person was somewhat upset, but Tom explained that we have some much oversight required already we choose to take on the big issues and let the small ones fall in the cracks.
Since then consultant selection has become a huge deal to FHWA. Even FHWA was scrutinized by their peers and told to do their job. We even have a new form to fill out. Oh goody.

With that in mind I can not guarantee what FHWA will do. I have asked what triggers these huge agency pay offs and no one has the full answer. Ryan, myself and a few other DLAE's feel that progress helps show on the way to compliance. Ryan is willing to bat for Ridgecrest if FHWA has some audit complaint about this consultant engineer hiring process. He does not go to bat for an agency if he feels it is not warranted. I am hoping Monday I get an inside view from Mike on his FHWA trigger mechanisms and we can sort out if or how much you projects are at risks. I will let you know what I find out.

Bart Godett
Local Assistance Engineer
(760) 872-1355

Dennis Speer

From: Bart Godett [bart_godett@dot.ca.gov]
Sent: Friday, May 28, 2010 10:25 AM
To: Dennis Speer; Karen Harker
Subject: In depth City Engineering Services Look

Monday Ryan and I talked to Mike Giuliano from D-5. Mike was a DLAE for many years in SLO and has recently taken on the role of ARRA construction review like Jabra. This unique position of his gives us depth on what is going on with FHWA and tying the ARRA funds. His D-5 area has many small agencies like Ridgecrest that have similar issues. He is very aware of small "city" issues in meeting the LA requirements for federal projects.

I asked him, "what are the cities and counties doing to cause these huge FIN paybacks." He said basically the agencies were doing nothing. No diaries, no CM oversight, no materials testing, nothing. For years Mike has know the small city issues through his region. I asked what has riled up the FHWA to be "looking for mistakes" in this consultant selection issues. Mike reminded us that the Federal Office of Inspector General Audited California FHWA in Sacramento and the results were not pretty.
This has had FHWA taking deeper looks at all aspects of our Local Assistance Process. Mike explained that these key issues are FHWA preference.

1. These City engineering consultant contracts be current within 3 years.
2. Design consultant does not oversee construction activities. They say too much ability to sweep problems under the rug. (Ryan and I have a problem with this one. Nothing in the law requires this.)
3. At least 3 firms competing for City Engineer RFQ with adequate documentation of the process followed.
4. Strong level of oversight from existing City personnel. (consultant can not be in charge of change orders and other key decisions.)
5. Billings by consultant reviewed for tie to consultant contract scope of services.
6. Organization chart confirming the oversight of consultant.

FHWA is looking for fraud prevention. I would say we do not have a perfect situation anywhere in the state. Mike advises the best way to proceed forward is to write a memo to file explaining the situation and time line and agency's process to meet the regulations. I feel FHWA is wrong in even thinking an agency should have a separate design and CM consultant for our typical overlay projects. Mike agrees. Mike felt complicated projects like intersection design or Bridge design should have a different construction oversight from the design consultant. Maybe your Ridgecrest boulevard project would fit that category?

Mike feels that his review process is to help agencies to get in line and continue following the LA process. He said the man hired to audit review all of the ARRA projects throughout the state, Bob Katy, has the experience to know the process and ins and outs of the process. He is more of a "help agency stay out of trouble" type reviewer. Sometimes accounting (Mary Cunningham possibly) is assisting in the reviews, but she and her associates are only able to be present at about half of the reviews. We all feel that he may be able to get to and review maybe half the projects in the state. But even if he does that It sounds to me like your agency has little to fear. You have reacted to the consultant process timely and you are the key to this. You are overseeing the consultant work. The only issue I see was the design engineering overseeing construction and it sounds like you will be able to change that before you are awarded.

I was worried one small issue would trigger a witch hunt, but that is not what is happening. Blatant violators are having to pay back due to their insistence at NOT following the process. We talked of risks in these projects and I feel there are always risks, but I feel very comfortable now that we do not have a bulleye printed on our ARRA projects. Instead we are meeting the requirements and maybe a few issues occur in the process, but nothing that shows blatant transgressions. I must say I feel much better after talking to Mike and I hope this e-mail allows you to feel likewise Dennis.

Regards,

Bart Godett
Local Assistance Engineer
(760) 872-1355