

Agenda Summary Report (ASR)

Franklin County Board of Commissioners

DATE SUBMITTED: February 1, 2022	PREPARED BY: Kathleen Neuman, Project Manager
Meeting Date Requested: February 15, 2022	PRESENTED BY: Craig Erdman, PE, County Engineer
ITEM: (Select One) <input checked="" type="checkbox"/> Consent Agenda <input type="checkbox"/> Brought Before the Board Time needed:	
SUBJECT: Resolution to approve Local Agency Agreement Supplement No 1 for CRP 626 – Safety - Eltopia West Railroad Crossing that de-obligates federal funds for this project.	
FISCAL IMPACT: April 14 th , 2020, Franklin County obligated \$5,500 of Federal Highway Administration (FHWA) Safety Improvement Program (HSIP) funding for preliminary engineering towards the proposed CRP 626-Eltopia West Railroad Crossing project. The estimated cost for the total project was \$73,500 at the time.	
BACKGROUND: On April 14 th , 2020, Franklin County Board of Commissioners initiated County Road Project (CRP) 626 – Safety - Eltopia West Railroad Crossing (Resolution 2020-093). The proposed project's scope of work was to reduce shoulder width, install guardrail, and pavement markings at the Eltopia West Railroad Crossing west of SR-395. The project's goal was to reduce the existing roadway shoulders in order to shorten the length of the cross arms that had a history of breaking during windstorms. BNSF would perform the work associated with moving the signal base closer to the travel lane. In December 2020, BNSF's work crew moved their base signals closer to the shoulder of the road, removed the cantilever, thus shortening the cross arms and placed concrete jersey barriers to protect the base signals. After reviewing BNSF work, Public Works purchased the concrete jersey barriers for \$7,414.20 to address and fulfill the project's safety issue. Per 23 CFR 630, the above project's federal funds cannot remain sitting idle and will need to be de-obligated in order to be available for future local HSIP projects. Public Works ask to approve the required Local Agency Agreement Supplement No 1 to de-obligate the remaining Preliminary Engineering (PE) funding for this project.	
RECOMMENDATION: Approve attached Resolution and Local Agency Agreement Supplement No 1 between Franklin County and Washington State Department of Transportation (WSDOT).	
COORDINATION: This agenda item was discussed with Keith Johnson, County Administrator, whom has concurred with our recommendation.	
ATTACHMENTS: (Documents you are submitting to the Board) 1. Resolution 2. Local Agency Agreement Supplement No 1 – signed with blue pen	
HANDLING / ROUTING: (Once document is fully executed it will be imported into Document Manager. Please list <u>name(s)</u> of parties that will need a pdf) 1. Copy of Local Agency Agreements Supplement No. 1 to Kathleen Neuman (Public Works)	

I certify the above information is accurate and complete.



Craig Erdman, Interim Public Works Director

FRANKLIN COUNTY RESOLUTION NO. _____

**BEFORE THE BOARD OF COMMISSIONERS
OF FRANKLIN COUNTY, WASHINGTON**

***CRP 626 – SAFETY-ELTOPIA WEST RAILROAD CROSSING
APPROVE LOCAL AGENCY FEDERAL AID AGREEMENT SUPPLEMENT NO. 1
BETWEEN FRANKLIN COUNTY AND WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION AND AUTHORIZATION FOR CHAIR TO SIGN***

WHEREAS, pursuant to RCW 36.01.010 and RCW 36.32.120 the legislative authority of each county is authorized to enter into contracts on behalf of the county and have the care of county property and management of county funds and business; and

WHEREAS, the Board of Franklin County Commissioners constitutes the legislative authority of Franklin County and desires to approve the attached agreement as being in the best interest of Franklin County.

NOW, THEREFORE, BE IT RESOLVED that the attached Local Agency Agreement for CRP 626 – Safety - Eltopia West Railroad Crossing between Franklin County and Washington State Department of Transportation are hereby approved by the Board, and

BE IT FURTHER RESOLVED, that the Chair of the Board of Franklin County Commissioners be, and hereby is, authorized to sign Local Agency Agreement Supplement No. 1 between Washington State Department of Transportation and Franklin County on behalf of Franklin County.

APPROVED this _____ day of _____, 2022

**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**

Chair

Chair Pro Tem

Member

Attest:

Clerk of the Board



Agency Franklin County		Supplement Number 1
Federal Aid Project Number HSIP-D110(002)	Agreement Number LA-9840	CFDA No. 20.205 - Highway Planning and Construction

The Local Agency requests to supplement the agreement number noted above.

All provisions in the basic agreement remain in effect except as modified by this supplement.

The Local Agency certifies that it is not excluded from receiving Federal funds by a Federal suspension or debarment (2 CFR Part 180). Additional changes to the agreement are as follows:

Project Description

Name Safety - Eltopia West Railroad Crossing

Length 0.13 miles

Termini MP 0.00 to MP 0.13

Description of Work ✓ No Change

Reason for Supplement

De-Obligate Funds

Are you claiming indirect cost rate? ☐ Yes ✓ No

Project Agreement End Date

Does this change require additional Right of Way or Easements? ☐ Yes ✓ No Advertisement Date:

Type of Work		Estimate of Funding				
		(1) Previous Agreement/Suppl.	(2) Supplement	(3) Estimated Total Project Funds	(4) Estimated Agency Funds	(5) Estimated Federal Funds
PE 90 %	a. Agency	5,600.00	-5,220.92	379.08	37.90	341.18
	b. Other			0.00		
Federal Aid Participation Ratio for PE	c. Other			0.00		
	d. State	500.00	-500.00	0.00	0.00	0.00
	e. Total PE Cost Estimate (a+b+c+d)	6,100.00	-5,720.92	379.08	37.90	341.18
Right of Way %	f. Agency			0.00		
	g. Other			0.00		
Federal Aid Participation Ratio for RW	h. Other			0.00		
	i. State			0.00		
	j. Total R/W Cost Estimate (f+g+h+i)	0.00	0.00	0.00	0.00	0.00
Construction %	k. Contract			0.00		
	l. Other			0.00		
	m. Other			0.00		
Federal Aid Participation Ratio for CN	n. Other			0.00		
	o. Agency			0.00		
	p. State			0.00		
	q. Total CN Cost Estimate (k+l+m+n+o+p)	0.00	0.00	0.00	0.00	0.00
r. Total Project Cost Estimate (e+j+q)		6,100.00	-5,720.92	379.08	37.90	341.18

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the Federal funds obligated, it accepts and will comply with the applicable provisions.

Agency Official

By

Washington State

Department of Transportation

By Director, Local Program

Title

Date Executed

Agency Franklin County		Supplement Number 1
Federal Aid Project Number HSIP-D110(002)	Agreement Number LA-9840	CFDA No. 20.205 - Highway Planning and Construction

VI. Payment and Partial Reimbursement

The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Federal Transportation Act, as amended, 2 CFR Part 200. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project.

The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in 2 CFR Part 200 - Uniform Admin. Requirements, Cost Principles and Audit Requirements for Federal Awards, and retained for audit.

The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

VII. Audit of Federal Consultant Contracts

The Agency, if services of a consultant are required, shall be responsible for audit of the consultant's records to determine eligible federal aid costs on the project. The report of said audit shall be in the Agency's files and made available to the State and the Federal Government.

An audit shall be conducted by the WSDOT Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United States General Accounting Office by the Comptroller General of the United States; WSDOT Manual M 27-50, Consultant Authorization, Selection, and Agreement Administration; memoranda of understanding between WSDOT and FHWA; and 2 CFR Part 200.501 - Audit Requirements.

If upon audit it is found that overpayment or participation of federal money in ineligible items of cost has occurred, the Agency shall reimburse the State for the amount of such overpayment or excess participation.

IX. Payment of Billing

The Agency agrees that if payment or arrangement for payment of any of the State's billing relative to the project (e.g., State force work, project cancellation, overpayment, cost ineligible for federal participation, etc.) is not made to the State within 45 days after the Agency has been billed, the State shall effect reimbursement of the total sum due from the regular monthly fuel tax allotments to the Agency from the Motor Vehicle Fund. No additional Federal project funding will be approved until full payment is received unless otherwise directed by the Director, Local Programs.

Project Agreement End Date - This date is based on your projects Period of Performance (2 CFR Part 200.309).

Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 90 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

VIII. Single Audit Act

The Agency, as a subrecipient of federal funds, shall adhere to the federal regulations outlined in 2 CFR Part 200.501 as well as all applicable federal and state statutes and regulations. A subrecipient who expends \$750,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provisions of 2 CFR Part 200.501. Upon conclusion of the audit, the Agency shall be responsible for ensuring that a copy of the report is transmitted promptly to the State.

XVII. Assurances

Local Agencies receiving Federal funding from the USDOT or its operating administrations (i.e., Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration) are required to submit a written policy statement, signed by the Agency Executive and addressed to the State, documenting that all programs, activities and services will be conducted in compliance with Section 504 and the Americans with Disabilities Act (ADA).