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Montana Department of Transportation
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Michael T. Tooley, Director
Steve Bullock, Governor

September 28, 2017

Chris Riley, P.E., Field Operations Engineer
Federal Highway Administration
585 Shepard Way, Suite 2
Helena, MT 59601

Subject: Public Interest Finding
(Safety Improvements Implemented by State Maintenance Forces)

The Montana Department of Transportation (MDT) is seeking approval from the Federal Highway Administration as per 23 CFR §635.201, Subpart B, for a Finding of Public Interest in allowing the Department to implement simple low-cost safety improvements through its maintenance forces. This Public Interest Finding (PIF) applies to safety improvement projects that have been identified and programmed with approved preliminary field review/scope of work (PFR/SOW) reports. Reimbursement is for cost of materials only and does not include associated man-hours or equipment costs.

Projects eligible for this work typically include signing, pavement marking, delineation, installation of guardrail, installation of solar flashers, rumble strips, slope flattening, tree trimming, and other such low-impact work meant to address identified crash trends at specific locations.

At a minimum, MDT will ensure the following conditions exist prior to approving the use of these force account procedures on any project:

- State maintenance forces have the manpower, know-how, and equipment to implement simple low-cost safety improvements;
- Implementation of these improvements is expected to reduce the number and /or severity of traffic crashes;
- These projects can be implemented on a fast track;
- For projects with an estimated cost for such work per project, based on the Department's average bid prices, excluding IDC;

o $25,000 or less - strongly encourage project managers to use the less costly approach;

o Greater than $25,000 but less than $50,000 – evaluate each project and determine the appropriate implementation plan;

- Completing such work using state maintenance forces will save money by eliminating the contract advertising/award process;

Attached to this PIF is MDT's approved process outlining the necessary steps to ensure compliance with applicable federal requirements including FHWA's national PIF policy/ guidance.

This PIF will be effective for five (5) years from the signature date. Approximately 30 days prior to expiration, FHWA requires that MDT must either request an extension from FHWA or develop a new PIF for approval.

Roy A. Peterson, P.E.
Traffic and Safety Engineer

Approved _____ Date 10/05/17
Chris Riley, P.E.
FHWA Field Operations Engineer

copies: Dustin Rouse, P.E., Preconstruction Engineer
Patricia Burke, P.E., Safety Engineer
Ivan Ulberg, P.E., Traffic Design Engineer
Paul Johnson, Planning Division

Montana Department of Transportation (MDT)
Low-Cost Safety Improvement Project
Force Account Process – Non-competitive

Introduction

This process outlines the basic elements MDT will complete in administering and implementing simple low-cost safety improvements through "work-at-agreed price" agreements with the local governments, tribal governments, and MDT maintenance. Local governments include City, County, National Park Service, or any other public agency having jurisdiction over a specific roadway where the project is to be implemented. The identified steps in the Force Account Process supports the Public Interest Finding (PIF) submitted and approved by FHWA as per 23 CFR 635.4 11. This process applies to individually identified and programmed safety improvement projects meeting the eligibility requirements. Each project is required to have an individual "work-at-agreed price" agreement. The following outlines steps to be completed by the MDT Traffic and Safety Bureau for approval and administration of the projects:

I. Ensure project has been identified within the Highway Safety Improvement Program (HSIP) and meets criteria
II. Perform benefit /cost analysis on an individual project basis and record in project file
III. Develop justification that clearly articulates the benefits to the public administering under a non-competitive basis (ie., time savings in delivering project, no contractor mobility cost, no administration cost in contract plans, immediate safety benefits to traveling public, overall cost savings, etc.)

Sample justification statement within the project files may include the following:

"Based on a cost effectiveness analysis; HIP prioritization, and need to accelerate due to public safety issues, MDT has approved this project award to (identify recipient) in the amount of ($ identify estimate"). MDT has determined this award to be in the best interest of the public and recommends approval consistent with the state-delegated actions under the current FHWA/ MDT Partnership Agreement. Procuring this project under a non-competitive basis is in the best interest of the public based on ....."

IV. Review and approve "work at agreed" price agreement
    a. MDT Traffic & Safety Bureau evaluates estimates and approves costs
V. Project file will have documentation and justification to support approval under PIF
VI. Administer construction project under approved MDT Force Account procedures
VII. Monitor, inspect, and review project progress as required
VIII. Complete final acceptance and closeout memo