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Memo

Date: February 24, 2014

To: Transportation, Energy, & Utilities Committee

From: Nicole Losch, Transportation Planner
David Allerton, Public Works Engineer

Cc: Erin Demers, Public Works Engineer
Norm Baldwin, Assistant Director, Technical Services

Subject: Adoption of 2013 Town Road and Bridge Standards for the State of Vermont

BACKGROUND

In 2009 the Federal Emergency Management Agency (FEMA) adopted a policy which required municipalities to adopt “codes and standards” prior to a Public Assistance disaster declaration in order for a municipality to be eligible for certain FEMA benefits related to facility upgrades that are not governed by eligible state or federal codes or standards. As a result of that policy change, VTrans and Vermont Emergency Management (VEM) began working with FEMA, regional planning commissions, the Vermont Local Roads program, the Vermont League of Cities and Towns, and Agency of Natural Resources (ANR) on the development of a standard template of minimum codes and standards. By 1999, towns began adopting road and bridge codes and standards based on the template developed by this group.

The road and bridge standards were revised in 2011 and again in 2013 to comply with modifications to 19 VSA § 309 under State Act 110 of the 2009 – 2010 Legislative session. Act 110 resulted in:

- ✓ An incentive program which allows for an increased state share of funding to municipalities receiving grants under the Town Highway Class 2 Roadway and Town Highway Structures grant programs;
- ✓ A requirement that municipalities submit an annual certification of compliance in order to be eligible for receiving the financial incentive;
- ✓ A requirement that VTrans work with municipal representatives to “revise the Agency’s current recommended town road and bridge standards to include a suite of practical and cost-effective Best Management Practices (BMPs) for the construction, maintenance, and repair of all existing and future town highways in order to address pollution caused by transportation-related stormwater runoff;”

- ✓ A requirement that, beginning January 15, 2013 and every four years thereafter, VTrans, in consultation with municipal representatives and with ANR approval, review and revise, as appropriate, the town road and bridge standards to ensure the standards are protective of water quality.

Until 2011, the only changes to the 1999 codes and standards template included language modification that: 1) prohibited a municipality from using a fiscal reason as a basis for modifying the standards for a specific project, and 2) required the municipality submit an annual certification of compliance to VTrans. These changes were in response to issues associated with FEMA reimbursement. FEMA insists that towns not modify “codes and standards” for fiscal reasons and that municipalities produce a copy of their adopted codes and standards when asked by FEMA. The 2011 standards recognized the BMPs for transportation-related stormwater runoff. The 2013 standards clarified erosion control and roadside ditch construction and maintenance, included new language regarding basic side slope treatments, changed the bridge and culvert section to discuss the appropriate sizing of culverts and avoid future confusion related to FEMA reimbursement, and included a statement requiring municipalities obtain all applicable state and federal permits for any relevant work.

In order to receive an additional 10% of state funding (80% for Class 2 Roadway grants and 90% for Town Highway Structures grants) starting with State fiscal year 2015 (July 1, 2014), municipalities must:

1. Adopt roadway and bridge standards that meet or exceed the minimum requirements of the January 2013 State-approved standards, and
2. Submit an annual certification to VTrans that their adopted codes and standards meet or exceed these minimum requirements.

The State encourages municipalities to follow the State-approved standards for several reasons:

- ✓ Adherence increases the likelihood that towns’ roads and bridges will survive flooding or heavy rain events;
- ✓ FEMA will use the standards when determining eligible work under the FEMA Public Assistance program during a federally-declared disaster;
- ✓ Without municipal codes and standards, FEMA generally will only provide funding that will rebuild to the conditions in place prior to the disaster if state or federal codes and standards do not apply to the project;
- ✓ Municipalities benefit from a 10% instead of 20% local match requirement for the total costs of a project funded under the Town Highway Structures and Class 2 Roadway grant programs;
- ✓ Beginning October 2014, municipalities will be eligible to receive a 12.5% instead of 7.5% state share of the FEMA-approved total project cost under the FEMA Public Assistance program;
- ✓ The standards address water quality associated with roadway runoff;
- ✓ The standards represent the best technical knowledge of the ANR and VTrans, balanced with practical considerations.

RECOMMENDATION

Public Works Engineers have reviewed the January 2013 Town Road and Bridge Standards (attached) and recommend the City adopt these standards. We request the Transportation, Energy and Utilities Committee approve the adoption and certification of compliance with these standards, and that the TEUC bring this recommendation to the City Council to adopt the January 2013 Town Road and Bridge Standards and authorize the City Engineer to annually certify compliance with these standards.
