

## AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009



President Obama has signed the American Recovery and Reinvestment Act of 2009 that provides significant new funding for transportation infrastructure.

The Federal Highway Administration stands ready to implement the ARRA and is taking steps to ensure effective coordination and support among federal agencies as well as preparing our partners and stakeholders to implement the ARRA as expeditiously as possible. To assist all state and local agencies in this preparation an ARRA web page has been created which includes a series of key questions and answers (Q&As):

[www.fhwa.dot.gov/economicrecovery/index.htm](http://www.fhwa.dot.gov/economicrecovery/index.htm).

These Q&As will continue to be updated as more information becomes available and this web page will provide all stakeholders with the latest information. Examples of selected Q&As are provided here.



### What should local agencies be doing to ensure their projects are “ready to go”?

In order for a surface transportation infrastructure project to advance for Federal funding, it must be included in the relevant metropolitan Transportation Improvement Program (TIP) or Statewide Transportation Improvement Program (STIP). Therefore, we strongly encourage you to reach out to your Metropolitan Planning Organization (MPO) or State Department of Transportation (State DOT) to begin work as soon as possible to ensure your projects are included in an approved TIP or STIP, so they are ready and available to advance upon the President signing economic recovery legislation.

### Will FHWA have the ability to advance ARRA funds to states and local governments to accommodate States that don’t have the cash up front?

Federal-aid program funds are provided to the state on a reimbursement basis only.

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# EVALUATING THE EFFECTIVENESS OF ROAD PASSAGE STRUCTURES FOR FRESHWATER TURTLES IN MASSACHUSETTS

There is currently a limited number of studies evaluating the effectiveness of roadway passage structures for rare and endangered turtle species such as the spotted turtle, *Clemmys guttata*, Eastern box turtle, *Terrapene Carolina*, and Blanding's turtle, *Emydoidea blandingii*. More and more, the Massachusetts Highway Department (MassHighway) is confronted with requests from environmental regulatory agencies to include wildlife crossings in roadway designs in order to reduce the mortality of rare and endangered turtle species and their habitat continuity. However, often the recommendations for passage -- such as culvert width, length and design type -- are subject to debate due to the presence of limited empirical data.

The goal of this research is to examine the effectiveness of road passage structures for freshwater turtles in Massachusetts. Emphasis will be placed on identifying cost-effective structures that allow rare species of turtles to safely move between habitats bisected by 2-lane and 4-lane highways.

The objectives of this research include the evaluation of passage height, width, length, and openness with regard to their influence on the movement behavior of turtles; and the evaluation of fencing, length, height, composition, angle, and turn-around structures with regard to their effectiveness in directing turtles through road passage structures. Tests will initially be conducted on a common species, the painted turtle, and then on the Eastern box turtle, spotted turtle, and Blanding's turtle.

Following laboratory tests, passage structures will be evaluated at field sites where rare turtle species are found. Combined results from laboratory experiments and tests at field sites will allow identification of low-cost, effective structures that allow rare turtle species to move safely between habitats interrupted by roadways.

This research project is undertaken by the Executive Office of Transportation and Public Works Research Program. The program is funded with Federal Highway Administration Statewide Planning and Research (SPR)

funds. Through this program, applied research is conducted on topics of importance to Commonwealth of Massachusetts transportation agencies. The project is being led by Paul R. Sievert, Ph.D., U.S. Geologic Survey at UMass/Amherst. Sandra Sprague, MassHighway, Environmental Section, is the technical representative.



*EASTERN BOX TURTLE*

The project was begun in October 2008 and will continue for two and one-half years. For more information, please feel free to contact Stephen L. Pepin, Manager of Research and ITS Planning, Executive Office of Transportation and Public Works: [Stephen.Pepin@EOT.state.ma.us](mailto:Stephen.Pepin@EOT.state.ma.us)

## MASTER ROADS SCHOLAR

JEFF COLBY, Chatham DPW



Jeff has been with the Chatham DPW for seven years; initially as the highway superintendent and, currently, as the highway and transfer station superintendent. He supervises eight highway employees and a staff of seven at the solid waste transfer station. As of July 1, 2009, another thirteen water/sewer employees will come under his supervision. The Town of Chatham (on Cape Cod's elbow) has approximately seventy miles of municipal roads and another fifty miles of privately owned roads.

Jeff's civil engineering degree from R. P. I. and MBA from the University of Massachusetts have served him well in the transportation field. Seventeen years in the Army Reserve prepared him for public works challenges including a steadily increasing number of employees and divisions to oversee. Management and leadership skills as well as heavy equipment operation were developed in the Reserve. Although his two deployments with the Army Reserve to the Middle East in the last six years created a hardship for the town, work proceeded and major projects were completed such as:

1. The Stage Harbor Road and Oyster Pond Drainage/Road improvement (\$1,000,000 contract),
2. Construction of a new DPW building (\$4,500,000 contract),
3. Various road paving and sidewalk activities (\$2,000,000 budget).

Future tasks include completion of a \$300,000,000 waste water project that will probably begin next year.

When Jeff is not taking care of roads on the Cape, he can be found motorcycling, boating or working on a carpentry project.

## BAYSTATE ROADS PROGRAM LIBRARY

*The following reports are available electronically at: [http://safety.fhwa.dot.gov/local\\_program/guidance](http://safety.fhwa.dot.gov/local_program/guidance) or as a hard copy from the Baystate Roads Program*

### **Vegetation Control for Safety: A Guide for Local Highway and Street Maintenance Personnel**

**Revised August 2008**

**FHWA-SA-07-018**

#### **Baystate Roads SAF-20**

This guide will help local road agency maintenance workers identify locations where vegetation control is needed to improve traffic and pedestrian safety, provide guidance for maintenance crews and make them aware of safe ways to mow, cut brush and otherwise control roadside vegetation.

### **W-Beam Guardrail Repair: A Guide for Highway and Street Maintenance Personnel**

**Revised November 2008**

**FHWA-SA-08-002**

#### **Baystate Roads MAI-04**

This guide provides highway and maintenance personnel with up-to-date information on how to repair damaged W-Beam guardrails (the most frequently used barrier system). Appendices list resources (equipment, tools, crew, and time) that will be needed and forms for inspection and maintenance.

### **Roadway Safety Tools for Local Agencies**

**NCHRP Synthesis 321**

**2003**

The guiding principle of this synthesis is to examine the tools and procedures that are practical, relatively easy to apply, and can be implemented by agencies with limited financial support and personnel. State departments of transportation, Local Technical Assistance Programs, local agencies, and professional organizations were contacted for information on their best safety practice ideas. As progress in research and practice continues, new knowledge will be added to that now at hand.



## **Can states use these funds for winter or other maintenance?**

Federal-aid funds may not be used for routine maintenance activities. However, activities considered to be preventative maintenance are eligible for Federal-aid funding. The term “preventative maintenance” is defined as those activities that are a cost-effective means of extending the useful life of a Federal-aid highway.

## **How will the States consider local projects in this identification of ARRA projects?**

In general terms, local projects are eligible for Federal-aid funds. Therefore, the States will need to provide outreach to the local agencies to ensure that their projects are considered and programmed, as appropriate.

## **What design elements or standards can be waived or streamlined?**

The projects funded under the bill will need to be developed and designed in a manner that complies with the design standards adopted by the State DOT and approved by FHWA. Current laws and regulations do not allow for design standards or design exceptions to be waived.

## **Can ARRA funds be used on local roads and rural minor collectors?**

In accordance with 23 U.S.C. 133(c), the funds may not be used on roads functionally classified as local or rural minor collectors except as follows:

- \* Such roads that were on a Federal-aid highway system on January 1, 1991;
- \* Bridges on public roads of any functional classifications;
- \* Carpool projects, fringe and corridor parking facilities and programs, bicycle transportation and pedestrian walkways in accordance with section 217, and the modification of public sidewalks to comply with the



Americans with Disabilities Act of 1990;

- \* Highway and transit safety infrastructure improvements and programs, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings;

- \* Transportation enhancement activities;

- \* As approved by the Secretary; or

- \* Projects eligible under 23 U.S.C. 601(a)(8).

We have also developed and posted a list of actions that can be taken to expedite the ARRA delivery. We encourage all potential recipients of highway-related ARRA funding to review and move forward on those items that are applicable.

If you have any questions with regard to these materials please contact Bob Bini at [robert.bini@dot.gov](mailto:robert.bini@dot.gov).



# Road Safety Audits



Prompt lists, sometimes called checklists, are one of the tools used in conducting Road Safety Audits (RSAs) that help the auditors to identify potential safety issues and ensure that they do not overlook something important in an audit. There are, however, many challenges in using RSA prompt lists. The main one is that the use of comprehensive RSA prompt lists has the potential to become an exercise of “ticking” the boxes instead of an aid for the application of knowledge and experience of the auditors. Another concern is that with the use of hi-level, broad prompt lists deprive the auditors of sufficient detail that might be needed. The FHWA Road Safety Audit (RSA) Software was developed to address these challenges and to support the practical implementation of the FHWA RSA Guidelines.

The RSA Software is not just a mere automation of RSA prompt lists – it is intended to be a guiding and process tracking tool enabling the use of RSA prompt lists at variety of detail levels, while providing a way to accompany each safety issue raised with a discussion and assessment. Using the software helps auditors to think about and justify their findings. The software assists in drafting RSA reports, enables users to record safety issues both by prompt list topic and by location, helps verify issues and locations entered, and can be used in RSA training.



## RSA Software

RSA Software is finalized and available for download from <http://safety.fhwa.dot.gov/rsa/software/>



# TIPS FOR EMPLOYERS TO REDUCE WORKERS' COMPENSATION LIABILITY

## **Inform new employees of their rights—before they start working.**

Insurance statistics demonstrate that employers who openly communicate about workers compensation benefits and rights actually have a lower claims experience than those who do not. One of the best ways to inform workers of their compensation benefits and reporting requirements is during the orientation process. Provide this information in every orientation packet and have each worker sign a statement that they received, read, and understood the notice and the 10-day reporting requirement after an injury.

## **Provide immediate medical attention, preferably with choices.**

When someone is hurt on the job, it is very important to provide immediate quality medical care. In fact, if possible, give the employee a choice of three physicians; this gives the worker input from the very beginning as to their course of medical treatment.



Cost is certainly a factor in choosing a medical provider, but quality is most important. You want a doctor who will spend adequate time, show concern for the employee's welfare and conduct a thorough examination. Nothing will cause an employee to hire an attorney faster than uncaring, cursory medical treatment. Injured workers like to be reassured that they are receiving good quality medical care. If they have confidence in the medical provider, they will most likely have a positive feeling about their recovery and their prospects for returning to work.

## **Don't underestimate the power of a get well card.**

The cost of a first class stamp to communicate your concern will go a long way to build good will with the

injured employee and help reduce the potential of liability. Not only should management send a get well card, but the co-workers and supervisors might also send one. This concept goes back to the basic tenet of common courtesy. If we treat others as we would want to be treated in the same situation, the lines of communication stay open, and the employer/employee relationship stays intact.

## **Keep in close contact with the employee on a weekly basis.**

A staff member should be designated to have weekly contact with the injured worker. Don't leave this job for the human resources department. This contact could be in person or by phone. The more contact the employer has with the employee, the less likely litigation will result on a claim.

## **Explain the agency's policy for holding jobs.**

One of the biggest factors in litigation is uncertainty, but communication can help to reduce the chance of this. It is important to provide details about the possibility of hiring temporary workers while waiting for the injured worker to return. Temp arrangements keep things simple for your personnel department and allow your department to continue providing essential services.



### **Check to make sure claims are paid on time.**

Communicate with your insurance carrier. Since you as the employer have paid the premium, you have the right to demand good service on the claim. This attention and concern will be transmitted to the injured employee and preserve good working relations.

### **Have the employee return as soon as feasible.**

Make accommodations for a recovering worker and allow him/her input into the return-to-work plan, the job and duties on a gradual basis. Problems can be avoided by sitting down together and coming up with a mutually agreeable course of action. Employers who violate medical restrictions are virtually guaranteeing themselves that a work-related injury will turn into full-blown litigation.

### **Prepare the coworkers for the return of the injured employee**

When a injured worker returns but cannot perform all regular tasks, a tense situation can sometimes arise between the injured worker and colleagues. The employer has an obligation to diffuse this kind of tension and prevent it from escalating. The best prevention is educating co-workers on the current return-to-work policy and the requirements of the Americans With Disabilities Act. It is very important to notify co-workers that teasing an injured worker will not be tolerated and will result in disciplinary action.

### **Worker's compensation claims involve human relationships**

An employer enhances that relationship and reduces potential liability by openly communicating with workers and practicing common courtesy. Do not ignore workers' compensation problems; this will only increase the likelihood that the claim blows up, gets out of control, and might be litigated. Communication and common courtesy will build more goodwill than ignoring the situation.

*This article appeared in the KUTC Newsletter, Summer 2005, and was adapted with permission of the Kansas Local Technical Assistance Program.*



## **WORKERS' COMP A Massachusetts Guide**

The Massachusetts Workers' Compensation Act was enacted in 1911 to provide monetary benefits, medical care and rehabilitation services to injured workers. The compensation system is sometimes described as a trade. For a limited number of weeks persons disabled by job injuries are guaranteed a portion of their pay. In exchange, workers and their families lose their right to sue employers, supervisors or coworkers in court for pain, suffering, loss of support or other damages.

The Division of Industrial Accidents (DIA) administers the compensation system and posts general information, news releases, review board decisions and forms on its website: [www.state.ma.us/dia](http://www.state.ma.us/dia)

The Massachusetts Division of Insurance sets rates for job classifications based on the likelihood of injury.

Labor unions oversee the compensation system through seats on the Workers' Compensative Advisory Council that is made up of ten voting members, five of which are appointed by the Governor from the ranks of organized labor.

A booklet containing the Act along with DIA regulations can be purchased from the State House bookstore. Additionally, the General Laws of Massachusetts, Chapter 152. WORKERS' COMPENSATION is available online:

[www.mass.gov/legis/laws/](http://www.mass.gov/legis/laws/)





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The Baystate Roads Program, which publishes Mass Interchange each quarter, is a Technology Transfer (T2) Center created under the Federal Highway Administration's (FHWA) Local Technical Assistance Program (LTAP). This newsletter is prepared in cooperation with The Executive Office of Transportation (EOT) and the United States Department of Transportation Federal Highway Administration. FHWA is joined by EOT, UMass Transportation Center at the University of Massachusetts/Amherst, and local public works departments in an effort to share and apply the best in transportation technologies. In addition to publishing Mass Interchange, the Baystate Roads Program facilitates information exchange by conducting workshops, providing reports and publications and videotapes on request, and offering one-to-one technical assistance on specific roadway issues. Because the program relies on input from many sources, inquiries, articles and ideas are encouraged.

**LTAP Local Technical Assistance Program**

**To contact the Baystate Roads Program call (413) 545-2604 or FAX 413-545-6471**



**BAYSTATE ROADS WORKSHOPS**

**Plan Reading**

May 12 - Hotel Northampton, Northampton  
May 14 - Chocksett Inn, Sterling  
May 19 - Holiday Inn, Taunton  
May 21 - Holiday Inn, Woburn

**Surveying Basics 2009**

June 16 - Holiday Inn, Woburn  
June 18 - Coonamessett Inn, Falmouth  
June 23 - Hilton Garden, Springfield  
June 25 - Crowne Plaza Hotel, Pittsfield

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**ANNOUNCEMENTS**

*Please note that our permanent email address will be: [info@baystateroads.org](mailto:info@baystateroads.org)*

*Be sure to check the website for upcoming **FLAGGER TRAINING WORKSHOPS** currently under production.*