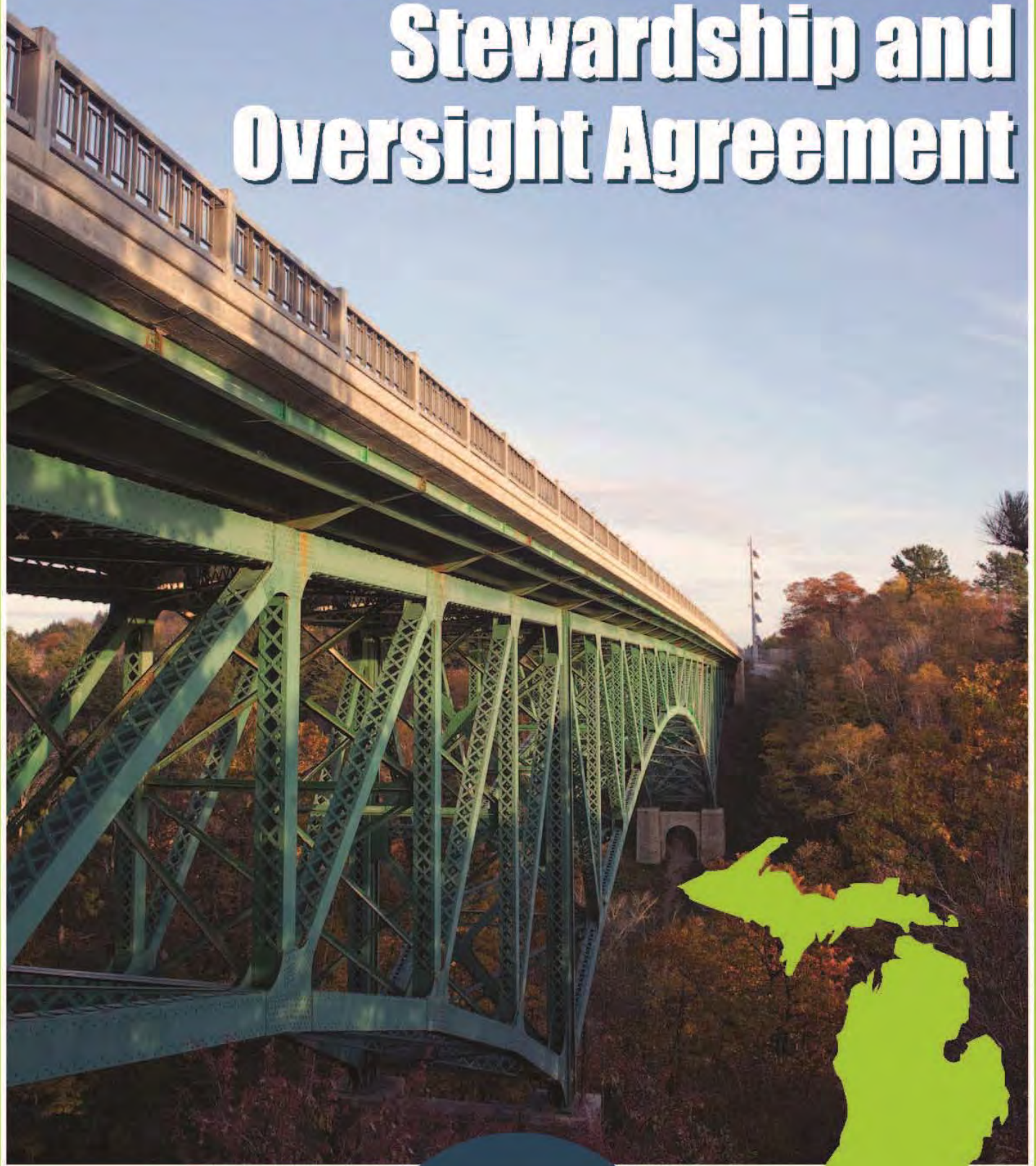


Federal Highway Administration Michigan Division  
and Michigan Department of Transportation

# Stewardship and Oversight Agreement



May 2015



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**STEWARDSHIP AND OVERSIGHT AGREEMENT  
ON PROJECT ASSUMPTION AND PROGRAM OVERSIGHT  
BY AND BETWEEN  
FEDERAL HIGHWAY ADMINISTRATION, MICHIGAN DIVISION  
AND THE  
STATE OF MICHIGAN DEPARTMENT OF TRANSPORTATION**

**SECTION I. BACKGROUND AND INTRODUCTION**

The Federal-aid Highway Program (FAHP) is a federally-assisted program of State-selected projects. The Federal Highway Administration (FHWA) and the State Departments of Transportation have long worked as partners to deliver the FAHP in accordance with Federal requirements. In enacting 23 U.S.C. 106(c), as amended, Congress recognized the need to give the States more authority to carry out project responsibilities traditionally handled by FHWA. Congress also recognized the importance of a risk-based approach to FHWA oversight of the FAHP, establishing requirements in 23 U.S.C. 106(g). This Stewardship and Oversight (S&O) Agreement sets forth the agreement between the FHWA and the State of Michigan Department of Transportation (MDOT) on the roles and responsibilities of the FHWA and the MDOT with respect to Title 23 project approvals and related responsibilities, and FAHP oversight activities.

The scope of FHWA responsibilities, and the legal authority for State DOT assumption of FHWA responsibilities, developed over time. The U.S. Secretary of Transportation delegated responsibility to the Administrator of the FHWA for the FAHP under Title 23 of the United States Code, and associated laws. (49 CFR 1.84 and 1.85) The following legislation further outlines FHWA's responsibilities:

- Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991;
- Transportation Equity Act for the 21st Century (TEA-21) of 1998;
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005; and
- Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012 (P.L. 112-141).

The FHWA may not assign or delegate its decision-making authority to a State Department of Transportation unless authorized by law. Section 106 of Title 23, United States Code (Section 106), authorizes the State to assume specific project approvals. For projects that receive funding under Title 23, U.S.C., and are on the National Highway System (NHS) including projects on the Interstate System, the State may assume the responsibilities of the Secretary of the U.S. Department of Transportation under Title 23 for design, plans, specifications, estimates, contract awards, and inspections with respect to the projects unless the Secretary determines that the assumption is not appropriate. (23 U.S.C. 106(c)(1)) For projects under Title 23, U.S.C. that are not on the NHS, the State shall assume the responsibilities for design, plans, specifications, estimates, contract awards, and inspections unless the State determines that such assumption is not appropriate. (23 U.S.C. 106(c)(2))

For all other project activities which do not fall within the specific project approvals listed in Section 106 or are not otherwise authorized by law, the FHWA may authorize a State DOT to perform work needed to reach the FHWA decision point, or to implement FHWA's decision. However such decisions themselves are reserved to FHWA.

The authority given to the State DOT under Section 106(c)(1) and (2) is limited to specific project approvals listed herein. Nothing listed herein is intended to include assumption of FHWA's decision-making authority regarding Title 23, U.S.C. eligibility or Federal-aid participation determinations. The FHWA always must make the final eligibility and participation decisions for the Federal-aid Highway Program.

Section 106(c)(3) requires FHWA and the State DOT to enter into an agreement relating to the extent to which the State DOT assumes project responsibilities. This Stewardship and Oversight Agreement (S&O Agreement), includes information on specific project approvals and related responsibilities, and provides the requirements for FHWA oversight of the FAHP (Oversight Program), as required by 23 U.S.C. 106(g).

## **SECTION II. A. INTENT AND PURPOSE OF S&O AGREEMENT**

The intent and purpose of this S&O Agreement is to document the roles and responsibilities of the FHWA's Michigan Division Office (FHWA or Division) and Michigan Department of Transportation (MDOT) with respect to project approvals and related responsibilities, and to document the methods of oversight which will be used to efficiently and effectively deliver the FAHP.

The Project Action Responsibility Matrix, Attachment A to this S&O Agreement and as further described in Section VIII of this S&O Agreement, identifies FHWA FAHP project approvals and related responsibilities State DOT assumes from FHWA on a program-wide basis pursuant to 23 U.S.C. 106(c) and other legal authorities. Upon execution of this agreement, Attachment A shall be controlling and except as specifically noted in Attachment A, no other agreements, attachments, or other documents shall have the effect of delegating or assigning FHWA approvals to State DOT on a program-wide basis under 23 U.S.C 106 or have the effect of altering Attachment A.

## **SECTION II. B. PARTNERSHIP IN DELIVERING FEDERAL-AID PROGRAM VISION**

The FHWA and MDOT's stewardship relationship will be a productive partnership that adheres to the following principles:

- ***Collaborative*** – we work together to resolve problems and issues, to achieve the best outcome for both agencies and our mutual customers.
- ***Proactive*** – we are forward looking, and work together to address potential issues rather than react to problems after they occur.
- ***Flexible*** – while we acknowledge and respect defined roles, responsibilities and processes, we are open to new ideas and approaches to solving issues.

## GOALS

The FHWA and MDOT commit to the mutual success of both agencies and to achieve the following mutually agreed upon high-level goals:

1. We will plan, build, maintain and operate the highest quality, integrated transportation system for the economic benefit, safety, and improved quality of life for our customers.
2. We will optimize the use of all available Federal aid to achieve the best outcomes for the transportation system and our customers.
3. We will collaborate to be as efficient and streamlined as possible in delivering the FAHP.
4. We will collaborate to pursue innovative approaches to improve Federal-aid Highway Program processes and to enhance transportation system performance.
5. We will apply value-added stewardship and risk-based management to ensure effective management of the Federal aid Highway Program.

## COMMUNICATION

In order to achieve the vision and goals set forth in the previous paragraphs, purposeful and regular communication between the two agencies is key. Timely, open and honest communication is the foundation upon which FHWA and MDOT commit to provide stewardship and oversight of the FAHP. The expectation is that meaningful communication will be integral to our organizational relationships, with the goal of building and maintaining trust and credibility both mutually and with our shared customers. Both agencies agree to the following elements of successful communication:

- *Early involvement with full disclosure of information* – yields flexibility and good decision making.
- *Timely and purposeful communication* – demonstrates commitment and respect between the agencies.
- *One-on-one verbal discussions* – builds trust and strengthens the business relationship.
- *Mutual respect and professionalism at all times* – enables difficult issues or disagreements to be resolved in a positive and proactive manner.
- *Peer-to-peer communication* – addresses issues directly with the parties of interest.
- *Advance notice of potential issues* – minimizes surprises and ensures that appropriate staff members are involved in discussions.
- *Sharing draft correspondence* – ensures common understanding by both parties prior to final decisions.
- *Being open-minded* – recognizes that without change, there is no improvement.
- *Celebration of success* – shares recognition of accomplishments.

## **ISSUE RESOLUTION PROCESS**

While most requests to address project or program matters result in a positive response within reasonable time frames, there are occasions when an agreement cannot be reached by both parties. It is the intent of both agencies that all issues be resolved at the lowest working level between FHWA and MDOT staff, and where the issue originated. For this to occur, effective communication is absolutely essential, as it is the foundation of a solid partnership. Effective communication, grounded in mutual trust, will help assure proper issue identification and resolution. It is the intent of this section of the Agreement to provide a template for resolving issues that have reached an impasse at the normal operational level.

Generally, issues should not be elevated before each agency has exhausted available options within a reasonable time frame. Depending on the urgency of the issue, and for the purposes of this Agreement, reasonable time frames are defined as two to five business days to resolve the issue before both parties agree to escalate an issue. Both parties are encouraged to reach out and contact each other at the lowest working level via phone (first option) or face-to-face (second option), using due diligence to resolve issues or clarify misunderstandings (i.e., clarify comments or requests, better understand positions, etc). This includes consulting existing relevant policy and guidance documents.

Frequently an issue arises because current policy is either unclear or needs interpretation. Identifying and resolving issues provides both parties with an opportunity to clarify existing and future policy, and proactively avoid future issues. Issue resolution also should be documented in a manner that is mutually agreeable. Exchanging draft e-mails or letters, for example, to confirm proper issue identification, next steps, etc., will facilitate open communication and will help ensure third-party misunderstandings or unintended consequences are minimized and the public benefit to the partnership is optimized.

While the intent is to resolve issues at the lowest possible organizational level, some issues may need to be elevated when the lower operational levels cannot come to a satisfactory agreement. Attachment E provides the elevation process to overcome an impasse or help resolve complex challenges in timely manner.

In summary, both agencies expect the formal dispute resolution process will be used on an infrequent basis. As such, both parties are expected to make sustained good faith efforts to efficiently resolve all issues at the appropriate

## **WASTE, FRAUD, AND ABUSE**

All public agencies face significant pressure to handle more challenges with fewer resources than ever before. MDOT and FHWA are operating with significantly smaller budgets and reduced staffing levels, while striving to meet the demands of maintaining an ever-growing transportation system. MDOT increasingly relies on contract services and products to accomplish goals, for which both agencies have oversight accountability. As stewards of public funds, we need to remain vigilant because the consequence of fraud, waste, and abuse is less money available to meet program objectives. More importantly, public confidence will be compromised. Prevention of fraud, waste and abuse is especially critical at a time when infrastructure needs are increasing and the state's fiscal resources are struggling to meet increased demands.

Simply put, fraud is an intentional misrepresentation for personal or corporate gain involving deception to gain an unfair advantage over another. Highway fraud cases can involve a variety of situations. Some examples include bid rigging, price fixing, product substitution, bribery and kickbacks, conflicts of interest, false statements and claims, labor and materials overbilling, and corruption of public officials.

Although there are many examples that could indicate fraud in any phase of the contract process for highway construction projects, a few include:

- Falsification of records
- Specifications that appear to favor the services and materials of certain contractors, subcontractors, suppliers, sole sources, etc.
- Paying employees appropriate wages, then demanding cash kickbacks.
- Conflict of interest resulting when an employee in a decision-making position where the employee's private interests may benefit from his or her public actions.
- Collusion as a result of competitors conspiring prior to submitting bids, such as competitors agreeing in advance who will submit the winning bid on a contract or agreeing to raise, fix, or otherwise maintain the price at which their goods or services are sold.
- Product substitution involving the introduction of counterfeit and/or substandard materials in place of the specified materials.
- Disadvantaged Business Enterprise (DBE) fraud such as a business misrepresenting its standing as a DBE to win contract awards when a firm is owned by the DBE on paper only or when a contractor misrepresents who performed the contract work while appearing to be in compliance with contract goals for involvement of DBE-owned businesses.

## **REPORTING FRAUD**

The reporting of fraud is the responsibility of everyone specifically involved in the delivery of the FAHP and for all public servants in general. As stewards of public funds, our duties involve verifying that work performed by private contractors meets the required specifications, both in materials used and in construction practices rendered. On behalf of the FHWA and MDOT, it is expected that fraudulent activities will not be tolerated and will be reported immediately to the appropriate authorities. Proactive and effective fraud prevention and detection is a collateral duty of all public employees and citizens of the state.

The Office of the Inspector General (OIG) Office of Investigations, the U.S. Department of Transportation (USDOT) is responsible for conducting investigations of fraud, waste, and abuse involving FHWA programs. Any suspected fraudulent activities by federal or state employees, contractors, subcontractors, and any other participants on federally funded highway construction projects should be reported to the OIG. The OIG maintains a hotline to facilitate the reporting of allegations of fraud, waste, abuse, or mismanagement in USDOT program or operations.

MDOT has established a hotline for employees, contractors, consultants, and others to report suspected fraud or abuse for all state programs. The Office of Commission Audit conducts auditing activities for MDOT. The Commission Auditor then submits to the Commission reports of financial and operational audits, as well as investigations performed by staff for acceptance. If



MDOT staff members suspect fraudulent activities with a contractor regarding a Federal-aid highway project, they should immediately contact the FHWA Michigan Division Office. If MDOT staff members suspect the FHWA Michigan Division of fraudulent activities, they should immediately contact the Office of the Inspector General which coordinates fraud investigations of FHWA programs.

**Contact Information:**

OIG National Hotline: (800) 424-9071

OIG Regional Office-Chicago: Audits (312) 353-0104; Investigations (312) 353-0106

FHWA Michigan Division Assistant Division Administrator: (517) 702-1835

MDOT Fraud Hotline: (866) 460-6368

MDOT Office of Commission Audit: (517) 373-2110

**SECTION III. ASSUMPTION OF RESPONSIBILITIES FOR FEDERAL-AID PROJECTS ON THE NATIONAL HIGHWAY SYSTEM**

- A. MDOT may assume the FHWA's Title 23 responsibilities for design; plans, specifications, and estimates (PS&E); contract awards; and inspections, with respect to Federal-aid projects on the National Highway System (NHS). Project approvals and related activities for which MDOT has assumed responsibilities are outlined in Attachment A.
- B. Approvals and related activities for which the State DOT has assumed responsibilities as shown in Attachment A will apply program wide unless project specific actions for which the Division will carry out the approval or related responsibilities are documented in accordance with the FHWA Project of Division Interest/Project of Corporate Interest Guide (FHWA PoDI/PoCI Guide) located at:  
<http://www.fhwa.dot.gov/federalaid/stewardship/>
- C. MDOT may not assume responsibilities for Interstate projects that are in high risk categories. (23 U.S.C. 106(c)(1))
- D. MDOT is to exercise any and all assumptions of the Secretary responsibilities for Federal-aid projects on the NHS in accordance with Federal laws, regulations and policies.

**SECTION IV. ASSUMPTION OF RESPONSIBILITIES FOR FEDERAL-AID PROJECTS OFF THE NATIONAL HIGHWAY SYSTEM**

- A. MDOT shall assume the FHWA's Title 23 responsibilities for design, PS&Es, contract awards, and inspections, with respect to Federal-aid projects off the NHS (non-NHS) unless MDOT determines that assumption of responsibilities is not appropriate (23 U.S.C. 106(c)(2)). Project approvals and related activities for which MDOT has assumed responsibilities are outlined in Attachment A.

- B. Except as provided in 23 U.S.C.109(o), MDOT is to exercise the Secretary's approvals and related responsibilities on these projects in accordance with Federal laws.
- C. MDOT, in its discretion, may request FHWA carry out one or more non-NHS approvals or related responsibilities listed as "MDOT" in Attachment A on a program-wide basis. For a project specific request, MDOT may request FHWA carry out any approval or related responsibility listed in Attachment A off the NHS. Such project-specific requests shall be documented in accordance with the FHWA PoDI/PoCI Guide.
- D. Pursuant to 23 U.S.C. 109(o), non-NHS projects shall be designed and constructed in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.

## **SECTION V. ASSUMPTION OF RESPONSIBILITIES FOR LOCALLY ADMINISTERED PROJECTS**

MDOT may permit local public agencies (LPAs) to partially administer Federal-aid projects as sub-recipients. MDOT is responsible and accountable for LPA compliance with all applicable Federal laws and requirements (23 USC 106(g)(4) & 23 CFR 635.105(c)).

Assumption of the responsibilities for the delegation of oversight for Locally Administered Projects is detailed in MDOT's Local Agency Program Manual.

## **SECTION VI. PERMISSIBLE AREAS OF ASSUMPTION UNDER 23 U.S.C. 106(c)**

An assumption of responsibilities under 23 U.S.C. 106(c) may cover only activities in the following areas:

- A. Design, which includes preliminary engineering, engineering, and design-related services directly relating to the construction of a FAHP-funded project, including engineering, design, project development and management, construction project management and inspection, surveying, mapping (including the establishment of temporary and permanent geodetic control in accordance with specifications of the National Oceanic and Atmospheric Administration), and architectural-related services.
- B. PS&E, which represents the actions and approvals required before authorization of construction. The PS&E package includes geometric standards, drawings, specifications, project estimates, certifications relating to completion of right-of-way acquisition and relocation, utility work, and railroad work.
- C. Contract awards, which include procurement of professional and other consultant services and construction-related services to include advertising, evaluating, and awarding contracts.
- D. Inspections, which include general contract administration, material testing and quality assurance, review, and inspections of Federal-aid contracts as well as final inspection/acceptance.

- E. Approvals and related responsibilities affecting real property as provided in 23 CFR 710.201(i) and any successor regulation in 23 CFR Part 710.

## **SECTION VII. FEDERAL APPROVALS AND RELATED RESPONSIBILITIES THAT MAY NOT BE ASSUMED BY THE MDOT**

- A. Any approval or related responsibility not listed in Attachment A cannot be assumed by the State without prior concurrence by FHWA Headquarters. The following is a list of the most frequently-occurring approvals and related responsibilities that may not be assumed by MDOT:
- Civil Rights Program approvals;
  - Environmental approvals, except those specifically assumed under other agreements. (23 U.S.C. 326 and 327; programmatic categorical exclusion agreements);
  - Federal air quality conformity determinations required by the Clean Air Act;
  - Approval of current bill and final vouchers;
  - Approval of federally-funded hardship acquisition, protective buying, and 23 U.S.C. 108(d) early acquisition;
  - Project agreements and modifications to project agreements and obligation of funds (including advance construction);
  - Planning and programming pursuant to 23 U.S.C. 134 and 135;
  - Special Experimental Projects (SEP-14 and SEP-15);
  - Use of Interstate airspace for non-highway-related purposes;
  - Any Federal agency approval or determination under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended, and implementing regulations in 49 CFR Part 24;
  - Waivers to Buy America requirements;
  - Approval of Federal participation under 23 CFR 1.9(b);
  - Requests for credits toward the non-Federal share of construction costs for early acquisitions, donations, or other contributions applied to a project;
  - Functional replacement of property;
  - Approval of a time extension for preliminary engineering projects beyond the 10-year limit, in the event that actual construction or acquisition of right-of-way for a highway project has not commenced;
  - Approval of a time extension beyond the 20-year limit for right of way projects, in the event that actual construction of a road on the right-of-way is not undertaken;
  - Determine need for Coast Guard Permit;
  - Training Special Provision – Approval of New Project Training Programs; and
  - Any other approval or activity not specifically identified in Attachment A unless otherwise approved by the FHWA, including the Office of Chief Counsel.
- B. For all projects and programs, MDOT will comply with Title 23 and all applicable non-Title 23, U.S.C. Federal-aid program requirements, such as metropolitan and statewide planning; environment; procurement of engineering and design related service contracts (except as provided in 23 U.S.C. 109(o)); Civil Rights including Title VI of the *Civil Rights Act*, and participation by Disadvantaged Business Enterprises; prevailing wage rates; and acquisition of right-of-way, etc.

- C. This Agreement does not modify the FHWA's non-Title 23 program approval and related responsibilities, such as approvals required under the Clean Air Act; National Environmental Policy Act, Executive Order on Environmental Justice (E.O. 12898), and other related environmental laws and statutes; the Uniform Act; and the Civil Rights Act of 1964 and related statutes.

## **SECTION VIII. PROJECT ACTION RESPONSIBILITY MATRIX**

Attachment A, Project Action Responsibility Matrix, to this S&O Agreement identifies FAHP project approvals and related responsibilities. The Matrix specifies which approvals and related responsibilities are assumed by the State under 23 U.S.C. 106(c) or other statutory or regulatory authority, as well as approvals and related responsibilities reserved to FHWA.

## **SECTION IX. HIGH RISK CATEGORIES**

- A. In 23 U.S.C. 106(c), Congress directs that the Secretary shall not assign any approvals or related responsibilities for projects on the Interstate System if the Secretary determines the project to be in a high risk category. Under 23 U.S.C. 106(c)(4)(B), the Secretary may define high risk categories on a national basis, State-by-State basis, or national and State-by-State basis.
- B. The FHWA MI Division has determined there are no high risk categories.

## **SECTION X. FHWA OVERSIGHT PROGRAM UNDER 23 U.S.C. 106(g)**

- A. In 23 U.S.C. 106(g), Congress directs that the Secretary shall establish an oversight program to monitor the effective and efficient use of funds authorized to carry out the FAHP. This program includes FHWA oversight of the State's processes and management practices, including those involved in carrying out the approvals and related responsibilities assumed by the State under 23 U.S.C. 106(c). Congress defines that, at a minimum, the oversight program shall be responsive to all areas relating to financial integrity and project delivery.
- B. The FHWA shall perform annual reviews that address elements of MDOT's financial management system in accordance with 23 U.S.C. 106(g)(2)(A). FHWA will periodically review MDOT's monitoring of sub-recipients pursuant to 23 U.S.C. 106(g)(4)(B).
- C. The FHWA shall perform annual reviews that address elements of the project delivery systems of MDOT, which elements include one or more activities that are involved in the life cycle of a project from conception to completion of the project. The FHWA will also evaluate the practices of MDOT for estimating project costs, awarding contracts, and reducing costs. 23 U.S.C. 106(g)(2) and (3).
- D. To carry out the requirements of 23 U.S.C. 106(g), the FHWA will employ a risk management framework to evaluate financial integrity and project delivery, and balance risk with staffing resources, available funding, and Michigan's transportation needs. The FHWA will work collaboratively with MDOT to assess the risks inherent with the FAHP

and funds management, and how that assessment will be used to align resources to develop appropriate risk response strategies

Techniques the Division and MDOT may use to identify and analyze risks and develop response strategies include the following:

- Program Assessments;
- FIRE Reviews;
- Program Reviews;
- Certification Reviews;
- Recurring or periodic reviews such as the Compliance Assessment Program (CAP); and
- Inspections of Projects of Division Interest (PoDI)/Projects of Corporate Interest (PoCI) project elements or phases.

These techniques will be carried out in a manner consistent with applicable Division Standard Operating Procedures or other control documents relating to program assessments, FIRE, program reviews, CAP, etc.

The following techniques and processes will be used to carry out the requirements of 23 U.S.C. 106(g):

- **Program Evaluations and Risk Assessment:** During the months of January and February of each year, FHWA program managers will conduct bi-annual program evaluations and identify potential risks. These program evaluations are joint activities in which the program areas are assessed for performance, program indicators are reviewed, and potential risks in the form of threats or opportunities are identified. The appropriate MDOT program managers for each agency will be contacted to participate in all or portions of these FHWA-led assessments. In March, all program level risks will be compiled and a joint FHWA/MDOT leadership team will identify the top risks statewide along with agreed upon risk mitigation strategies.

Program Reviews and Risk Assessments will be conducted in accordance with the most current FHWA MI Division Unit Planning Process Standard Operating Procedure (SOP).

- **FIRE Reviews:** The FHWA conducts the Financial Integrity Review and Evaluation (FIRE) to ensure that Federal-Aid funds are properly managed and effectively used in accordance with federal policies, and that safeguards are in place to minimize fraud, waste, and abuse. In addition, the FIRE program ensures that proper internal controls are established and followed, with objectivity and a separation of financial duties in conducting MDOT day-to-day operations. The FHWA conducts FIRE reviews on an annual basis, and they coordinate with MDOT personnel and division staff, as necessary. The FIRE activities consist of the following:
  - 1) Financial Program Reviews
  - 2) Improper Payment Reviews
  - 3) Inactive Federal-Aid projects Reviews
  - 4) Single Audit Review
  - 5) Other Federal Audit Findings Review (as applicable).

In support of the FHWA FIRE program, MDOT conducts various financial audits (involving respective program staff, as applicable) of external agencies receiving Federal-Aid funds to ensure the proper use of these funds and that Federal and State requirements are met. The audits are conducted both in conjunction with and independent of the FIRE program.

E. Program Responsibility Matrix

Attachment B to this S&O Agreement is the Program Responsibility Matrix example that identifies all relevant FHWA program actions, and Division and MDOT program contact offices.

F. Manuals and Operating Agreements

MDOT manuals, agreements and other control documents that have been approved for use on Federal-aid projects are listed in Attachment C to this S&O Agreement.

G. Stewardship and Oversight Indicators

The Division and MDOT have jointly established Stewardship and Oversight Indicators (Indicators). These Indicators represent all program areas and will be used to track the effective administration of the FAHP. These indicators will be monitored at least semi-annually by FHWA and MDOT Leadership as part of the program evaluation and risk assessment process. The Indicators are located in Attachment D.

## **SECTION XI. STATE OVERSIGHT AND REPORTING REQUIREMENT**

A. State DOT Oversight and Reporting

The Michigan DOT is responsible for demonstrating to the FHWA how it is carrying out its responsibilities in accordance with the S&O Agreement. In order to fulfill this responsibility, the State DOT will:

A.1. PROGRAMMING

**Ensure projects/programs are included in Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP)**

Projects or programs receiving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funds, including match and other sources are in the Statewide Transportation Improvement Program (STIP) and Metropolitan Planning Organization (MPO) Transportation Improvement Programs (TIPs). Projects in the STIP and TIPs are consistent with the State Long-Range Transportation Plan and the MPO Long Range Transportation Plans. Projects programmed in the STIP/TIPs are anticipated to be ultimately built and that funds will be available for

programming projects in the STIP/TIPs in the timeframe anticipated for completion. The department maintains a financially constrained listing/program of transportation projects for all areas of the state. STIP/TIP documents are amended as necessary in accordance with established and federally-approved procedures. STIP/TIP documents are amended as necessary in accordance with federally-approved and established procedures.

### **Identify appropriate funding categories for projects in the STIP**

The STIP is designed to document the total amount of funds (Federal, State and/or Local) programmed for each project/phase of a project listed in the STIP. All regionally significant projects are programmed in the STIP regardless of funding type. For non-regionally significant projects that are using Federal funds, the STIP documents all funds to be programmed for that project or project phase.

## A.2. FINANCIAL MANAGEMENT

### **Manage audits and develop/implement indirect cost allocation plans per federal regulations**

Such plans are administered in accordance with federally approved Indirect Cost Allocation Plan, FHWA MI Division Standard Operating Procedures and the MOU for Electronic Data Sharing. The department evaluates findings from FHWA Billing Reviews, CAP Reviews and adheres to FMIS 5.0 requirements.

MDOT's finance management system is developed in accordance with FHWA requirements.

## A.3. ENVIRONMENT (ALL PHASES)

### **Assure all requirements of the National Environmental Policy Act (NEPA) are met.**

NEPA Environmental Assessments and Environmental Impact Statements require approval from the FHWA. Most Categorical Exclusions are reviewed and approved by MDOT under authority granted by a Programmatic Agreement. Procedures for the review and classification of projects are documented in the MDOT Environmental Procedures Manual. MDOT documents environmental mitigation follow up for all projects.

## A.4. PRELIMINARY DESIGN (DESIGN PHASE)

### **Select design consultants and manage contracts per federal regulations**

Consultants are selected and contracts managed and administered in accordance with federally approved Selection Guidelines for Service Contracts manual and DBE Program Procedures.

**Process design exceptions consistent with established procedures**

Design Exceptions will processed and approved when roadway geometrics are not consistent with the MDOT Road Design Manual or AASHTO Policy on Geometric Design of Highways and streets where applicable.

**Prepare Interstate System Access Justification Reports (IAJRs) and Interstate System Access Change Requests (IACRs) per federal regulations**

The department will prepare, or cause to be prepared, IAJRs and IACRs and shall process these documents in accordance with established FHWA Michigan Division and department guidance and federal regulations. Proposed changes in interstate access control shall be appropriately justified and are subject to federal approval.

**Secure Federal Approval of IAJRs and IACRs**

The department acknowledges that the final step in the IACR process is receiving written notice of Operational Acceptability and Final Approval from FHWA.

**Airport Highway Clearance Coordination**

MDOT reviews and coordinates projects that occur near airports and provides a Notice of Proposed Construction or Alteration as required to FAA.

**Develop Project Management Plans (PMP) for Federal Major Projects per federal regulations**

These will be prepared and submitted to FHWA Michigan Division for approval. Construction activities on Major Action Projects will not begin until FHWA has approved the PMP or MDOT has obtained an Operationally Independent and Non-Concurrent Construction Projects (OINC).

**Select Innovative Contracting including Public Private Partnership projects per established procedures**

These will be selected according to the departments Innovative Construction Contracting Guide. Where appropriate, Special Experimental Project requests will be submitted to FHWA for approval.

A.5. DETAILED/FINAL DESIGN (DESIGN PHASE)

**Design of unusual or complex bridges**



Unusual or Complex bridges or structures will be designed consistent with MDOT's Bridge Manual, Guides and Standards in a cost effective manner and consistent with MDOT context sensitive solutions procedures. Preliminary plans for these structures on the Interstate system will be submitted to FHWA for approval.

**Approve retaining right-of-way encroachments**

Such approvals will be reviewed for safety or operational issues, and will be approved/disapproved accordingly.

**Assure Local Force Account compliance**

Force Account work conducted by Local Agencies will be performed in accordance with MDOT's currently established and federally-approved procedures.

**Assure use of publically owned equipment, publically furnished equipment and proprietary products complies with regulations**

These will be done according to state and federal regulations. The state will approve such use and monitor its compliance consistent with its policies.

A.6. RIGHT OF WAY (DESIGN AND OPERATIONAL PHASES)

MDOT will follow all state and federal regulations and established procedures in MDOT's Federally-approved Real Estate Manual as it performs the following activities:

**Make feasibility/practicability determination for allowing authorization of construction prior to completion of ROW clearance, utility and railroad work**

Included as part of a public interest finding statement, a feasibility/practicability determination is made by the project manager and approved by Central Office Real Estate and, where required, by FHWA.

**Make public interest finding on whether State may proceed with bid advertisement even though ROW acquisition/relocation activities are not complete for some parcels**

Created as support for a request for a partial certification or a certification with exceptions, a public interest finding statement is prepared by the project manager and approved by Central Office Real Estate and, where required, by FHWA.

**Ensure all ROW certifications are in place for projects**

Projects cannot proceed to bid/advertisement without proper certifications in place. This is true for all certifications including full certifications and

certifications with exceptions. Certifications are approved by Central Office Real Estate and, where required, by FHWA.

### **Approve Hardship and Protective Buying**

Region or Central Office Real Estate makes a request based on the business case for these types of acquisitions. The Advance Acquisition Review team, comprised of individuals in Senior Department Management, review and approve. The request is then submitted to FHWA for approval.

### **Approve Interstate Real Property Interest Use Agreements**

Region or Central Office Real Estate or Permits prepares an agreement for Interstate Real Property Interest Use. The agreement is approved by Real Estate Management and forwarded to FHWA for approval.

### **Approve non-highway use and occupancy**

Region, Central Office Real Estate or Permits prepares the agreement for a non-highway use or occupancy. The agreement is approved by Real Estate Management and forwarded to FHWA for approval as necessary.

### **Approve disposal at less than fair market value of federally funded right-of-way, including disposals of access control**

Disposal of property at less than fair market value would be a very rare event and would be treated as an exception. This would require approval of MDOT Management, the Transportation Division of the Attorney General, the FHWA, the State Transportation Commission, and the State Administrative Board.

### **Approve disposal at fair market value of federally funded right-of-way, including disposals of access control**

MDOT approves the property for disposal and forwards the disposal request to FHWA for approval. MDOT establishes the value for the parcel and sells according to established procedures.

### **Process requests for credits toward the non-federal share of construction costs for early acquisitions, donations or other contributions applied to a project per federal regulations**

Central Office Real Estate gathers all information on qualifying values of early acquisitions and donations. FHWA approves the values and the Finance areas of MDOT and FHWA credit the approved values through the MFOS and FMIS systems.

### **Process Federal land transfers**

This is a fairly rare event in Michigan. MDOT works with and through FHWA on federal land transfers. MDOT does the negotiation and FHWA works to resolve any issues or conflicts that may arise.

### **Secure FHWA approval of functional replacement of property**

Region or Central Office Real Estate gathers all appropriate information from the affected agency and determines if the facility or property qualifies for a functional replacement. A subsequent request for a functional replacement is then forward to FHWA for approval.

## **A.7. SYSTEM OPERATIONS AND PRESERVATION (DESIGN PHASE)**

### **Develop and Operate Intelligent Transportation Systems (ITS)**

The department shall utilize systems engineering analyses for the development and operation of the statewide ITS program, including any Adaptive Signal projects.

### **Develop Transportation Management Plans (TMPs)**

The department shall prepare and implement TMPs in accordance with established state and federal work zone safety and mobility policies and regulations.

## **A.8. PS&E AND ADVERTISING (DESIGN PHASE)**

### **Develop project plans, specifications and estimates**

MDOT shall perform, or cause to be performed, the preparation of engineering plans, specifications and cost estimates in accordance with established department procedures, current department construction specifications and all applicable state and federal regulations, in order to prepare packages for advertisement for competitive bidding. Construction plans shall be prepared and reviewed for conformance with applicable state and federal standards and any exceptions to such standards shall be subject to additional reviews and approvals, either programmatic or project-level, by either MDOT or FHWA in accordance with Attachment A and with established procedures.

## **A.9. CONTRACT ADVERTISEMENT AND AWARD (DESIGN PHASE)**

### **Advertise and award contracts**

MDOT shall process all contract advertisements and awards according to established department procedures, current department standard specifications for construction and all applicable Federal Regulations. MDOT conducts multi-level reviews and/or approvals prior to advertising and awarding a contract, including some projects being approved by the

State Administrative Board and the State Transportation Commission. MDOT shall secure FHWA concurrence prior to award when required.

#### A.10. CONSTRUCTION (CONSTRUCTION PHASE)

MDOT construction administration and materials acceptance processes and procedures are all reviewed and approved at the program level by the FHWA, for both MDOT and local agency projects. This includes the review and approval of Bureau of Highways Instructional Memorandums (BOHIM), manuals, frequently used special provisions, etc. For non-PoDI projects, MDOT utilizes the same processes for review and oversight that are used for PoDI projects, absent the FHWA involvement.

##### **Approve changes and extra work**

All changes and extra work are documented by contract modifications in accordance with department procedures. Multi-level review and approval is necessary before a contract modification is contractually binding, depending on the dollar value of the change. At a minimum, all local agency projects must be reviewed and approved by the engineer of record, the MDOT construction engineer, and the MDOT TSC Manager. Projects that exceed a 10% overrun of the original contract amount are analyzed and reported to the State Transportation Commission.

##### **Approve contract time extensions**

All contract time extensions are documented by contract modifications in accordance with department procedures. Multi-level review and approval is necessary before a contract modification is contractually binding. At a minimum, all local agency projects must be reviewed and approved by the engineer of record, the MDOT construction engineer, and the MDOT TSC Manager.

##### **Concur in the use of mandatory borrow/disposal sites**

MDOT may identify mandatory borrow/disposal locations during the plan development phase of a project and will identify such sites in the contract documents. Such sites will be identified if it is determined to be in the public interest to require the contractor to use such sites. These sites must be accounted for in the project's environmental clearance. After award of the contract, MDOT's construction specifications contain requirements for contractor use of borrow material not previously identified in the contract documents, and require the contractor to pay for the materials removed from the site.

##### **Accept materials certification**

MDOT construction engineers and some local agency engineers are certified through the Engineer Certification Program. This certification ensures they are following current procedures and practices for inspection,

testing, acceptance, and documentation of construction and materials. Local agency engineers who are not certified must undergo a project documentation review at the end of every project, prior to submitting a final estimate. The project documentation review, consisting of a sampling of pay items within a contract, ensures that all construction and materials have been inspected, tested, accepted and documented in accordance with the requirements of the contract. The “Final Inspection/Acceptance and Certification Report”, required for all projects, contains a certification statement that materials incorporated in the project are in conformity with approved plans and specifications, and that the independent assurance tests have been performed.

### **Concur in settlement of contract claims**

MDOT has a well-defined claims process with multiple levels of claims hearings, including the TSC, region, and central office level. The process is documented by “Bureau of Highway Instructional Memorandum 2015-02, Review of Contractor Claims” which has been approved by the FHWA.

### **Concur in termination of construction contracts**

In the event a contractor is non-compliance with contract documents, MDOT has provisions in each contract stating termination clauses or any other action determined to be appropriate by the Department and FHWA. Provisions include Form 1273, titled “Required Contract Provisions Federal-Aid Construction Contracts”. The Department also utilizes 23 CFR 635.125 as a resource for determining the appropriate in steps in terminating a contract.

### **Buy America provisions**

All MDOT let projects, including local agency projects, contain the “Special Provision for Source of Steel and Iron (Buy America)” which requires all steel and iron materials and products for permanent incorporation into the work be produced only in the United States per 23 CFR §635.410. The special provision clearly defines the inspection and documentation required to be in compliance. All Buy America waivers must be submitted by MDOT for approval by FHWA.

### **Final inspection/acceptance of completed work**

The “Final Inspection/Acceptance and Certification Report”, required for all projects, contains a certification statement that materials incorporated in the project are in conformity with approved plans and specifications, and that the independent assurance tests have been performed.

## A.11. CIVIL RIGHTS (ALL PHASES)

### **Deliver the Disadvantaged Business Enterprise (DBE) program in accordance with federal regulations and established department procedures**

Ensure MDOT's DBE program procedures are in compliance with DBE regulations and approved as required by FHWA. Establish goals and monitor outcomes as required.

### **Ensure compliance with Title VI and VII of the Civil Rights Act of 1964 and all applicable state and federal civil rights and equal employment requirements in the delivery of programs, projects, activities and services.**

Prepare applicable plans, reports and documentation of activities and outcomes as required, including, but not limited to, the following:

- MDOT Title VI Plan Accomplishments and Annual Goals
- EEO Contractor Compliance Plan accomplishments and annual goals
- MDOT Internal EEO Affirmative Action Plan (Title VII) Accomplishments and Goals
- MDOT Employment Statistical Data (EEO-4)
- Annual Contractor Employment Report (Construction Summary of Employment Data (Form PR-1392)
- Prepare On-the-Job-Training (OJT) annual goals & accomplishments per the approved program procedures. Ensure OJT program procedures meet all applicable federal regulations.

### **Review Americans with Disabilities Act (ADA) /Sec. 504 Program Plan accomplishments and goals**

### **Provide support and technical assistance to program and project partners, recipients, sub-recipients and contractors**

Prepare Request for National Summer Transportation Institute (NSTI) Proposals (SOWs). Prepare Annual Federal Projected Awards Reports - Historically Black Colleges & Universities/Tribal Colleges & Universities/Hispanic Serving Institutes, American Indian Alaskan Native, Asian Pacific & American Islander.

### **Take necessary corrective action in the event discrimination or non-compliance is determined**

## B. State DOT Oversight of Locally Administered Projects

The Michigan DOT is responsible for demonstrating to the FHWA how it is carrying out its responsibilities in accordance with the S&O Agreement. In order to fulfill this responsibility, the State DOT will:

**B.1. Provide program and project oversight of sub-recipients including oversight of any assumed responsibilities the State DOT delegates to a LPA in compliance with federal and state regulation per the following established FHWA-approved procedures:**

- MDOT's Local Agency Program (LAP) Manual.
- LAP Guidelines for Geometrics on Local Agency Projects.
- LAP Guidelines for Force Account Projects.
- MDOT's Requirements for Performing Construction Engineering on Local Agency Projects.

MDOT shall provide adequate human and capital resources to oversee the local federal aid program. MDOT will also maintain tools and resources for sub-recipients, including training, websites, essential project related documents and links to other fundamental training subject matter.

**B.2. Be responsible, pursuant to 23 U.S.C. 106(g)(4), for determining that sub-recipients of Federal funds have adequate project delivery systems for locally administered projects and sufficient accounting controls to properly manage such Federal-aid funds. The State DOT also is responsible for ensuring compliance with reporting and other requirements applicable to grantees making sub-awards, such as the monthly reporting requirements under the Federal Funding Accountability and Transparency Act of 2006, PL 109-282 (as amended by PL 110-252).**

**B.3. Acknowledges that it is responsible for sub-recipient awareness of Federal grant requirements management of grant awards and sub-awards, and is familiar with and comprehends pass through entity responsibilities (2 C.F.R 200.331 Requirements for Pass-thru Entities). The State DOT shall carry out these responsibilities using the following actions, programs, and processes:**

- MDOT shall assure sub-recipient compliance with LAP Manual and LAP Guidelines for Force Account Projects.
- MDOT shall secure formal agreements with sub-recipients of Federal funds to administer, delegate and formally communicate all federal project requirements, including planning, programming,

development, delivery, maintenance, operating, reporting and accountability requirements.

- MDOT, in co-operation with LTAP, shall offer training courses on federal-aid requirements for LPA's that use federal-aid funds. MDOT shall require Office Technician training and certification of local agency staff for LPAs using federal-aid funds.

**B.4. Assess whether a sub-recipient has adequate project delivery systems and sufficient accounting controls to properly manage projects, using the following actions, programs, and processes:**

- MDOT shall assure sub-recipient compliance with LAP Manual and LAP Guidelines for Force Account Projects.
- MDOT shall secure formal agreements with sub-recipients of Federal funds to administer, delegate and formally communicate all federal project requirements, including planning, programming, development, delivery, maintenance, operating, reporting and accountability requirements.
- MDOT shall evaluate and monitor the delivery of LPA projects on a project level by conducting inspections and construction file reviews of sub-recipient construction projects to ensure adequate staffing and sub-recipient understanding of Federal aid requirements.
- MDOT shall evaluate and monitor the delivery of LPA projects on a program level by regularly reviewing overdue final reports, contractor evaluations and central office claims.

**B.5. Assess whether a sub-recipient is staffed and equipped to perform work satisfactorily and cost effectively, and that adequate staffing and supervision exists to manage the Federal project(s), by using the following actions, programs, and processes:**

- MDOT shall assure sub-recipient compliance with LAP Manual and LAP Guidelines for Force Account Projects.
- MDOT shall secure formal agreements with sub-recipients of Federal funds to administer, delegate and formally communicate all federal project requirements, including planning, programming, development, delivery, maintenance, operating, reporting and accountability requirements.



- B.6. Assess whether sub-recipient projects receive adequate inspection to ensure they are completed in conformance with approved plans and specifications, by using the following actions, programs, and processes:**
- By assuring compliance with federally-approved and established department procedures and requirements.
- B.7. Ensure that when LPAs elect to use consultants for engineering services, the LPA, as provided under 23 CFR 635.105(b), shall provide a full-time employee of the agency to be in responsible charge of the project, by using the following actions, programs, and processes:**
- By assuring compliance with federally-approved and established department procedures and requirements
- B.8. Ensure, through implementation of the guidance contained or referenced in the LAP Manual, that project actions will be administered in accordance with all applicable Federal laws and regulations and that any required Federal approvals will be secured on sub-recipient administered projects in the following areas, as appropriate:**
- a. Consultant selection and management;
  - b. Environment;
  - c. Design;
  - d. Civil Rights;
  - e. Financial management including audits and indirect cost allocation plans;
  - f. Right-of-way;
  - g. Construction monitoring, including Quality Control/Quality Assurance (QC/QA); and
  - h. Contract administration including the State DOT's responsibility to approve a sub-recipient to pursue a contract procurement method other than competitive bidding.
- B.9. Document its oversight activities for LPA-administered projects and findings in accordance with the LAP Manual and federal regulations and shall cooperate with and participate as necessary in any federal project reviews, inspections, or program assessments.**

## **SECTION XII. IMPLEMENTATION AND AMENDMENTS**

- A. This S&O Agreement will take effect as of the effective date of the signature of the FHWA Michigan Division Administrator, who shall sign this S&O Agreement last.
- B. The Division and MDOT agree that updates to this Agreement will be considered periodically on a case-by-case basis or when:


- Significant new legislation, Executive orders, or other initiatives affecting the relationship or responsibilities of one or both parties to the S&O Agreement occurs;
  - Leadership, or leadership direction, changes at the MDOT or FHWA; or
  - Priorities shift as a result of audits, public perception, or changes in staffing at either the MDOT or Division Office.
- C. The Division and MDOT agree that changes may occur to the contents of the Attachments to this S&O Agreement and documents incorporated by reference into the S&O Agreement. Except as provided in paragraph XII.D and E, changes to the Attachments and documents incorporated by reference will not require the Division and MDOT to amend this S&O Agreement. The effective date of any revisions to one of these documents shall be clearly visible in the header of the revised document. This Agreement and any revised document shall be posted on the Division's S&O Agreement internet site within five (5) business days of the effective date.
- D. Any changes to the high risk categories must be documented by an amendment to this S&O Agreement.
- E. Any changes to the Project Action Responsibility Matrix must be approved by the FHWA Office of Infrastructure in writing and documented by an amendment to this S&O Agreement.

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**EXECUTION BY THE FHWA MICHIGAN DIVISION OFFICE**

Executed this 20<sup>th</sup> day of MAY, 2015.


Signature

  
\_\_\_\_\_  
Russell L. Jorgenson  
Division Administrator

**EXECUTION BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION**

Executed this 20<sup>th</sup> day of MAY, 2015.

Signature

  
\_\_\_\_\_  
Kirk T. Steudle  
Director

## ATTACHMENT A: PROJECT ACTION RESPONSIBILITY MATRIX

*The following matrix identifies Federal-aid highway program (FAHP) project approvals and related responsibilities. The matrix specifies which ones are subject to State assumption under the provisions of 23 U.S.C. 106(c) or other statutory or regulatory authority, as well as those which are reserved to FHWA.*

*In the column entitled “Projects on the NHS” if an item is marked “FHWA or State,” it means the State may assume the specified approval and related responsibilities if the Division determines the assumption is appropriate. For projects on the NHS, the FHWA may retain any approval or related action in any box marked “FHWA or State”, as deemed appropriate by the Division, by choosing to enter “FHWA” for that box. If the FHWA retains any approval or related action in any box marked “FHWA or State”, the project is a PoDI, and will require a PoDI plan.*

*For the column marked “Projects off the NHS”, the State must assume all items marked “State” unless the State determines the assumption of a particular item by the State is not appropriate and requests FHWA take responsibility for the action. In such cases, the box should read “FHWA”.*

*If FHWA retains an action the State could have assumed (on the NHS) or has a right to assume (off the NHS), the affected projects become PoDI projects.<sup>1</sup> Matrix users may find it easier to identify such situations if you mark such instances in the matrix with a note or asterisk (\*). Divisions also may wish to include in Attachment A’s introduction information about where readers can find a list of PoDI projects and copies of PoDI plans.*

*Except as expressly stated in notes to the matrix below, the State cannot assume any item marked only as “FHWA” in either column. Any item marked only “FHWA” is reserved to FHWA because it is outside the scope of 23 U.S.C. 106(c), or otherwise is reserved to FHWA by law. While FHWA may not delegate decision-making authority to a State unless authorized by law, FHWA may authorize a State DOT to perform work needed to reach the decision point, or to implement the decision.]*

*The following matrix identifies Federal-aid highway program (FAHP) project approvals and related responsibilities on a program-wide basis. The matrix specifies which actions are assumed by the State under the provisions of 23 U.S.C. 106(c) or other statutory or regulatory authority, as well as those which are reserved to FHWA. Projects classified as PoDI projects are not covered by the matrix, as those projects will be governed by a separate PoDI plan that specifies FHWA and State responsibilities for the project.*

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<sup>1</sup> *The following are considered PoDI projects: Major Projects (>\$500M); Appalachian Development Highway Projects; TIGER Discretionary Grant Projects; NHS Projects with Retained FHWA Project Approval; Non-NHS Projects with Retained FHWA Project Approval; and Projects Selected by FHWA for Risk-based Stewardship & Oversight. Regardless of retained project approval actions, any Federal-aid Highway Project either on or off the NHS that the Division identifies as having an elevated level of risk can be selected for risk-based stewardship and oversight and would then be identified as a PoDI. Please see “Projects of Division Interest (PoDI)/Projects of Corporate Interest (PoCI) Guidance (available at <http://www.fhwa.dot.gov/federalaid/stewardship/>)*

*In the matrix, actions marked with an asterisk (“FHWA\*”) are those that FHWA has retained but that could have been assumed by the State through FHWA discretion (on the NHS) or by right (off the NHS). Projects requiring those actions are PoDI projects because of FHWA’s retained authority. Those projects will be governed by a separate PoDI Plan.*

*The State DOT is responsible for ensuring all individual elements of the project are eligible for FAHP funding, but all final eligibility and participation determinations are retained by FHWA.*

<b>PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to separate PoDI Plans)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
<b>PROGRAMMING (All phases)</b>		
Ensure project in Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP)	STATE	STATE
Identify proposed funding category	STATE(1)	STATE(1)
<b>FINANCIAL MANAGMENT (All phases)</b>		
Obligate funds/approve Federal-aid project agreement, modifications, and project closures (project authorizations) (Note: this action cannot be assumed by State)	FHWA	FHWA
Authorize current bill (Note: this action cannot be assumed by State)	FHWA	FHWA
Review and Accept Financial Plan and Annual Updates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA
Review Cost Estimates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA
Develop Financial Plan for Federal Projects between \$100 million and \$500 million. [23 U.S.C. 106(i)]	STATE	STATE

<b>PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)</b> <b>(Excluding PoDIs, which are subject to separate PoDI Plans)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
<b>ENVIRONMENT (All phases)</b>		
All EA/FONSI, EIS/ROD, 4(f), 106, 6(f) and other approval actions required by Federal environmental laws and regulations. (Note: this action cannot be assumed by STATE except under 23 U.S.C. 327)	FHWA(2)	FHWA(2)
Categorical Exclusion approval actions (Note this action cannot be assumed by the State except through an assignment under 23 U.S.C. 326 or 327, or through a programmatic agreement pursuant to Section 1318(d) of MAP-21 and 23 CFR 771.117(g))	FHWA(2)	FHWA(2)
<b>PRELIMINARY DESIGN (Design Phase)</b>		
Consultant Contract Selection	STATE (3)	STATE (3)
Sole source Consultant Contract Selection	STATE (3)	STATE (3)
Approve hiring of consultant to serve in a “management” role (Note: this action cannot be assumed by State) [23 CFR 172.9]	FHWA	FHWA
Approve consultant agreements and agreement revisions (Federal non-Major Projects) [23 CFR 172.9]	STATE	STATE
Approve consultant agreements and agreement revisions on Federal Major Projects [23 CFR 172.9] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve exceptions to design standards [23 CFR 625.3(f)]	STATE	STATE
Interstate System Access Change [23 USC 111] (Note: this action cannot be assumed by State)	FHWA	N/A
Interstate System Access Justification Report [23 USC 111] (Note: action may be assumed by State pursuant to 23 USC 111(e))	FHWA*	N/A

<b>PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)</b> <b>(Excluding PoDIs, which are subject to separate PoDI Plans)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
Airport highway clearance coordination and respective public interest finding (if required) [23 CFR 620.104]	STATE	STATE
Approve Project Management Plan for Federal Major Projects over \$500 million [23 USC 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve innovative and Public-Private Partnership projects in accordance with SEP-14 and SEP-15 (Note: this action cannot be assumed by State)	FHWA	FHWA
Provide pre-approval for preventive maintenance project (until FHWA concurs with STATE procedures) (Note: this action cannot be assumed by State)	FHWA	FHWA
<b>DETAILED / FINAL DESIGN (Design Phase)</b>		
Provide approval of preliminary plans for unusual/complex bridges or structures on the Interstate. [23 USC 109(a) and FHWA Policy]	FHWA (4)	N/A
Provide approval of preliminary plans for unusual/complex bridges or structures (non-Interstate). [23 USC 109(a) and FHWA Policy]	State (4)	STATE
Approve retaining right-of-way encroachments [23 CFR 1.23 (b) & (c)]	STATE	STATE
Approve use of local force account agreements [23 CFR 635.104 & 204]	STATE	STATE
Approve use of publicly owned equipment [23 CFR 635.106]	STATE	STATE
Approve the use of proprietary products, processes [23 CFR 635.411]	STATE	STATE

<b>PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)</b> <b>(Excluding PoDIs, which are subject to separate PoDI Plans)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
Concur in use of publicly furnished materials [23 CFR 635.407]	STATE	STATE
<b>RIGHT-OF-WAY (Design and Operational Phases)</b>		
Make feasibility/practicability determination for allowing authorization of construction prior to completion of ROW clearance, utility and railroad work [23 CFR 635.309(b)]	FHWA*	STATE
Make public interest finding on whether State may proceed with bid advertisement even though ROW acquisition/relocation activities are not complete for some parcels [23 CFR 635.309(c)(3)]	FHWA*	STATE
Ensure compliant ROW certificate is in place [23 CFR 635.309(c)]	STATE	STATE
Approve Hardship and Protective Buying [23 CFR 710.503] (If a Federal-aid project) (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve Interstate Real Property Interest Use Agreements [23 CFR 710.405] (Note: this action cannot be assumed by State)	FHWA	N/A
Approve non-highway use and occupancy [23 CFR 1.23(c)]	FHWA for Interstate STATE for Non-Interstate (3)	STATE (3)
Approve disposal at less than fair market value of federally funded right-of-way, including disposals of access control [23 U.S.C. 156] (Note: this action cannot be assumed by State)	FHWA	FHWA



<b>PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to separate PoDI Plans)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
Approve disposal at fair market value of federally funded right-of-way, including disposals of access control [23 CFR 710.409] (Note: 23 CFR 710.201 authorizes FHWA and STATE to agree to scope of property-related oversight and approvals for all actions except those on the Interstate System)	FHWA*	STATE (3)
Requests for credits toward the non-Federal share of construction costs for early acquisitions, donations or other contributions applied to a project (note: this action cannot be assumed by State)	FHWA	FHWA
Federal land transfers [23 CFR 710, Subpart F] (Note: this action cannot be assumed by State)	FHWA	FHWA
Functional replacement of property [23 CFR 710.509] (Note: this action cannot be assumed by State)	FHWA	FHWA
<b>SYSTEM OPERATIONS AND PRESERVATION (Design Phase)</b>		
Accept Transportation Management Plans (23 CFR 630.1012(b))	STATE	STATE
Approval of System Engineering Analysis (for ITS) [23 CFR 940.11]	STATE	STATE
<b>PS&amp;E AND ADVERTISING (Design Phase)</b>		
Approve PS&E [23 CFR 630.201]	STATE	STATE
Authorize advance construction and conversions [23 CFR 630.703 & 709] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve utility or railroad force account work [23 CFR 645.113 & 646.216]	STATE	STATE

<b>PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)</b> <b>(Excluding PoDIs, which are subject to separate PoDI Plans)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
Approve utility and railroad agreements [23 CFR 645.113 & 646.216]	STATE	STATE
Approve use of consultants by utility companies [23 CFR 645.109(b)]	STATE	STATE
Approve exceptions to maximum railroad protective insurance limits [23 CFR 646.111]	STATE	STATE
Authorize (approve) advertising for bids [23 CFR 635.112, 309]	STATE	STATE
<b>CONTRACT ADVERTISEMENT AND AWARD (Design Phase)</b> <b>All contracts to be done by competitive bidding unless otherwise authorized by law</b>		
Approve cost-effectiveness determinations for construction work performed by force account or by contract awarded by other than competitive bidding [23 CFR 635.104 &.204]	STATE	STATE
Approve emergency determinations for contracts awarded by other than competitive bidding [23 CFR 635.104 &.204]	STATE	STATE
Approve construction engineering by local agency [23 CFR 635.105]	STATE	STATE
Approve advertising period less than 3 weeks [23 CFR 635.112]	STATE	STATE
Approve addenda during advertising period [23 CFR 635.112]	FHWA or STATE, whichever approved PS&E	STATE
Concur in award of contract [23 CFR 635.114]	STATE	STATE
Concur in rejection of all bids [23 CFR 635.114]	STATE	STATE
Approval of Design-Build Requests-for-Proposals and Addenda [23 CFR 635.112]	STATE	STATE

<b>PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)</b> <b>(Excluding PoDIs, which are subject to separate PoDI Plans)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
<b>CONSTRUCTION (Construction Phase)</b>		
Approve changes and extra work [23 CFR 635.120]	STATE	STATE
Approve contract time extensions [23 CFR 635.120]	STATE	STATE
Concur in use of mandatory borrow/disposal sites [23 CFR 635.407]	STATE	STATE
Accept materials certification [23 CFR 637.207]	STATE	STATE
Concur in settlement of contract claims [23 CFR 635.124]	STATE	STATE
Concur in termination of construction contracts [23 CFR 635.125]	STATE	STATE
Waive Buy America provisions [23 CFR 635.410] (Note: this action cannot be assumed by State)	FHWA	FHWA
Final inspection/acceptance of completed work [23 USC 114(a)]	STATE	STATE
<b>CIVIL RIGHTS (All phases)</b>		
Approval of Disadvantaged Business Enterprise (DBE) Project Contract Goal set by the State DOT under 49 CFR 26.51(d). [49 CFR 26.51(e)(3)]	STATE	STATE
Acceptance of Bidder's Good Faith Efforts to Meet Contract Goal [49 CFR 26.53] or of Prime Contractor's Good Faith Efforts to Find Another DBE Subcontractor When a DBE Subcontractor is Terminated or Fails to Complete Its Work [49 CFR 26.53(g)] (Note: this action cannot be performed by the FHWA)	STATE	STATE

<b>PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015) (Excluding PoDIs, which are subject to separate PoDI Plans)</b>		
<b>ACTION</b>	<b>AGENCY RESPONSIBLE</b>	
	<b>PROJECTS ON THE NHS</b>	<b>PROJECTS OFF THE NHS</b>
Equal Employment Opportunity (EEO) Contract Compliance Review Approval [23 CFR Part 230, Subpart D]).	FHWA*	STATE
Training Special Provision – Approval of Project Goal for training slots or hours [23 CFR Part 230, Subpart A]	STATE	STATE
Training Special Provision – Approval of New Project Training Programs (Note: this action cannot be assumed by State) [23 CFR 230.111(d), (e)]	FHWA	FHWA
<b>FOOTNOTES:</b>		
<p>(1) State is responsible for ensuring that all individual elements of the project are eligible. FHWA will check that the scope of the project as described in submitted project agreement is eligible for the category of funding sought. All final eligibility and participation determinations are retained by FHWA.</p> <p>(2) If there is a 23 U.S.C. 326 or 325 assignment or PCE agreement, decisions are handled in accordance with those assignments or agreements.</p> <p>(3) State’s process and modifications to, or variation in process, require FHWA approval.</p> <p>(4) Unusual/Complex bridges and structures are those that the Division determines to have unique foundation problems, new or complex designs, exceptionally long spans, exceptionally large foundations, complex hydrologic (including climate change and extreme weather events) aspects, complex hydraulic elements or scour related elements, or that are designed with procedures that depart from currently recognized acceptable practices (i.e., cable-stay, suspension, arch, segmental concrete, moveable, truss, tunnels, or complex geotechnical walls or ground improvement systems)</p>		

## ATTACHMENT B: PROGRAM RESPONSIBILITY MATRIX

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Appropriations, Allotments, Obligations	31 USC 1341(a)(1)(A)& (B); 31 USC 1517(a); 23 USC 118(b), 23 USC 121	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Financial Operations Division	State will monitor appropriations, allotments and obligations to ensure that all funding is used efficiently within each quarter and use all Obligation Authority (OA) by the end of the year.
Approval of Indirect Cost Allocation Plans (ICAPs)	2 C.F.R Part 200, Subpart E;ASMBC-10	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Financial Operations Division	The State will certify that the ICAP was prepared in accordance with 2 CFR 200 Subpart E.
FIRE Program Activities	FHWA Order 4560.1C (or as superseded)	Ongoing		Office of Chief Financial Officer	Finance	Financial Operations Division	State will continue to provide oversight and conduct reviews to ensure Federal-aid compliance. FHWA will review and monitor. State responsibilities include multiple tasks in support of risk assessments, conducting reviews and implementation of recommendations.
Audit Coordination/FHWA Financial Statement Audit/State External Audit Reviews/State Internal Audit Reviews	FMFIA, 2 C.F.R Part 200, Subpart F; ; GAAP, CFO Act of 1990; DOT Order 8000.1C	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Financial Operations Division	State assures corrective action is taken to resolve audit findings and FHWA will monitor activities to ensure implementation.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Improper Payments Review	Improper Payments Information Act of 2002, PL 107-300, Improper Payments Elimination and Recovery Act of 2010, PL 111-204, Improper Payments Elimination and Recovery Improvement Act of 2012, PL 112-248	Annually		Office of Chief Financial Officer	Finance	Financial Operations Division	State will provide all information necessary to document sampled payments and FHWA offices will review and complete appropriate data submittal forms.
Transfer of Funds between programs or to other FHWA offices or agencies as requested by State	23 USC 126, 23 USC 132, and FHWA Order 4551.1	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Financial Operations Division	State will submit requests for transfer and FHWA approves and processes the funding transfers between programs, to other States, to other agencies, and to FHWA HQ, Federal Lands, or Research offices.
Reviews of State Transportation Departments Financial Management Systems - Financial Integrity	23 USC 106(g)(2)(A)	Annually	Not Applicable	Office of Chief Financial Officer	Finance	Financial Operations Division	23 USC 106(g)(2)(A) states that the Secretary shall perform annual reviews that address elements of the State transportation departments' financial management systems that affect projects approved under subsection (a).
Review Adequacy of Sub-recipient Project Delivery Systems and Sufficient Accounting Controls to Manage Federal Funds	23 USC 106(g)(4)(A)(i)	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Financial Operations Division	
Periodic Reviews of States Monitoring of sub-recipients	23 USC 106(g)(4)(B)	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Financial Operations Division / Office of Commission Audits	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of Increased Federal Share Agreement (Sliding Scale)	23 USC 120(b)(2)	As determined by the Federal Share Agreement	Not Applicable	Office of Chief Financial Officer	Finance	Financial Operations Division	A State must enter into an agreement with FHWA for use of the increased Federal share allowable under this section, which must be reviewed and updated periodically as agreed to in the agreement. States must demonstrate that they are in compliance with the statute and the agreement.
Prepare / Review Title VI Plan Accomplishments and Next Year's Goals	23 CFR 200.9(b)(10)	Annually	1-Oct	Office of Civil Rights	Civil Rights	Equal Employment Opportunity Officer / Title VI Specialist	Division office reviews and comments.
Prepare / EEO Contractor Compliance Plan accomplishments and next year's goals	23 CFR 230, Subpart C, Appendix A, Part I, III	Annually	1-Oct	Office of Civil Rights	Civil Rights	Office of Business Development	Division office reviews and comments.
Prepare / Review State Internal EEO Affirmative Action Plan (Title VII) Accomplishments and Goals	23 CFR 230.311	Annually	1-Oct	Office of Civil Rights	Civil Rights	Equal Employment Opportunity Officer / Title VI Specialist	Courtesy copy to HQ.
Review DBE Program Revisions	49 CFR 26.21(b)(2)	As needed	Not Applicable	Office of Civil Rights	Civil Rights	Office of Business Development	Division sends to HCR for review and approval as
Prepare / DBE Uniform Awards and Commitment Report	49 CFR 26, Appendix B	Semi-Annual	June 1st December 1st	Office of Civil Rights	Civil Rights	Office of Business Development	Division Office reviews and sends to HCR
Prepare / Annual Analysis and Corrective Action Plan (if necessary)	49 CFR 26.47(c)	Annual (as necessary)	December 31st	Office of Civil Rights	Civil Rights	Office of Business Development	Division Office approves sends copy to HCR
Prepare / State DBE Program Goals	49 CFR 26.45(f)(1)	Triennial	August 1st	Office of Civil Rights	Civil Rights	Office of Business Development	Division reviews and approves; HCC provides legal sufficiency review and approval sends copy to HCR

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Prepare / Review On-the-Job-Training (OJT) goals & accomplishments	23 CFR 230.111(b)	Annually	TBA	Office of Civil Rights	Civil Rights	Office of Business Development	Division office reviews and comments.
Approval of OJT and DBE Supportive Services fund requests	23 CFR 230.113 & 23 CFR 230.204	Annual	TBA	Office of Civil Rights	Civil Rights	Office of Business Development	Division recommends approval submits to HCR for final approval
Return of any unused discretionary grant program funding	23 CFR 230.117(2)	Annual	TBA	Office of Civil Rights	Civil Rights	Office of Business Development	Division works with HCR and CFO
Prepare / Review of Report on Supportive Services (OJT & DBE)	23 CFR 230.113(g), 230.121(e), 230.204(g)(6)	Quarterly		Office of Civil Rights	Civil Rights	Office of Business Development	Division office reviews and comments.
Prepare / Review Annual Contractor Employment Report (Construction Summary of Employment Data (Form PR-1392)	23 CFR 230.121(a); Appendix D to Subpart A, Part 230, General Information and Instructions	Annually	1-Dec	Office of Civil Rights	Civil Rights	Office of Business Development	Recommendation sent to HQ for approval.
Prepare / Review State DOT Employment Statistical Data (EEO-4)	23 CFR, Subpart C, Appendix A	Biannual	1-Dec	Office of Civil Rights	Civil Rights	Equal Employment Opportunity Officer / Title VI Specialist	Report sent to HQ quarterly for informational purposes and recommendation sent to HQ annually for approval.
Prepare / Review Annual Federal Projected Awards Reports - Historically Black Colleges & Universities/Tribal Colleges & Universities/Hispanic Serving Institutes, American Indian Alaskan Native, Asian Pacific & American Islander.	Presidential Executive Orders: 13230, 13256, 13270, 13361, 13515	Annual	TBA	Office of Civil Rights	Civil Rights	Office of Business Development	Divisions submit data to HCR who prepares report for DOCR
Prepare / Review ADA Complaint Reports of Investigation	28 CFR 35.190	As needed	Not Applicable	Office of Civil Rights	Civil Rights	Equal Employment Opportunity Officer / Title VI Specialist	Division office reviews, FHWA HQ approves and issues finding.



Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Review Americans with Disabilities Act (ADA) /Sec. 504 Program Plan accomplishments and next year's goals	49 CFR 27.11(c), EO 12250	Annually	1-Oct	Office of Civil Rights	Civil Rights	Equal Employment Opportunity Officer / Title VI Specialist	Division office reviews and comments.
Return of unexpended funds used for Summer Transportation Institutes	23 CFR 230.117(2)	Annual	August 30; however, State procurement rules may govern	Office of Civil Rights	Civil Rights	Office of Business Development	Divisions work with HCR and CFO
Prepare / Review Request for National Summer Transportation Institute (NSTI) Proposals (SOWs)	23 USC 140(b)	Annual	TBA	Office of Civil Rights	Civil Rights	Office of Business Development	Divisions recommend approval. HCR gives final approval
Prepare / Review NSTI Report (questionnaire)	23 USC 140(b)	Annual	October 15th	Office of Civil Rights	Civil Rights	Office of Business Development	Divisions provide to HCR
Receipt of State Consultation Process with Tribal Governments	23 CFR 450.210(c)	As needed	Not Applicable	Office of Federal Lands Highway	Civil Rights / Local Programs Manager	Tribal Affairs Coordinator	Informational Purposes.
Approval of Contracting Procedures for Consultant Selection	23 CFR 172.5 & 172.9	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Contract Services Division	FHWA Division Office Approval.
Determination of High Risk Categories - Limitation on Interstate Projects	23 USC 106(c)(4)(B)	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Bureau of Highway Development	Office of Program Administration determines national categories and must concur on any State designations.
Approval of State 3R Program	23 CFR 625.4(a)(3), 23 USC 109(n)	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Chief Operations Officer	FHWA Division Office Approval.
Verify adoption of Design Standards (National Highway System, including Interstate)	23 CFR 625, 23 USC 109(b), 23 USC 109(c)(2), 23 USC 109(o)	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Design Division	FHWA HQ regulatory action to adopt NHS standards.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of preliminary plans of Major and Unusual Bridges on the Interstate Highway System	(M1100.A)	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Bureau of Highway Development	Director of HIBT has approval of preliminary plans of Major and Unusual Bridges on the Interstate Highway System (M1100.A)
Approval of State Standard Specifications	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Bureau of Highway Development	FHWA Division Office Approval.
Verify State Design Exception Policy complies with FHWA Policy	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Design Division	FHWA Division Office Approval.
Approval of State Standard Detail Plans	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Design Division	FHWA Division Office Approval.
Approval of Pavement Design Policy	23 CFR 626.3	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Design Division	FHWA Division Office Approval.
Review of Value Engineering Policy and Procedures	23 CFR 627.1(b)&(c), 23 CFR 627.7 FHWA Order 1311.1B	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Bureau of Highway Development	FHWA Division Office Review.
Review of Value Engineering Annual Report	23 CFR 627.7, FHWA Order 1311.1B	Annual	Not Applicable	Office of Infrastructure	Engineering and Operations	Bureau of Highway Development	FHWA Division Office collects, reviews, and submits to HQ for review and reporting.
Review and Approval of Interstate Access Requests	23 USC 111, 23 CFR 710, 74 FR 43743-43746 (Aug. 27, 2009)	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Bureau of Highway Development	FHWA Division Office approval with concurrence from HQ on more complex access requests.
Approval of Liquidated Damages Rate	23 CFR 635.127	Every 2 years	Not Applicable	Office of Infrastructure	Engineering and Operations	Bureau of Finance & Administration	FHWA Division Office Approval.
Approval of Quality Assurance Program	23 CFR 637.205	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Construction Field Services Division	State administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Assure Central Laboratory accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Construction Field Services Division	State administrators, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Assure Non-STD designated lab performing Independent Assurance sampling and testing accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Construction Field Services Division	State administrators, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Assure Non-STD designated lab used in dispute resolution accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Construction Field Services Division	State administrators, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Review Independent Assurance Annual Report	23 CFR 637.207	Annually	1-Mar	Office of Infrastructure	Engineering and Operations	Construction Field Services Division	State administrators, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Assure Labor Compliance - Prevailing Wage Rate	23 USC 113	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations/Civil Rights	Construction Contracts Unit	FHWA Division Office Review and Approval

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Determination of Eligible Preventive Maintenance Activity - Cost-Effective Means of Extending Useful Life Determination	23 USC 116(e)	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Construction Field Services Division	FHWA Division Office Approval
Approval of Utility Agreement / Alternate Procedure	23 CFR 645.119	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Development Services Division	FHWA Division Office Approval
Approval of Utility Accommodation Policy	23 CFR 645.215, 23 USC 109(l), 23 USC 123	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Development Services Division	FHWA Division Office Approval
Review Bridge Construction, Geotechnical, and Hydraulics	23 CFR 650	As needed	Not Applicable	Office of Infrastructure	Program Development	-Bureau of Field Services	
Review Plans of Corrective Action established to address NBIS compliance issues	23 CFR 650, 23 USC 144	Annually		Office of Infrastructure	Engineering and Operations	Bureau of Field Services	Division office performs annual compliance review and reports results to HQ.
Review NBI Data Submittal	23 CFR 650 Subpart C, Annual Memo from HQ, 23 USC 144	Annually	1-Apr	Office of Infrastructure	Engineering and Operations	Operations Field Services	Division resolve errors with States; States submit to HQ.
Review structurally deficient bridge construction Unit Cost submittal	23 USC 144	Annually	1-Apr	Office of Infrastructure	Program Development	Operations Field Services	Submit to HQ.
Review Section 9 of the Rivers and Harbors Act Submittals (Bridge Permits)	23 CFR 650 Subpart H; 33 CFR 114 & 115	As needed	Not Applicable	Office of Infrastructure	Program Development	Operations Field Services	
Approval for reduction of expenditures for off-system bridges	23 USC 133(g)(2)(B)	As needed	Not Applicable	Office of Infrastructure	Program Development	Highway Field Services	The FHWA Administrator may reduce the requirement for expenditures for off-system bridges if the FHWA Administrator determines that the State has inadequate needs to justify the expenditure.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Determination on Adequacy of State's Asset Management Plan	23 USC 119(5)	Annually beginning second fiscal year after establishment of the process		Office of Infrastructure	Engineering and Operations	Bureau of Transportation Planning	
Certification and Recertification of States Process for Development of State Asset Management Plan	23 USC 119(6)	Recertification every four years after establishment of the process		Office of Infrastructure	Engineering and Operations	Bureau of Transportation Planning	
Review Reporting on Performance Targets	23 USC 150(e)	Beginning four years after enactment of MAP-21 and biennially thereafter		Office of Infrastructure	Program and Management Analyst	Bureau of Transportation Planning	
Review National Highway System Performance Achievement Plan for Actions to achieve the targets (when State does not achieve or make significant progress toward achieving)	23 USC 119(7)	Required if State does not achieve targets (or significant progress) for 2 consecutive reports		Office of Infrastructure	Program and Management Analyst	Bureau of Transportation Planning	
States and sub-recipient failure to maintain projects - Notice and withholding Federal-aid Funds	23 USC 116(d)	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Bureau of Field Services	
Emergency Relief (ER) Damage Assessments and Reports	23 CFR 668 23 USC 120 and 125	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Bureau of Field Services	Perform with State.
Toll Credit and Maintenance of Effort (MOE) Calculation and Agreement	23 USC 120(i)	Annually		Office of Infrastructure	Finance	Financial Operations Division	State will calculate the amount of eligible toll credit and submit for approval. FHWA will review and approve the request.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Local Public Agency (LPA) Oversight	2 CFR 200.331; 23 USC 106(g)(4)	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Local Agency Programs	States are responsible to ensure that LPAs are aware of all the applicable Federal-aid Program requirements; States are responsible to ensure monitoring and oversight to assure compliance with Federal requirements. 23 USC further reinforces stressing accountability on "project delivery systems" and "accounting controls."
Approval to Sell, Lease or Otherwise Dispose of a Ferry Purchased with Federal-aid Funds	23 USC 129 (c)(6)	As needed	Not Applicable	Office of Infrastructure	Engineering and Operations	Bureau of Transportation Planning	Division Office reviews and submits for Office of Program Administration for Administrator Approval
Territorial Highway Program - Approval of Territory Agreement	23 USC 165(c)(5)	Reviewed and Revised as needed every two years		Office of Infrastructure	Engineering and Operations	Bureau of Transportation Planning	Division Office works with Office of Program Administration and HCC
TIFIA Credit Program	23 USC 601-609	As needed	Not Applicable	Office of Innovative Program Delivery	Finance	Financial Operations Division	Project sponsors submit requests for credit assistance to the TIFIA JPO for review; approval by the Secretary
GARVEEs	23 USC 122; GARVEE Guidance 3/14	As needed	Not Applicable	Office of Innovative Program Delivery	Finance	Financial Operations Division	MOUs strongly suggested for each GARVEE issue. FM contacts OIPD for review/concurrence before final approval
State Infrastructure Banks	NHS Act Section 308; 23 USC 610; SIB Guidance 3/14	Annual Report	Not Applicable	Office of Innovative Program Delivery	Finance	Economic Development and Enhancement	Division sends copy of report to OIPD. SIB submits annual report to Division Office.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Section 129 Tolling Authority Requests	23 USC 129(a)	As needed	Not Applicable	Office of Innovative Program Delivery	Engineering and Operations	Bureau of Finance & Administration	At the option of the project sponsor, may execute a Tolling Eligibility MOU with the Division Office; HIN coordinates FHWA HQ review
Section 166 HOV/HOT Lanes Tolling Authority Requests	23 USC 166(d)	As needed	Not Applicable	Office of Innovative Program Delivery	Engineering and Operations	Bureau of Finance & Administration	At the option of the project sponsor, may execute a Tolling Eligibility MOU with the Division Office; HIN coordinates FHWA HQ review
Value Pricing Pilot Program Tolling Authority Requests	ISTEA Section 1012(b)	As needed	Not Applicable	Office of Innovative Program Delivery	Engineering and Operations	Bureau of Finance & Administration	Requests submitted to HIN to coordinate review; approval by the Administrator
Interstate System Reconstruction and Rehabilitation Pilot Program Tolling Authority Requests	TEA-21 Section 1216(b)	As needed	Not Applicable	Office of Innovative Program Delivery	Engineering and Operations	Bureau of Finance & Administration	Applications submitted to HIN to coordinate review; approval by the Administrator
Annual Audit of Toll Facility Records and Certification of Adequate Maintenance - Report Submittal	23 USC 129(a)(3)(B); TEA-21 Section 1216(b)(5)(B); SAFETEA-LU Section 1604(b)(3)(A); ISTEA Section 1012(b)(3)	Annually		Office of Innovative Program Delivery	Finance	Bureau of Finance & Administration	Division Office to receive the reports.
Project Management Plan (Major Projects)	23 U.S.C. 106(h)(2)	Prior to first federal authorization of construction funds for a Major Project	Not Applicable	Office of Innovative Program Delivery	Division Office will conduct concurrent review with HQ Office of Innovative Program Delivery.	State DOT or Project Sponsor will prepare and submit Project Management Plan.	Division Office will provide approval after receiving concurrence from HQ Office of Innovative Program Delivery.
Financial Plan (Major Projects)	23 U.S.C. 106(h)(3)	Prior to first federal authorization of construction funds for a Major Project and then annually.	Annually as noted in the approved Initial Financial Plan	Office of Innovative Program Delivery	Division Office will conduct concurrent review with HQ Office of Innovative Program Delivery.	State DOT or Project Sponsor will prepare and submit annual Financial Plans.	Division Office will provide approval after receiving concurrence from HQ Office of Innovative Program Delivery.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Financial Plan (Other Projects)	23 U.S.C. 106(i)	Prior to first federal authorization of construction funds for an Other Project and then annually.	Annually as noted in the approved Initial Financial Plan	Office of Innovative Program Delivery	Division Office will review and approve Financial Plans for Other Projects in accordance with its stewardship and oversight agreement with the MDOT or Project Sponsor.	State DOT or Project Sponsor will prepare and submit annual Financial Plans to the Division Office, only upon request.	Other Projects are defined as projects with an estimated total cost of \$100 million or more that have not been designated as Major Projects.
Review Designation and Re-designation of Primary Freight Network	23 USC 167(d)	One year after enactment of MAP-21 and every ten years thereafter		Office of Operations	Program Development	Intermodal Policy Section	Under development, initial PFN designation scheduled for Spring 2014 completion.
Review Development and Update of National Freight Strategic Plan	23 USC 167(f)	Three years after enactment of MAP-21 and every five years thereafter		Office of Operations	Program Development	Intermodal Policy Section	OST lead
Review Freight Transportation Conditions and Performance Report	23 USC 167(g)	Two years after enactment of MAP-21 and every two years thereafter		Office of Operations	Program Development	Intermodal Policy Section	OST lead
Review HOV Operations Report for Tolled Use and Low-Emission and Energy-Efficient Vehicle Use	23 USC 166(d)	Annually		Office of Operations	N/A	N/A	
Congestion Partnerships Assessment	Annual Memo from HQ	Annually	1-Jul	Office of Operations	Program Development	Bureau of Transportation Planning	Complete with partners and forward to HQ.
Traffic Incident Management Self-Assessment	Annual Memo from HQ	Annually	1-Jul	Office of Operations	Program Development	System Operation and Management	Complete with partners and forward to HQ.



Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Work Zone Self-Assessment	Annual Memo from HQ	Annually	7/1/2013, This project is currently on hiatus and has not been determined whether it will be reestablished or not.	Office of Operations	Program Development	System Operation and Management	Complete with partners and forward to HQ.
Approval of State-Prepared Manual on Uniform Traffic Control Devices - State Traffic Control Manuals	23 CFR 655.603, 23 USC 109(d)	As needed	Not Applicable	Office of Operations	Program Development	Bureau of Development	
Review Vehicle Size & Weight Enforcement Plan	23 CFR 657.11, 23 USC 127	Annually	1-Oct	Office of Operations	Program Development	Bureau of Development	
Review Vehicle Size & Weight Enforcement Certification	23 CFR 657.13, 23 USC 141	Annually	1-Jan	Office of Operations	Program Development	Bureau of Development	
Approval of National Network Modifications	23 CFR 658.11	As needed	Not Applicable	Office of Operations	Program Development	Bureau of Development	
Intelligent Transportation System Architecture & Standards	23 CFR Part 940	As needed	Not Applicable	Office of Operations	Program Development	Bureau of Field Services	
Approval of Work Zone Significant Project Determination	23 CFR 630.1010	As needed		Office of Operations	Engineering and Operations	Bureau of Field Services	
Approval of Exceptions to Work Zone Procedures for Interstate Projects	23 CFR 630.1010	As needed		Office of Operations	Engineering and Operations	Bureau of Field Services	
Approval of Work Zone Policy and Procedures Conformance Review	23 CFR 630.1014	At appropriate intervals		Office of Operations	Program Development	Bureau of Field Services	
Process Review of Work Zone Safety and Mobility Procedures	23 CFR 630.1008, 23 USC 109(e)(2), 23 USC 112(g)	Every 2 years		Office of Operations	Program Development	Bureau of Field Services	
Approval of State Planning Work Program and Revisions (Part 1)	23 CFR 420.111, 23 CFR 420.115, and 23 CFR 420.209	Annually	Prior to Program Period	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	FHWA Division Office Approval.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of State Research and Development Work Program (Part 2)	23 CFR 420.111, 23 CFR 420.115, and 23 CFR 420.209	Annually	Prior to Program Period	Office of Planning, Environment & Realty	Engineering and Operations	Bureau of Transportation Planning	FHWA Division Office Approval.
Approval of State's Distribution of Planning Funds Formula - Allocation Formulas for PL Funds	23 CFR 420.109, 23 USC 104(d)(2)(A)(i)	When Revised	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	FHWA Division Office Approval.
Review of State Public Involvement Procedures	23 CFR 450.210(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	FHWA Division Office Review to Assure Compliance.
Receipt of State Consultation Process for Non- metropolitan Local Officials	23 CFR 450.210(b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Informational Purposes.
Review of Long-range Statewide Transportation Plan	23 CFR 450.214	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	FHWA Division Office Review to Assure Compliance.
Approval of Statewide Transportation Improvement Program (STIP)	23 CFR 450.216, 23 CFR 450.218(a) & (c), 23 USC 135(g)(7)	At least every 4 years	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Joint FHWA and FTA approval.
Approval of STIP Amendments	23 CFR 450.218(a) & (c)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Joint FHWA and FTA approval.
Finding of Consistency of Planning Process with Section 134 and 135	23 USC 135(g)(8), 23 CFR 450.218(b)	Concurrent with STIP approval	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	FHWA and FTA issue a joint finding concurrent with STIP approval.
Review of State Self-certification that Planning Process is in Accordance with Applicable Requirements	23 CFR 450.218(a)	Submitted with proposed STIP or STIP amendments	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Received with STIP.
Approval of Transportation Management Area (TMA) MPO Unified Planning Work Programs (UPWP)	23 CFR 450.308(b) and 23 CFR 420 (Subpart A)	Prior to Program End	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	
Approval of Non-TMA UPWA	23 CFR 450.308(b) and 23 CFR 420 (Subpart A)	Prior to Program End	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	May use simplified work statement.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of UPWP Revisions and Amendments (All MPO's)	23 CFR 420.115	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	
Review of UPWP Performance and Expenditure Reports (All MPO's)	23 CFR 420.117(b)	Not more frequently than quarterly	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	
Approval of Report Before Publication (All MPO's)	23 CFR 420.117(e)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Waiver may be granted.
Approval to use Planning Funds outside Urbanized Areas for States Receiving Minimum Apportionment	23 USC 104(d)(1)(A)(ii)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	
Review of Metropolitan Planning Area Boundary (Establishment and Changes)	23 CFR 450.312	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Approval by MPO and the Governor, shape files forwarded to HQ. (Comment: No action is required by FHWA/FTA).
Review of Metropolitan Transportation Planning Organizations (MPO) Designation and Re-designation	23 CFR 450.310	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Require agreement between Governor and local governments.
Review of Metropolitan Planning Agreements (MPA) for Attainment or Entire Nonattainment Area	23 CFR 450.314(a)	When Completed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Between MPO/State DOT/Transit Operator. Included in UPWP or Prospectus (23 CFR 450.314(d)).
Review of MPA - for MPA that do not include the entire nonattainment or maintenance area	23 CFR 450.314(b), 23 USC 109(j)	When Completed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Between MPO/State DOT/State AQ Agency.
Review of MPO Public Participation Procedures	23 CFR 450.316(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Must be developed and published.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Review of Metropolitan Transportation Plan (MTP) in Attainment Areas (and Updates)	23 CFR 450.322	Every 4 years	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	
Review of MTP in Non-Attainment and Maintenance Areas (and Updates)	23 CFR 450.322	Every 5 years	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	
Review of MTP Amendments	23 CFR 450.322(c)	As Needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	
Air Quality Conformity Determination on LRTP in Non-attainment and Maintenance Areas	23 CFR 450.322(d)	Concurrent with LRTP updates at least every 4 years and as needed on amendments	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	After receipt of MPO determination; Joint FHWA and FTA determination; In consultation with the Environmental Protection Agency (EPA).
Review of Transportation Improvement Program (TIP)	23 CFR 450.300(a); 23 CFR 450.324(b); 23 CFR 450.328(a), 23 USC 134(j)(1)(D)	Prior to Program Period	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	No succinct Federal approval action is required for the TIP. FHWA/FTA approval of the TIP is through the STIP approval process.
Review of TIP Amendments	23 CFR 450.324(a); 23 CFR 450.328(b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	No succinct Federal approval action is required for the TIP. FHWA/FTA approval of the TIP is through the STIP approval process.
Approval of Air Quality Conformity Determination on TIP	23 CFR 450.326; 23 CFR 450.328	At least every 4 years, or when the TIP has been modified (unless exempt projects)	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Applies to non-attainment and maintenance areas only. After receipt of MPO determination, joint determination with FTA (in cooperation with EPA).

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Federal Finding of Consistency of Planning Process with Section 134 and 135	23 CFR 450.218(b); 23 CFR 450.334(a)	Concurrent with (S)TIP submittal	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	At least every four years, joint finding with FTA when TIP is submitted.
In Metropolitan Planning Areas, Review of State and MPO Self-certification that Planning Process is in Accordance with Applicable Requirements	23 CFR 450.334 (a), 23 CFR 218(a)	Annually or concurrent with the STIP/TIP cycle	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Required for all MPO's. May be included in the STIP, TIP, or UPWP, at least every 4 years.
In TMA's, Certification that Planning Process is in Accordance with Applicable Requirements	23 CFR 450.334(b), 23 USC 134(k)(5)	Every 4 years		Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Joint FHWA and FTA Certification.
Approval of Federal-Aid Urban Area Boundaries	23 CFR 470.105 (a), 23 USC 101(a)(33)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	
Approval of Revision of Functional Classification	23 CFR 470.105 (b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	
Approval by Administrator of Interstate Additions & Revisions	23 USC 103(c)(1)(D), 23 CFR 470.111, 23CFR 470.115 (a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Approval by HQ – Administrator.
Approval by Office Director of National Highway System (NHS) Additions and Revisions	23 USC 103(b)(3), 23 CFR 470.113 and 470.115(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Approved by HQ - Office Director.
Review of CMAQ Annual Report	CMAQ Guidance Memo October 31, 2006	Annually	1-Mar	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Division provides information on CMAQ projects including: amount of obligation, project description and location, and air quality benefits. The report must be submitted via the web-based CMAQ Tracking System.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Transportation Planning Excellence Awards		Annually	1-Feb	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	Call for entries for the FHWA FTA Transportation Planning and Excellence Awards.
Approval of Local Technical Assistance Program (LTAP) Centers Work Plan and Budget	FHWA LTAP Field Manual	Annually	31-Mar	Office of Planning, Environment & Realty	Engineering and Operations	Local Agency Programs	FHWA HQ approval.
Approval of Public Involvement Program Procedures	23 CFR 771.111(h), 23 USC 128	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Transportation Planning	
Approval of NEPA Procedures, including Section 4(f)	23 CFR 771; 23 CFR 774; SAFETEA-LU 6007 & 6009, 23 USC 109(h)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Highway Development	
Approval of Noise Policies	23 CFR 772.7, 772.9, and 772.13, 23 USC 109(i)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Bureau of Highway Development	FHWA approves State' noise abatement policy.
EIS Status Updates	FHWA Strategic Goal - EIS Timeliness	Quarterly	(Fiscal Year - Oct, Jan, Apr, Jul)	Office of Planning, Environment & Realty	Program Development	Bureau of Highway Development	Monitor time required to complete EIS's. Determine projects which have exceeded recommended timeline (3 years). Identify projects which should be listed as dormant. Submit to HEPE.
Endangered Species Act Cost Report		Annually	1-Mar	Office of Planning, Environment & Realty	Program Development	Bureau of Highway Development	
Exemplary Ecosystem Initiatives Applications		Annually	1-Apr	Office of Planning, Environment & Realty	Program Development	Bureau of Highway Development	
Approval of Acquisitions, Appraisals, and Relocations Program and Procedures	49 CFR Part 24, The UA	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Development Services Division	
Early Acquisitions	23 CFR 710.501	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Development Services Division	
Local Public Agency Oversight	49 CFR 24.4(b); 23 CFR 710.201	As needed	Not Applicable	Office of Planning, Environment &	Program Development	Local Agency Programs	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
				Realty			
Approval of Highway Facility Relinquishment	23 CFR 620.203	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Development Services Division	
Approval of ROW Disposal Authorization Request	23 CFR 710.409	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Development Services Division	
Approval of ROW Operations Manual (Organization, Policies and Procedures), Updates, and Certification	23 CFR 710.201	January 1, 2001 and every 3 years thereafter or as required by changes in State law or Federal regulation or law	Not Applicable	Office of Planning, Environment & Realty	Program Development	Development Services Division	
Approval of Exception to Charging Fair Market Value	23 CFR 710.403 and 23 CFR 710.409	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Development Services Division	
Approval of Interstate Real Property Use Agreements	23 CFR 710.405	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Development Services Division	
Approval of Request for Federal Land Transfer	23 CFR 710.601	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Development Services Division	
Approval of Request for Direct Federal Acquisition	23 CFR 710.603	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Development Services Division	
Approval of Outdoor Advertising Policies and Procedures, and Regulation and Procedure Approval	23 CFR 750.304, 23 CFR 750.705, 23 USC 131	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Development Services Division	
Approval of Requests to Exempt Certain Nonconforming Signs, Displays, and Devices	23 CFR 750.503	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Development Services Division	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Approval of Railroad Agreement Alternate Procedure	23 CFR 646.220	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Office of Rail	
Approval of Uniform Act Waivers and Waivers from Availability of Comparable Replacement Dwelling before Displacement	49 CFR 24.7, 49 CFR 24.204(b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Program Development	Development Services Division	Requests reviewed and approved by HEPR Office Director.
Review of Uniform Relocation Assistance & Real Property Acquisition Report -(OMB Form 2125-0030)	49 CFR 24.9c & Appendix B 49 CFR 24.603	Annually	15-Nov	Office of Planning, Environment & Realty	Program Development	Development Services Division	Submitted to FHWA Headquarters (HQ).
Review of Real Property Acquisition Statistical Report	FHWA Order 6540.1	Annually	15-Nov	Office of Planning, Environment & Realty	Program Development	Development Services Division	
Approval of Management Process and Project Selection Procedures and Certification for Research, Development & Technology Transfer Program and Revisions to Process	23 CFR 420.115 and 23 CFR 420.209	As needed	Not Applicable	Office of Planning, Environment & Realty	Engineering and Operations	Bureau of Field Services-Research Administration	FHWA Division Office Approval.
Periodic Review of States Management Process of the Research, Development & Technology Transfer Program	23 CFR 420.209	Periodic	Not Applicable	Office of Planning, Environment & Realty	Engineering and Operations	Bureau of Field Services-Research Administration	FHWA Division Office Periodic Review.
Approval of Performance and Expenditure Reports for SPR Research Work Programs	23 CFR 420.117	No less frequently than annual and no more frequently than quarterly	90 Days After End Of Period	Office of Planning, Environment & Realty	Engineering and Operations	Bureau of Field Services-Research Administration	FHWA Division Office Approval.
Approval of SPR research reports	23 CFR 420.117	Prior to publication unless prior approval is waved	Not Applicable	Office of Planning, Environment & Realty	Engineering and Operations	Bureau of Field Services-Research Administration	FHWA Division Office Approval unless waived.



Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Annual Traffic Reports	Traffic Monitoring Analysis System and Traffic Monitoring Guide reporting	When Published	As needed	Office of Highway Policy information	Program Development	Bureau of Field Services	When Published
Approval of Annual Field Review Report	HPMS Field Review Guidelines (June 2001) Continuous Process Improvement Model for HPMS( February 2003)	Annually	1-Nov	Office of Highway Policy information	Engineering and Operations	Bureau of Field Services	Review memo to HQ.
Approval of Certified Public Road Mileage	23 CFR 460.3(b)	Annually	1-Jun	Office of Highway Policy information	Engineering and Operations	Bureau of Field Services	Each year, the Governor of each State and territory or a designee must certify Public Road Mileage. FHWA division reviews the Mileage and sends to HQ with division review/concurrence. This is reported to NHTSA for Apportionment of Safety Funds.
Approval of Data Submittal	23 CFR 420.105(b), HPMS Field Manual	Annually	15-Jun	Office of Highway Policy information	Engineering and Operations	Bureau of Field Services	State DOT sends directly to Division Office and HQ.
Highway Statistics Reports	Guide to Reporting Highway Statistics			Office of Highway Policy information	Finance	Financial Operations Division	State DOT of Division Office sends directly to HQ.
Motor Fuels Report	A Guide to Reporting Highway Statistics, Chapter 2	Due 60 days after end of each reporting month		Office of Highway Policy information	Finance	Michigan Department of Treasury	
Vehicles and Drivers (561, 562, 566, and 571)	A Guide to Reporting Highway Statistics, Chapters 3, 4, 5, and 6	1-Apr	1-Apr	Office of Highway Policy information	Finance	Bureau of Finance & Administration	
Finance (531, 532, 541, 542, and 543 (optional))	A Guide to Reporting Highway Statistics, Chapters 8 and 9	1-Apr	1-Apr	Office of Highway Policy information	Finance	Bureau of Finance & Administration	
Transportation Bond Referendums	A Guide to Reporting Highway Statistics, Chapter 9	When Published	When Published	Office of Highway Policy information	Finance	Bureau of Finance & Administration	

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
State DOT / Toll Authority Audits and Published Annual Reports and Form 539 (optional)	A Guide to Reporting Highway Statistics, Chapter 10	When Published	When Published	Office of Highway Policy information	Finance	Bureau of Finance & Administration	Annually, Due as soon as available.
Finance (536)	A Guide to Reporting Highway Statistics, Chapter 11	30-Sep	30-Sep	Office of Highway Policy information	Finance	Bureau of Finance & Administration	Biennially for odd-numbered years. Due nine months after end of reporting year
Finance (534)	A Guide to Reporting Highway Statistics, Chapter 12	15-Jun	15-Jun	Office of Highway Policy information	Finance	Bureau of Finance & Administration	Annually for State, Biennially for local
Highway Finance and Tax Legislation	A Guide to Reporting Highway Statistics, Chapter 13	When Published	When Published	Office of Highway Policy information	Finance	Bureau of Finance & Administration	
State DOT Budgets and Published Annual Reports	A Guide to Reporting Highway Statistics, Chapter 13	When Published	When Published	Office of Highway Policy information	Finance	Bureau of Finance & Administration	
Motor Fuel Oversight Review	July 24, 2001 HQ Memo	Initial baseline reports no later than December 31, 2003		Office of Highway Policy information	Finance	Bureau of Finance & Administration	Annual progress reports and statement of verification by June 30. Submitted via UPACS.
Review of Biennial - Toll Facilities in the United States	23 CFR 450.105(b) HPMS Field Manual	Biennially - Odd Years	June 15 (Odd Years)	Office of Highway Policy information	Finance	Bureau of Finance & Administration	Division Office sends to HQ.
State Highway Maps (Tourist)		When Published	When Published	Office of Highway Policy information	Executive Coordination Unit	Bureau of Field Services	Two copies to each Division Office and 100 copies to HQ.
Traffic Flow Maps		When Published		Office of Highway Policy information	Program Development	Bureau of Field Services	When Published.
Vehicle Classification Data	MAP-21, HPMS Field Manual, Traffic Monitoring Guide	15-Jun	15-Jun	Office of Highway Policy information	Engineering and Operations	Bureau of Finance & Administration	Part of Annual HPMS submittal.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Highway Use Tax Evasion Grant Awards	23 USC 143	Annual	Not Applicable	Office of Highway Policy information	Finance	Michigan Department or Treasury	FHWA along with the Internal Revenue Service will review applications and select awardees for projects designed to reduce or eliminate fuel tax evasion. FHWA will also review annual progress reports on projects.
Heavy Vehicle Use Tax (HVUT) – Certification of verifying proof-of-payment of HVUT	23 CFR 669.7	1-Jul	1-Jul	Office of Highway Policy information	Finance	Michigan Secretary of State	Each year, the Governor of each State, or a designee must certify that the State is verifying that the HVUT has been paid before they issue or renew registrations on vehicles over 55,000 lbs. The HVUT program is administered by the Internal Revenue Service.
Heavy Vehicle Use Tax (HVUT) – Certification of verifying proof-of-payment of HVUT	23 CFR 669	Annual	1-Jan	Office of Highway Policy information	Finance	Michigan Secretary of State	Each year, the Governor of each State, or a designee must certify that the State is verifying that the HVUT has been paid before they issue or renew registrations on vehicles over 55,000 lbs. The HVUT program is administered by the Internal Revenue Service.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Heavy Vehicle Use Tax (HVUT) – Triennial review of State program	23 CFR 669.21	Triennial	Not Applicable	Office of Highway Policy information	Finance	Michigan Secretary of State	Every 3 years, the local Division Office will perform a review of the State process for verifying that the HVUT has been paid before a registration can be issued or renewed for vehicles over 55,000 lbs. The HVUT program is administered by the Internal Revenue Service.
Permanent ATR Data	Heavy Vehicle Travel Information System Field Manual	Monthly	Monthly	Office of Highway Policy information	Program Development	Bureau of Transportation Planning	Submit monthly, within 20 days after the close of the month for which the data were collected.
Continuous Automatic Vehicle Classifier Data	Heavy Vehicle Travel Information System Field Manual	Monthly	Monthly	Office of Highway Policy information	Program Development	Bureau of Transportation Planning	Send up to one week of data per quarter
Weight and Vehicle Classification Data Collected at Weigh-in-motion sites	Heavy Vehicle Travel Information System Field Manual	15-Jun	As needed	Office of Highway Policy information	Program Development	Bureau of Transportation Planning	WIM data collected at non-continuous sites during a year should be submitted by June 15 of the following year. If continuous WIM data are available, then up to one week of data per quarter.
Approval of MAP-21 compliant SHSP update within the legislatively required timeframe.	23 U.S.C. 148 (d)(2)(B)	Non Recurring	By Aug. 1 of the fiscal year after the HSIP final rule is established	Office of Safety	Program Development	Bureau of Transportation Planning	FHWA Division Offices provide copy of SHSP process approval letter to HQ.
Highway Safety Improvement Program (HSIP) and Railway-Highway Crossing Program (RHCP) Reports	23 USC 148(h), 23 CFR 924.15	Annually	31-Aug	Office of Safety	Program Development	Design Division	As per MAP-21 guidance, reports are due to FHWA Division Office by August 31st and to the Office of Safety by September 30.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Transportation Performance Management (TPM) for Safety	23 USC 150, 23 USC 134, 23 USC 135, 23 USC 148(i)	Annually	31-Aug	Office of Safety	Program Development	Design Division	Per MAP-21, States and MPOs must set targets for established measures. Targets must be assessed for achievement
Review Drug Offender Driver's License Suspension Law & Enforcement Certification (Section 159)	23 USC 159 23, CFR 192.5	Annually	1-Jan	Office of Safety	Program Development	Design Division	Certifications due to the Division Office by January 1.
Section 154/164 Compliance Status - Funds Reservation	23 USC 154 and 23 USC 164	Annually	30-Oct	Office of Safety	Program Development	Design Division	States must submit a Shift letter to the Division Office by Oct. 30 indicating how to apply the penalty. New penalty states have additional time. The Office of Safety processes the compilation of information in a memo to the CFO.
Review Safety Belt Compliance Status	23 USC 153, 23 CFR 1215.6	Annually	Annually	Office of Safety	Program Development	Design Division	NHTSA
High Risk Rural Roads (HRRR) Special Rule	23 USC 148(g)(1)	Annually	Annually	Office of Safety	Program Development	Design Division	After the final FARS and HPMS data are available, FHWA HQ will inform the States if the HRRR Special Rule applies for the following FY.

Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	State DOT Responsible Program Office	Remarks
Older Drivers and Pedestrians Special Rule	23 USC 148 (g)(2)	Annually	31-Aug	Office of Safety	Program Development	Design Division	States should include in their annual HSIP reports (due August 31st) the calculations performed, verifying whether the Older Driver Special Rule applies in the State. If the Special Rule applies to a State in a given year, the State must include in its subsequent SHSP strategies to address the increases in the fatality and serious injury rates for drivers and pedestrians over the age of 65.
FHWA Emergency Preparedness Program	Executive Order 12656 and FHWA Order 1910.2C	As needed	Not Applicable	Office of Operations	Executive Coordination Unit / Engineering and Operations	Bureau of Highway Development	National Programs.

## **ATTACHMENT C: MANUALS AND OPERATING AGREEMENTS**

### **MDOT Manuals (approved by FHWA for use on Federal-aid projects)**

- ADA Transition Plan
- Administrative Modifications and Amendments: A Primer and Use for Uniform STIP
- Bridge Design Manual
- Capital Preventive Maintenance Manual
- Consultant Management (Vendor/Consultant Services)
- DBE Program Procedures
- Density Testing and Inspection Manual
- Design Survey Manual
- Drainage Manual
- Frequently Used Special Provisions
- Guidelines for Administering Warranties on Road and Bridge Construction Contracts
- HMA Production Manual
- Indirect Cost Allocation Plan
- Local Agency Programs Guidelines for Geometrics on Local Agency Projects
- Local Agency Program Subcontract Review Process for Local Agency Projects
- Local Agency Program Manual
- Manual for the Michigan Test Methods (MTMs)
- Materials Quality Assurance Procedures Manual
- Materials Source Guide
- MDOT Construction Manual
- MDOT Environmental Procedures Manual
- MDOT Quality Assurance Procedures Manual
- MDOT Real Estate Manual
- Michigan Bridge Analysis Guide
- Michigan Bridge Element Inspection Manual
- Michigan Highway Safety Improvement Program
- Michigan MUTCD
- Michigan Structure Inspection Manual
- Michigan Structure Inventory and Appraisal Coding Guide
- Minimum Documentation Requirements for Pay Item Approvals and Material Acceptance
- OJT Program Manual
- Pavement Design and Selection Manual
- Procedures for Aggregate Inspection
- Quality Assurance and Quality Control Process Guide for Project Managers
- Road Design Manual
- Scoping Manual
- Selection Guidelines for Service Contracts
- Soil Erosion and Sedimentation Control Manual
- Standard Plans
- Standard Specifications for Construction
- Statewide Guidance Document for General Program Accounts (GPAs)
- Statewide ITS Architecture and Deployment Plan
- Statewide Transportation Improvement Program
- Supplemental Specifications

- Title VI Plan
- Traffic Regulator's Instruction Manual
- Work Zone Safety and Mobility Manual
- MDOT Bridge Design Guide

### **Operating (Programmatic) Agreements**

- ESA Section 7 Programmatic Agreement
- FHWA NEPA SOP
- Programmatic Agreement: Categorical Exclusion Classification Determinations (MDOT NO: 2010-0445)
- NHPA Section 106 Programmatic Agreement
- Program Operations Manual
- Risk-Based Project Level Oversight

### **Michigan Division Standard Operating Procedures**

- Applicability of Geometric Standards to Safety Projects
- Approval of the MDOT Real Estate Procedures Manual
- Billing Review/Improper Payment Review Process
- Consultant Procurement, Management, and Administration (S-108)
- Contract Modifications and Claims (C-101)
- D-112 Proprietary Products and Processes
- Experimental Projects
- FHWA Inactive Obligations Management Process
- Fund Transfer Request Procedures
- Guidance for on-street and off-street parking (D107)
- Guidance for the Inclusion of Bicycle and Pedestrian Facilities on Federal-aid Projects (D-120)
- Local Agency Programs (S-107)
- Manual Project Billing (PR-20)
- National Environmental Policy Act (NEPA) and Section 4(f) Review and Approval
- New or Revised Interstate Access Points (P-101)
- Project Authorization S-107
- Project Closeout (S107)
- RASPS Project Billing
- Review and Approval of the Statewide Transportation Improvement Program (STIP)
- Road Diets



## ATTACHMENT D: STEWARDSHIP & OVERSIGHT INDICATORS

The Division and MDOT have jointly established Stewardship and Oversight Indicators (Indicators). These Indicators represent all program areas and will be used to track the effective administration of the FAHP. These indicators will be monitored at least semi-annually by FHWA and MDOT Leadership as part of the program evaluation and risk assessment process.

Program Area	Measures	Goals
Bridges	Percent of structurally deficient bridges on the National Highway System, measured by deck area.	Less than 10% Structurally Deficient bridge on the NHS system, measured by deck area.
Civil Rights	Percent of annual DBE Participation	Annually meet the departments overall DBE goal
Construction	Annual cost of construction project increases based on the final total as-constructed cost compared to the award amount	Final total as-constructed project cost not to exceed 5% over award amount
Construction	Annual percent of construction projects meeting benchmarked yearly letting schedule	Achieve a minimum of 90% construction projects meeting benchmarked yearly letting schedule
Construction	Annual average number of bids per project compared to the annual average number of prequalified contractors	Average of 2.25 bids per project
Environment	Annual percentage of projects environmentally classified by the review preliminary plans (PPMS #3590) date.	To increase the percentage of projects environmentally classified by the review preliminary plans (PPMS #3590) date from 92 to 98%.
Finance	Unexpended balance of inactive projects as a percent of annual apportionment	Maintain an unexpended balance of inactive projects as a percent of annual apportionment at less than 2%
LPA	The difference in Original Contract Cost vs. Final Contract Cost of all LPA projects (percent difference) on an annual FY timeframe	Maintain less than 5% difference in Original Contract Cost vs. Final Contract Cost each fiscal year.
Operations/ITS	Percent of annual travel speed that is greater than 45 mph on the freeway system	Freeway travel speeds are greater than 45mph 90% of the time (what is freeway?)
Operations	Percent of traffic incidents under 2 hours	Greater than 75% of freeway closures have a duration of less than 120 minutes.
Pavement	Percent of trunkline pavement in fair or better condition, based on IRI ratings	Improve or sustain 90% of trunkline pavement in fair or better

Program Area	Measures	Goals
Planning	Percentage of construction phases authorized for the current FY of the STIP, as it stood at the beginning of the FY.	Increase the percentage of construction phases authorized for the current FY of the STIP.
Right of Way	Annual percentage of projects with conditional ROW certification	To maintain the percentage of projects with conditional ROW certification annually below 5%
Safety	Number of fatalities	Reduce the total number of fatalities by 3.4% per year
Safety	Number of serious injuries	Reduce the number of serious injuries by 3.4% per year.

## **ATTACHMENT E: ISSUE RESOLUTION PROCESS**

Occasionally issues or disagreements will arise that need to be elevated when the lower operational levels cannot come to a satisfactory agreement. When an impasse or disagreement occurs, the normal elevation route is indicated in the **MDOT–FHWA Issue Resolution Advancement Process** (see table below). The issue resolution process includes the option of using a Joint Issue Resolution Team to overcome an impasse or help resolve complex challenges in timely manner. When this occurs, the FHWA Assistant Division Administrator and the MDOT Chief Operations Officer/Chief Administrative Officer may choose to resolve issues that are time-bound, carry a significant amount of risk, or that may result in the loss of Federal aid. In this case, they may select specific individuals who are deemed to have expertise/knowledge known as the Strategic Management and Resolution Team (SMART) to resolve the issue or provide recommendations or they may utilize the Joint Issues Resolution Team. Additionally, if the FHWA Assistant Division Administrator and the MDOT Chief Operations Officer/Chief Administrative Officer cannot reach agreement on an issue, including whether or not to utilize the Joint Issues Resolution Team, they will advance the issue to the FHWA Division Administrator and the MDOT Director.

### **Team Structure**

The Joint Issue Resolution Team will be a standing team with the FHWA Assistant Division Administrator and either the MDOT Chief Operations Officer (COO) or Chief Administrative Officer (CAO) serving as co-chairs or sponsors. The team will be comprised of a cross-section of leadership from both agencies (six members, three from each agency) as chosen by the FHWA Assistant Division Administrator and the MDOT Chief Operations Officer/Chief Administrative Officer. Ideally, an existing monthly or quarterly meeting between senior members of both FHWA and MDOT will be the foundation for determining the standing members of the team. While the intent is for members to remain constant, the co-chairs may substitute members as necessary due to personnel availability and other requirements or constraints.

Additionally, when the co-chairs choose to utilize a SMART team approach to address critical, time-bound, or high risk issues, that team will be fluid with members chosen by the co-chairs based upon the issue at hand and/or the required expertise needed to resolve the issue.

### **Scope of Authority**

The Joint Issues Resolution Team and all SMART Teams are bound by all applicable legal and regulatory guidance, FHWA/MDOT policies, and guidance issued by the co-chairs. The team members shall issue no official policy nor direct the activities of any member of either agency outside of their normal duties and/or positions within the agencies.

## **Responsibilities**

### **Co-chairs will:**

- Choose to resolve issues that carry a significant amount of risk or that may result in the significant loss of Federal-aid funds themselves; select specific individuals who are deemed to have specific expertise/knowledge (known as a “SMART”) Team to resolve the issue or provide recommendations; or utilize the Joint Issues Resolution Team to make recommendations or resolve issues.
- Issue guidance to the team members regarding deadlines, rules of engagement, reporting requirements, and other pertinent information.
- Determine frequency of meetings.
- Choose team members.
- Decide upon a course of action and direct the implementation of a solution, direct further team actions, or advance the issue to the FHWA Division Administrator and to the MDOT Director.
- Appoint a gatekeeper from each organization to maintain a record of past team actions or resolved issues.

### **Joint Issues Resolution Team members will:**

- Follow all guidance issued by the co-chairs.
- Investigate the issue, research applicable policies, regulatory guidance and past issues addressed by the team, gather all required background information, report as directed, document the process, and make recommendations to the co-chairs.

### **SMART Team members will:**

- Typically work under a shorter deadline due to the nature of the issue.
- Follow all guidance issued by the co-chairs.
- Investigate the issue, research applicable policies, regulatory guidance and past issues addressed by the team. Gather all required background information, report as directed, document the process, and make recommendations to the co-chairs.

## **Communications**

If an issue is presented to the co-chairs and they decide to utilize either the Joint Issue Resolution Team or a SMART Team, the co-chairs will task a team member to document the issue using the standardized form developed for this purpose. A repository or tracking system will need to be established to track issues as they are resolved to document and keep track of past decisions and as a reference tool as future issues arise. It also may identify trends that keep surfacing for unresolved issues and could also be used if performance measures are implemented in the future. Management of the repository or tracking system will be a joint effort between FHWA and MDOT as determined by the co-chairs.

<b>MDOT–FHWA Issue Resolution Advancement Process</b>	
<b>MDOT</b>	<b>FHWA</b>
Project/Program/System Manager Transportation Service Center Manager Division Administrator	Field Operations Team Leader Area Engineer Program Manager Program Specialist
Division Administrators Bureau Directors Region Engineer	Engineering & Operations Manager Program Development Manager Executive Coordination Unit Manager
Joint Issues Resolution Team	Joint Issues Resolution Team
<i>*High Risk Issues: Advance to SMART Team</i>	<i>*High Risk Issues: Advance to SMART Team</i>
Chief Operations Engineer Chief Administrative Officer	Assistant Division Administrator
Director	Division Administrator

## ATTACHMENT F: ACRONYMS

AASHTO	American Association of State Highway and Transportation Officials
ACHP	Advisory Council on Historic Preservation
ADA	Americans with Disabilities Act
BOHIM	Bureau of Highways Instructional Memos
BPD	Base Plan Date
CAP	Compliance Assessment Program
CE	Categorical Exclusion
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality
CPG	Consolidated Planning Grant
CPM	Capital Preventative Maintenance
DBE	Disadvantaged Business Enterprise
DBE/SS	Disadvantaged Business Enterprise/Supportive Services
DEIS	Draft Environmental Impact Statement
DOT	State Department of Transportation
EA	Environmental Assessment
EEO	Equal Employment Opportunity
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
ER	Emergency Relief
ESA	Environmental Site Assessment
FAA	Federal Aviation Administration
FAHP	Federal aid Highway Program
FAPG	Federal aid Policy Guide
FHWA	Federal Highway Administration
FHWA-HQ	Federal Highway Administration Headquarters (D.C)
FIRE	Financial Integrity Review and Evaluation
FMIS	Federal Management Information
FONSI	Finding of No Significant Impact
FTA	Federal Transit Administration
GARVEE	Grant Anticipation Revenue Vehicle System
GIS	Geographic Information System
GTSAC	Governor's Traffic Safety Advisory Commission
HOT	High Occupancy Toll
HOV	Highway Occupancy Vehicle
HPMS	Highway Performance Monitoring System
HRRR	High Risk Rural Roads
HSIP	Highway Safety Improvement Program
HVUT	Heavy Vehicle Use Tax
IACR	Interstate System Access Change Request
IAJR	Interstate System Access Justification Reports

## ATTACHMENT F: ACRONYMS

ICAP	Indirect Costs Allocation Plans
ISACR	Information System Access Change Request
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
ITS	Intelligent Transportation Systems
L&D	Location & Design
LAP	Local Agency Program
LPA	Local Public Agency
LRFD	Load and Resistance Factor Design
LTAP	Local Technical Assistance Program
MAP- 21	Moving Ahead of Progress in the 21 <sup>st</sup> Century
MDNR	Michigan Department of Natural Resources
MDOT	Michigan Department of Transportation
MDPS	Michigan Department of Public Safety
MFOS	MAP Financial Obligation System
MIOSHA	Michigan Occupational Safety and Health Administration
MMUTCD	Michigan Manual on Uniform Traffic Control Devices
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MUTCD	Manual on Uniform Traffic Control Devices
NAAQS	National Ambient Air Quality Standards
NBI	National Bridge Inspection
NBIS	National Bridge Inspection Standards
NEPA	National Environmental Policy Act of 1969
NHS	National Highway System
NHTSA	National Highway Traffic & Safety Administration
NOI	Notice of Intent
NSTI	National Summer Transportation Institute
OHSP	Office of Highway Safety Planning
OIG	USDOT Office of Inspector General
OJT	On-the-Job Training
OJT/SS	On-the- Job Training/Supportive Services
OMB	U.S. Office of Management and Budget
OPI	Organizational Performance Indicators
POA	Plans of Action
MPL	Metropolitan Planning Funds
MPO	Metropolitan Planning Organization
NSTI	National Summer Transportation Institute
PMP	Project Management Plans
PoCI	Projects of Corporate Interest
PoDI	Projects of Division Interest
PS&E	Plans, Specifications, and Estimate


## ATTACHMENT F: ACRONYMS


RAC	Research Advisory Committee
RASPS	Rapid Approval State Payment System
RDC	Rail Development Commission
RFP	Request for Proposal
RHCP	Railroad Highway Crossing Program
ROD	Record of Decision
ROW	Right-Of-Way
RWIS	Road Weather Information System
S&O	Stewardship and Oversight Agreement
SAFETEA-LU	Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users
SEP	Special Experimental Projects
SHPO	State Historic Preservation Office
SHSP	Strategic Highway Safety Plan
SIP	State Implementation Plan
SLRTP	State Long-Range Transportation Plan
SOP	Standard Operating Procedure
SOW	Statement of Work
SPR	Statewide Planning and Research
SRTS	Safe Routes to School
STIP	Statewide Transportation Improvement Program
STRAHNET	Strategic Highway Network
TIFIA	Transportation Infrastructure Finance and Innovation Act
TIP	Transportation Improvement Plan
TEA-21	Transportation Equity Act for the 21st Century
TMA	Transportation Management Area
TMP	Transportation Management Plans
TOC	Traffic Operations Center
TPM	Transportation Performance Management
TRAC	Transportation Review Advisory Council
TRCC	Traffic Records Coordinating Committee TS&L Type Size and Location
TSC	Transportation Service Center
UPWP	Unified Planning Work Program
USACE	United States Army Corps of Engineer
USC	United States Code
USFWS	United States Fish and Wildlife Service
VE	Value Engineering

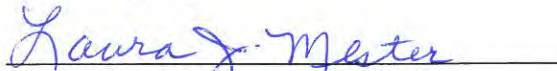



## ATTACHMENT G: PARTNERING

We, as MDOT and FHWA-MI Division leaders, agree to adopt, support and facilitate the provisions of this Stewardship and Oversight Agreement to achieve a successful partnership in delivering the Michigan Federal-aid Highway Program.

  
Gregory C. Johnson, MDOT  
Chief Operations Officer


  
Theodore G. Burch, FHWA  
Assistant Division Administrator

  
Laura J. Mester, MDOT  
Chief Administrative Officer

  
Timothy C. Marshall, FHWA  
Engineering and Operations Manager


  
Mark Van Port Fleet, MDOT  
Highways Bureau Director


  
Kenneth (Mike) Ivey, FHWA  
Executive Coordination Unit Manager

  
Randy Van Portfliet, MDOT  
Bureau Director  
Superior Region Engineer


  
Mark Lewis, FHWA  
Program Development Team Leader

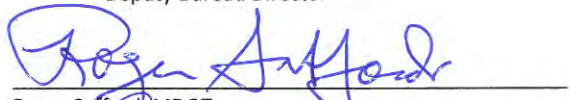
  
David Wresinski, MDOT  
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Jeff Forster, FHWA  
Field Operations Team Leader

  
Myron Frierson, MDOT  
Finance and Administration Bureau Director


  
Mark Chaput, MDOT  
Deputy Bureau Director

  
Robert Ranck, MDOT  
Bay Region Engineer

  
Roger Safford, MDOT  
Grand Region Engineer

  
Kim Avery, MDOT  
Southwest Region Engineer

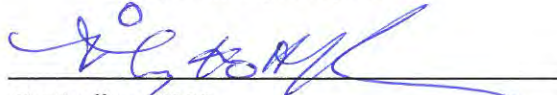
  
Paul Ajegba, MDOT  
University Region Engineer

  
Scott Thayer, MDOT  
North Region Engineer

  
Tony Kratofil, MDOT  
Metro Region Engineer

  
Matt Chynoweth, MDOT  
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Denise Jackson, MDOT  
Statewide Transportation  
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Tim Hoeffner, MDOT  
Director, Office of Rail