

Stewardship and Oversight Agreement
on Project Assumption and Program Oversight

by and between

Federal Highway Administration, New York Division

and the

New York State Department of Transportation

June 15, 2015

New York Division 
Albany, New York



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

Table of Contents

SECTION I. BACKGROUND AND INTRODUCTION	1
SECTION II. INTENT AND PURPOSE OF S&O AGREEMENT	2
SECTION III. ASSUMPTION OF RESPONSIBILITIES FOR FEDERAL-AID PROJECTS ON THE NATIONAL HIGHWAY SYSTEM.....	2
SECTION IV. ASSUMPTION OF RESPONSIBILITIES FOR FEDERAL-AID PROJECTS OFF THE NATIONAL HIGHWAY SYSTEM	3
SECTION V. ASSUMPTION OF RESPONSIBILITIES FOR LOCALLY ADMINISTERED PROJECTS	3
SECTION VII. FEDERAL APPROVALS AND RELATED RESPONSIBILITIES THAT MAY NOT BE ASSUMED BY THE STATE DOT	4
SECTION VIII. PROJECT ACTION RESPONSIBILITY MATRIX	5
SECTION IX. HIGH RISK CATEGORIES	5
SECTION X. FHWA OVERSIGHT PROGRAM UNDER 23 U.S.C. 106(g)	5
SECTION XI. STATE DOT OVERSIGHT AND REPORTING REQUIREMENTS	10
 Attachment A – Project Action Responsibility Matrix	
Attachment B – Program Responsibility Matrix	
Attachment C – Project of Division Interest (PoDI)/Project of Corporate Interest (PoCI) Guide	
Attachment D – Manuals and Operating Agreements	
Attachment E – Performance Indicators	

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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 New York State Department of Transportation (State DOT) on the roles and responsibilities of the FHWA and the State DOT 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. 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 New York Division Office (Division) and the New York State Department of Transportation (State DOT) 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 III. ASSUMPTION OF RESPONSIBILITIES FOR FEDERAL-AID PROJECTS ON THE NATIONAL HIGHWAY SYSTEM

- A. The State DOT *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)* if both the *State DOT* and *FHWA* determine that assumption of responsibilities is appropriate.
- 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> and summarized for the FHWA New York Division and NYSDOT in Attachment C.

- C. The State DOT may not assume responsibilities for Interstate projects that are in high risk categories. (23 U.S.C. 106(c)(1))
- D. The State DOT 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. The State DOT *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 the *State DOT* determines that assumption of responsibilities is not appropriate. (23 U.S.C. 106(c)(2))
- B. Except as provided in 23 U.S.C.109(o), the State DOT is to exercise the Secretary’s approvals and related responsibilities on these projects in accordance with Federal laws.
- C. The State DOT, in its discretion, may request FHWA carry out one or more non-NHS approvals or related responsibilities listed as “State” in Attachment A on a program-wide basis. For a project specific request, the State 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

The State DOT may permit local public agencies (LPAs) to carry out the State DOT’s assumed responsibilities on locally administered projects. The State DOT is responsible and accountable for LPA compliance with all applicable Federal laws and requirements.

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 STATE DOT

- 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 the State DOT:
 - 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);
 - Provide pre-approval for preventive maintenance project (until FHWA concurs with State DOT procedures);

- 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, the State DOT 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 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 the State DOT's financial management system in accordance with 23 U.S.C. 106(g)(2)(A). FHWA will periodically review the State DOT'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 the State DOT, which elements include one or more activities that are involved in the life cycle of project from conception to completion of the project. The FHWA will also evaluate the practices of the State DOT 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 the State's transportation needs. The FHWA may work collaboratively with the State DOT 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 State DOT 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 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):

- Project-related components: Projects of Corporate Interests – (PoCI), Projects of Division Interest – (PoDI), Compliance Assessment Program - (CAP)
- Program-related components: Program Assessments/Reviews, Process Reviews, Risk-based National Stewardship and Oversight Initiatives

D.1 Projects of Corporate Interest (PoCIs)

Projects of Corporate Interest (PoCIs) are projects that are identified by FHWA HQ program offices and/or Division Offices that require additional resources at a corporate level because

of their impact on FHWA's performance. They will receive focused, strategic, agency-wide attention and an increased level of stewardship and oversight because their success will require corporate investment and/or they have been deemed of special importance to FHWA's strategic success. The list of PoCIs will include:

- National Highway System projects that have a significant national or regional network impact/benefit and are of corporate interest, AND
- Projects that include significant elements, protocols, or features that could potentially impact or influence a FHWA national goal, objective or policy. These particular projects will be included on the list of PoCIs for any given year when corporate activities are contemplated or required in that year.

PoCIs are identified by Divisions and/or HQs program offices in collaboration with each other based on their assessment of risks, project impact, and priorities. Each year, FHWA HQ solicits the Divisions and HQ program offices to provide a listing of projects that possibly have national and corporate interest. The selection of these projects is based on a series of criteria provided by FHWA, including: 1) the project uses innovative techniques in such areas as revenue, financing, safety, contracting, construction, operations, or project delivery/environmental, 2) the project has significant challenges such as construction, coordination, funding, legal, NEPA/permitting, etc., and 3) the project is highly visible and/or it has significant political and stakeholder interest.

After FHWA HQs has concurred which potential projects recommended by each Division meet the criteria to be classified as a Project of Corporate Interest, they develop an annual list and include it in FHWA's annual Strategic Implementation Plan. The Division will typically have less than five Projects of Corporate Interest at any time.

The Division and the State DOT and/or the project sponsor are required to develop a project-specific stewardship and oversight agreement (SOA) for each Project of Corporate Interest. The project SOA must include a definition of project success and stewardship strategies that outline how project success will be reached. PoCIs are discussed further in the Division's PoDI/PoCI Guide provided in Attachment C.

D.2 Projects of Division Interest (PoDIs)

Projects of Division Interest are projects identified by Divisions that have an elevated level of risk (threat or opportunity) to the Division's successful delivery of the federal-aid program. This will allow the Division to concentrate resources on project phases or areas that add the most value on projects important to the Division. FHWA PoDIs are those for which FHWA may retain full or partial involvement in project scoping, preliminary engineering, design, plans, specifications, and estimates (PS&E) approval, concurrence in award, project inspections, contract modification approvals, approvals of design exceptions, approvals of claim settlements, project acceptance, and all other mandated project activities.

PoDIs will be selected by the Division based on both programmatic and discretionary screening criteria. Once projects are selected as PoDIs, the Division will determine the

stewardship and oversight activities for the project based on the projects risks. The selection of PoDIs, and the stewardship and oversight activities for PoDIs are discussed further in the Division's PoCI/PoDI Guidance in Attachment C.

D.3 Compliance Assessment Program

The *Compliance Assessment Program (CAP)* replaces the "10% spot check" program that was implemented by FHWA in the past. The CAP uses a statistical approach to establish minimum compliance review requirements for Federal-aid highway projects. To ensure that this program is statistically-valid, FHWA HQ randomly generates a list of projects from FMIS that had been authorized for construction over the past year. Every two out of three years, the Division will have the ability to filter the list of projects based on such factors as project location, total cost, project administration (i.e., locally administered projects), and project improvement type.

For each CAP project, the Division completes a set of core questions, related primarily to basic federal-aid requirements such as inclusion on the STIP, inclusion of the FHWA-1273 in the contract, etc. The Division may also select one or more of the following nine technical reviews to conduct: 1) Civil Rights, 2) Emergency Relief, 3) Finance, 4) Contract Administration, 5) Environment, 6) Material Quality, 7) Planning, 8) Work Zone Safety, and 9) Realty.

FHWA HQ may also request the Division to complete a Corporate Review guide as part of the CAP program if FHWA determines that it is necessary to conduct an Agency-level review of current or potential risks or key emphasis areas. The review topic and questions will depend upon the risks or issues being examined, and an Agency-level review may not be necessary each year. The Corporate Review Guide will be required as outlined in the Guide instructions and may only be applicable to a certain population of projects or a certain group of Divisions depending on the objective of the assessment.

D.4 Program Reviews/Assessment

A program review is an overall evaluation of one of the highway program functional areas (e.g., civil rights, structures, construction, etc.) in order to enhance program effectiveness identifying strengths, weaknesses and opportunities and the identification and sharing of "best" practices to continually improve the program. The review may encompass program organizational structure, staffing, procedures, training, and performance. FHWA Division program managers conduct Program Assessments annually as part of the risk assessment process.

D.5 Process Reviews

A process review is an evaluation of a particular program component or business process. Process reviews are conducted to ensure compliance with Federal requirements, to identify opportunities for greater efficiencies and improvements, and to identify exemplary practices that may be useful to others. Process reviews may be identified as the result of a prior program review or of the annual risk assessment. FHWA and NYSDOT will annually

determine focus areas for reviews, with the main emphasis on higher-risk areas and overall quality improvement.

Process Reviews are typically conducted by a Review Team comprised of Division staff, with possible participation by FHWA headquarters staff, FHWA Resource Center staff, or other state DOT peers. A Division staff person associated with the particular review area will be assigned as the team leader. NYSDOT will be involved in assisting with developing review objectives, scope, and guidelines, and will participate in interviews and review meetings, and provide information to the Review Team.

A report will be prepared for each review outlining findings and recommendations. The report may also identify best practices both nationwide and as implemented in New York. The Review Team will present the findings and recommendations of each process review with the appropriate management personnel from each agency and present all recommendations for review and concurrence to NYSDOT. The Review Team Leaders will follow-up to ensure that the recommendations are satisfactorily resolved. When necessary, the status of resolution of findings and recommendations will be discussed in periodic meetings held with NYSDOT management.

D.6 Risk-based National Program Stewardship & Oversight Initiatives

National Strategic Initiatives are program initiatives found in the annual FHWA Strategic Implementation Plan. These are initiatives that are identified by FHWA HQ as part of the corporate risk process, and are aligned with the national strategic goals and objectives. They include National Program Reviews, National Program Assessments, and Special Emphasis Reviews that FHWA HQ is planning to conduct in the upcoming year. They generally include examination of current Federal, State and local agency practices to assess compliance with requirements, identify opportunities for improvement, and share successful practices. FHWA HQ either solicits Division offices that are interested in participating in the initiative or identifies states that may be good candidates for participating in the initiative.

E. Program Responsibility Matrix

Program oversight encompasses activities undertaken to manage each of the functional program areas that together comprise the federal-aid highway program, such as planning, financial management, safety, civil rights, structures, etc. Program management encompasses *oversight*, ensuring that programs are delivered consistently with applicable laws, regulations, and policies, as well as *stewardship*, ensuring that programs are delivered efficiently and effectively.

Many program management activities are required by regulation; for example, NYSDOT must develop an annual State Planning and Research (SPR) Work Program, submit an annual Highway Performance Management System (HPMS) report, and develop a Highway Safety Improvement Program. Other program management activities are based on mutual agreement between NYSDOT and FHWA: for example, a review of a particular NYSDOT division or business process, or participation in a partnering effort, such as the Every Day Counts initiative. Program management ensures that federal program requirements are met while proactively seeking opportunities to improve.

FHWA will manage and provide oversight of New York's Federal-aid programs in various ways, including to routine day-to-day program actions and other interaction and participation on NYSDOT task forces, teams, implementation committees, quality assurance monitoring reviews, attendance at NYSDOT meetings. Additionally, the Division will conduct program and process reviews, and participate in nationally-lead program initiatives. Each of these methods of program oversight is described further above.

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

F. Manuals and Operating Agreements

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

G. Stewardship and Oversight Indicators

Performance indicators/measures are incorporated and used in this agreement in Attachment E to help assess performance in administering the Federal-aid highway requirements and to assist in determining whether funds are being effectively utilized to improve the transportation system. The performance indicators/measures of this Agreement were developed as a joint effort between the FHWA and the NYSDOT.

SECTION XI. STATE DOT OVERSIGHT AND REPORTING REQUIREMENTS

A. State DOT Oversight and Reporting Requirements

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

- Provide stewardship and oversight activities on Federal-aid projects as described in Attachment A, Project Action Matrix
- Provide stewardship and oversight activities on Federal-aid programs as described in Attachment B, Program Responsibility Matrix
- Provide stewardship and oversight activities on Federal-aid ITS projects as described in Attachment C.1, C.2, and C.3.
- Follow the process as outlined in the *NYSDOT Environmental Manual*, *NYSDOT Project Development Manual*, and NYSDOT/FHWA New York Division *Federal Environmental Analysis Worksheet* to prepare environmental documents for Federal-aid projects, in order to ensure compliance with NEPA and other applicable laws.
- Prepare project plans in accordance with the Division approved *NYSDOT Project Development Manual*, *NYSDOT Highway Design Manual*, *NYSDOT Bridge Manuals*, *NYSDOT Geotechnical Design Manual*, *NYSDOT Standards and Specifications*, and other various manuals.

- Conduct construction activities as set forth in the project’s construction documents, in accordance with NYSDOT’s *Manual of Record Keeping (MURK)*, *Part 1A Contract Administration Manual*, *Part 1B Construction Inspection Manual*, *Part 1C, Safety & Health Program Manual*, *Part 1D, Construction Consultant Manual*, *Part 2A, Materials Inspection Manual*, *NYSDOT Standards and Specifications*, and other various manuals.
- Ensure non-discrimination in all of their programs and activities by conducting Equal Employment Opportunity (EEO) contractor training reviews, assigning and monitoring training goals, establishing Disadvantages Business Enterprise (DBE) goals and monitoring participation.
- Ensure that all highway bridges within its borders, including county and municipal owned bridge are inspected in accordance with the National Bridge Inspection (NBIS) and are maintained as part of the National Bridge Inventory (NBI).
- Ensure that the appraisal, acquisition, relocation and property management, as well as the principal activities used to acquire real property for the construction, operation, and maintenance of federal-aid projects is completed in conformance with the Uniform Relocation Act by following procedures outlined in NYSDOT’s Right of Way Manuals.

NYSDOT will maintain individual federal-aid project files that will include documentation of all required FHWA actions and NYSDOT’s assumed project approvals.

B. State DOT Oversight of Locally Administered Projects

- B.1. State DOT’s are required to provide adequate oversight of sub-recipients including oversight of any assumed responsibilities the State DOT delegates to a LPA.

NYSDOT developed the *Procedures for Locally Administered Federal Aid Projects (PLAFAP) Manual* (<https://www.dot.ny.gov/plafap>). The manual is intended to provide project development guidance to Sponsors, who are delegated most of the responsibility of administering Federal aid transportation projects. However, under US Code Title 23, NYSDOT is ultimately responsible for Federal aid transportation projects in New York State and so cannot delegate its overall administrative duties, thereby retaining oversight authority.

The manual provides an overview of the processes, procedures, documentation, authorizations, approvals, and certifications required throughout the scoping, design, construction, and maintenance of these facilities. The manual includes procedures on the following topics:

Chapter 1	Introduction and Overview
Chapter 2	Roles and Responsibilities
Chapter 3	Project Funding, Local Participation, and Project Authorization
Chapter 4	State-Local Agreements
Chapter 5	Accounting and Reimbursement Procedures
Chapter 6	Consultant Procurement and Administration
Chapter 7	Overview of Environmental Process
Chapter 8	Design Procedures

Chapter 9	Design Standards & Construction Specifications
Chapter 10	Railroads and Utilities
Chapter 11	Right of Way
Chapter 12	Construction Contract Requirements
Chapter 13	Affirmative Action Contract Requirements
Chapter 14	Advertisement, Contract Letting and Award
Chapter 15	Administer Construction Contracts
Chapter 16	Federal and State Single Audit Requirements
Chapter 17	State-Local Agreement Close-out

- B.2. Pursuant to 23 U.S.C. 106(g)(4), the State DOT shall be responsible 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 is also responsible for ensuring compliance with reporting and other requirements applicable to grantees making sub-awards, such as monthly reporting requirements under the Federal Funding Accountability and Transparency Act of 2006, PL 109-282 (as amended by PL 110-252).
- B.3. The State DOT 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 actions, programs, and processes outlined in NYSDOT's *Procedures for Locally Administered Federal Aid Projects (PLAFAP) Manual*.
- B.4. The State DOT shall 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:

Per NYSDOT's PLAFAP, Chapter 2, Roles and Responsibilities, NYSDOT is responsible for ensuring activities delegated to Sponsors are completed in conformance with federal and State laws, rules, and regulations. Title 23 CFR 635.105(a) does not relieve NYSDOT of oversight obligations regarding federal funds even if it chooses to delegate project activities to the Sponsor(s). In this context, NYSDOT, among other functions, will:

- Evaluate Sponsor's capacity to deliver project on time and within budget.
- Identify relevant resource documents and references.
- Provide guidelines on completing forms developed to administer contracts.
- Provide design review of Sponsor's consultant design work.
- Provide Right-of-Way Clearance Review.
- Provide oversight of construction management.
- Review Sponsor's Quality Assurance (QA) program and evaluate QA staff.

- B.5. The State DOT shall 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:

Per NYSDOT's PLFAP, Chapter 2, Section 2.6.8 Oversight, NYSDOT is responsible for ensuring activities delegated to Sponsors are completed in conformance with federal and State laws, rules, and regulations. Title 23 CFR 635.105(a) does not relieve NYSDOT of oversight obligations regarding federal funds even if it chooses to delegate project activities to the Sponsor(s). In this chapter, NYSDOT notes that it will, among other functions, perform the following:

- Evaluate Sponsor's capacity to deliver project on time and within budget.
- Identify relevant resource documents and references.
- Provide guidelines on completing forms developed to administer contracts.
- Provide design review of Sponsor's consultant design work.
- Provide Right-of-Way Clearance Review.
- Provide oversight of construction management.
- Review Sponsor's Quality Assurance (QA) program and evaluate QA staff.

Where the FHWA has not delegated final approval, NYSDOT monitors Sponsor activities, reviews or prepares documents and makes recommendations to FHWA. For example, NYSDOT will review all environmental documents for completeness and sufficiency before submitting them to FHWA for an environmental determination, if required. NYSDOT also provides assistance to Sponsors to interpret the regulations, manuals and guidelines as they apply to specific project conditions. In this instance, NYSDOT developed the PLAFAP Manual as an aid to facilitate compliance with such federal and State requirements and will perform monitoring and completeness reviews to ensure compliance. The NYSDOT Regional Local Project Liaison (RLPL) is available to guide the Sponsor through the required process and procedural steps.

- B.6. The State DOT shall 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:

Chapter 15 of NYSDOT's PLAFAP, Administer Construction Contracts, addresses construction inspection including roles and responsibilities, and construction inspection staffing guidance.

Chapter 12 of NYSDOT's PLFAP, Construction Contract Requirements, outlines requirements for a written Construction Management Plan for every project. The CMP details how the construction contract will be administered at the time of construction. The CMP is part of the overall Project Management Plan (PLFAP, Chapter 2). 23 CFR 635.105(c)(4) requires a Sponsor to provide a full-time employee to be in responsible charge of the project even if using consultants to provide engineering and construction inspection services or project management. Since each

Sponsor has different resources and experience, the CMP will provide NYSDOT and others with an understanding of how the Sponsor plans to actively manage, monitor and progress the project. In general the plan should address: contract administration, closeout, labor relations, construction inspection, civil rights, contract documentation, order-on-contract procedures, subcontractor approvals, record retention, quality control and quality assurance (QC/QA) as well as any project specific issues. The plan should describe how the Sponsor intends to provide adequate supervision and inspection, including materials inspection and acceptance and independent quality assurance to ensure projects are completed in conformance with the approved plans and specifications.

Chapter 12 further requires that between contract letting and contract award: the Sponsor, the Sponsors engineer/inspector, the apparent low bid Contractor and the Regional Local Projects Liaison (RLPL) shall meet to modify the CMP to include data initially not available to the Sponsor. The CMP should be updated to include a description of the people involved, their qualifications, responsibilities and the hierarchy of supervision. The plan should also consist of a brief outline of applicable Federal requirements: wage reports, safety plan, Occupational Safety and Health Administration (OSHA) rules, labor requirements, Personal Protective Equipment requirements (PPE), how they are to be addressed, and who is responsible for implementing the plan. The CMP may be modified by agreement between the contractual parties as necessary due to: personnel changes, changed conditions, scope changes, schedule changes or other reasons. For all Projects, the Sponsor's Construction Management Plan MUST be approved by NYSDOT before contract award.

- B.7. The State DOT shall 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. The State DOT's process to ensure compliance with this requirement is documented by the following actions, programs, and processes:

NYSDOT's PLAFAP, Chapter 2, Roles and Responsibilities, Section 2.10.1 Project Management Elements, and Section 2.10.1.1 Project Manager, states: Title 23 CFR 635.105(c) (4) requires the Sponsor to provide a full-time employee to be in responsible charge of the project even when using consultants to provide engineering and construction inspection services or project management. This employee is referred to as the Project Manager (PM). The PM will report to the Responsible Local Official (RLO) who will have ultimate oversight and responsibility for the project. The PM and the RLO may be the same individual, if the RLO has project management experience. The individual or organization performing the role of Project Manager must work closely with the NYSDOT RLPL to ensure proper interpretation of all project requirements and to assist with development of the Project Management Plan (PMP). Proper interpretation of a project's requirements is critical to successful implementation and coordination of ongoing activities. The PM will schedule the progression of activities, ensure timely completion of project tasks and

address any problems or inquiries which may develop. The PM will be the primary contact person for the submission of necessary reports, requests for progress payments, and obtaining approvals and determinations, etc.

- B.8. The State DOT shall ensure that project actions will be administered in accordance with all applicable Federal laws and regulations. The State DOT will use the following process on required approvals on sub-recipient projects:

NYSDOT's PLAFAP, Chapter 2, Roles and Responsibilities, 2.10.1.2 Project Management Plan, requires a Project Management Plan (PMP) to be documented for every project. The PMP is a documented plan for producing or implementing a given project and is expected to serve as the primary communication tool between NYSDOT and the Sponsor, as well as a reference for interested third parties, such as auditors. The cooperative development of the PMP ensures the Sponsor is aware of all project stages and has properly and adequately planned for full compliance with all federal and State requirements. (The PLAFAP Manual is the primary source for information on such project requirements.) Key decision points are intended to be noted and task responsibilities assigned.

Although Sponsors have the responsibility for developing a PMP, the RLPL will assist the Sponsors in understanding and documenting the Sponsor's project implementation requirements. The PMP will thereby enable each party to evaluate proper and adequate interpretation of all applicable procedures discussed in the PLAFAP. The PMP is intended to be a comprehensive plan for project implementation; it must include all necessary activities in relation to each project's specific objectives and circumstances. The work products, permits, reports, reviews and approvals, as well as estimated durations associated with each, are to be determined using the PLAFAP as a guide. PLFAP Table 2-1, Activities, Pre-Requisites and Responsibilities for Locally Administered Federal Aid Non-State Highway System Projects off the NHS, should be used as a reference to aid in determining what is needed for a given project.

The PMP should be developed early in the project development process, e.g., at the time the project is placed on the TIP/STIP. The activities associated with developing the agreement and obtaining necessary approvals would become elements of the PMP as well. As the PMP is a "plan," it will be subject to change as a project progresses and must be kept up to date by incorporating such changes. A change in any element of the PMP should be evaluated in the context of how it impacts the PMP as a whole. For Sponsors who do not routinely implement federally aided projects, NYSDOT may request a draft of a PMP before authorizing the Sponsor to proceed with project implementation. The PMP must be signed by the Responsible Local Official (RLO) and/or Project Manager (PM), the NYSDOT RLPL, the NYSDOT Regional Real Estate Officer, and other Regional staff as appropriate. Revisions to the PMP must be signed by the RLO and/or PM, the RLPL and other Regional staff person whose area of responsibility the revision may affect.

- B.9. The State DOT shall document its oversight activities for LPA-administered projects and findings, and how it will share this information with the FHWA.

NYSDOT will develop and document an Annual LPA Program Summary to monitor sub-recipient activities to assure compliance with applicable Federal requirements. This will document NYSDOT oversight activities, issues resulting from oversight activities, accomplishments and areas for improvement.

SECTION XII. IMPLEMENTATION AND AMENDMENTS

- A. This S&O Agreement will take effect as of the effective date of the signature of the FHWA New York Division Administrator, who shall sign this S&O Agreement last.
- B. The Division and State DOT 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 State DOT or FHWA; or
 - Priorities shift as a result of audits, public perception, or changes in staffing at either the State DOT or Division Office.
- C. The Division and State DOT 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 State DOT 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 (Attachment A) 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 NEW YORK DIVISION OFFICE

Executed this 15 day of June, 2015.

Signature

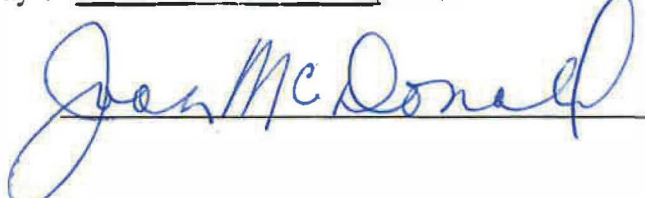
A handwritten signature in blue ink, appearing to read "Mr. Canavan", written over a horizontal line.

Michael Canavan
Acting Division Administrator

EXECUTION BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Executed this 15 day of June, 2015.

Signature

A handwritten signature in blue ink, appearing to read "Joan McDonald", written over a horizontal line.

Joan McDonald

Commissioner New State Department of Transportation
Title

**Attachment A
Project Action Responsibility Matrix**

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 (see Attachment C).**

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.

**PROJECT ACTION RESPONSIBILITY MATRIX (as of February 6, 2015)
(Excluding PoDIs, which are subject to separate PoDI Plans)**

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
PROGRAMMING (All phases)		
Ensure project in Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP)	STATE	STATE
Identify proposed funding category	STATE(1)	STATE(1)
FINANCIAL MANAGMENT (All phases)		
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

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
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
ENVIRONMENT (All phases)		
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)
PRELIMINARY DESIGN (Design Phase)		
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

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
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 and grant Design Approval [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
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

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
DETAILED / FINAL DESIGN (Design Phase)		
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]	FHWA	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
Concur in use of publicly furnished materials [23 CFR 635.407]	STATE	STATE
RIGHT-OF-WAY (Design and Operational Phases)		
Make feasibility/practicability determination for allowing authorization of construction prior to completion of ROW clearance, utility and railroad work [23 CFR 635.309(b)]	STATE (6)	STATE (6)

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
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 for Interstate STATE for Non-Interstate (6)	STATE (6)
Ensure compliant ROW certificate is in place [23 CFR 635.309(c)]	STATE (6)	STATE (6)
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
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 for Interstate STATE for Non-Interstate (3)	STATE (3)

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
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
SYSTEM OPERATIONS AND PRESERVATION (Design Phase)		
Accept Transportation Management Plans (23 CFR 630.1012(b))	STATE	STATE
Approval of System Engineering Analysis (for ITS) [23 CFR 940.11]	FHWA	STATE
PS&E AND ADVERTISING (Design Phase)		
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
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

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
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
CONTRACT ADVERTISEMENT AND AWARD (Design Phase)		
All contracts to be done by competitive bidding unless otherwise authorized by law		
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]	FHWA(5)	STATE
Approve emergency determinations for contracts awarded by other than competitive bidding [23 CFR 635.104 &.204]	FHWA	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 (5)	STATE (5)
Concur in award of contract [23 CFR 635.114]	STATE	STATE
Concur in rejection of all bids [23 CFR 635.114]	FHWA	STATE
Approval of Design-Build Requests-for-Proposals and Addenda [23 CFR 635.112]	STATE	STATE
CONSTRUCTION (Construction Phase)		
Approve changes and extra work [23 CFR 635.120]	STATE	STATE

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
Approve contract time extensions [23 CFR 635.120]	STATE	STATE
Concur in use of mandatory borrow/disposal sites [23 CFR 635.407]	FHWA	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]	FHWA	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
CIVIL RIGHTS (All phases)		
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
Equal Employment Opportunity (EEO) Contract Compliance Review [23 CFR Part 230, Subpart D]).	STATE	STATE

ACTION	AGENCY RESPONSIBLE	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS
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
FOOTNOTES:		
<ol style="list-style-type: none"> 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. 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. 3) State’s process and modifications to, or variation in process, require FHWA approval. 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). 5) A programmatic approval for projects with total costs below \$25,000 has been approved by FHWA. 6) Except for projects requiring FHWA coordination, pursuant to agreement documented in the letter dated October 11, 2005 between NYSDOT and the FHWA NY Division. 		

FHWA/NYS DPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
1	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	Office of Finance & Administration (HFA-NY)	NYS DOT Office of Finance	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.
2	Approval of Indirect Cost Allocation Plans (ICAPs)	49 CFR Part 18; 2 CFR 200 Subpart E (previously 2 CFR 225); ASMB-10	As needed	Not Applicable	Office of Chief Financial Officer	Office of Finance & Administration (HFA-NY)	NYS DOT Office of Finance	The State will certify that the ICAP was prepared in accordance with 2 CFR 200 Subpart E.
3	FIRE Program Activities	FHWA Order 4560.1B (or as superseded)	Ongoing		Office of Chief Financial Officer	Office of Finance & Administration (HFA-NY)	NYS DOT Office of Finance	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.
4	Audit Coordination/FHWA Financial Statement Audit/State External Audit Reviews/State Internal Audit Reviews	FMFIA, 49 CFR 18.26; OMB Circular A-123, 133; GAAP, CFO Act of 1990; DOT Order 8000.1C	As needed	Not Applicable	Office of Chief Financial Officer	Office of Finance & Administration (HFA-NY)	NYS DOT Office of Finance	State assures corrective action is taken to resolve audit findings and FHWA will monitor activities to ensure implementation.
5	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	Office of Finance & Administration (HFA-NY)	NYS DOT Office of Finance	State will provide all information necessary to document sampled payments and FHWA offices will review and complete appropriate data submittal forms.

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
6	Transfer of Funds between programs or to other FHWA offices or agencies as requested by State	23 USC 126	As needed	Not Applicable	Office of Chief Financial Officer	Office of Finance & Administration (HFA-NY)	NYSIPT Office of Finance	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.
7	Reviews of State Transportation Departments Financial Management Systems - Financial Integrity	23 USC 106(g)(2)(A)	Annually	Not Applicable	Office of Chief Financial Officer	Office of Finance & Administration (HFA-NY)	NYSIPT Office of Finance	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).
8	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	Office of Finance & Administration (HFA-NY)	NYSIPT Office of Finance	
9	Periodic Reviews of States Monitoring of sub-recipients	23 USC 106(g)(4)(B)	As needed	Not Applicable	Office of Infrastructure	Local Projects Program (HEH-NY)	NYSIPT Office of Integrated Modal Services	
10	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	Office of Finance & Administration (HFA-NY)	NYSIPT Office of Finance	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.
11	Prepare / Review Title VI Plan Accomplishments and Next Year's Goals	23 CFR 200.9(b)(10)	Annually	10/1/2014	Office of Civil Rights	Civil Rights (HEA-NY)	NYSIPT Office of Civil Rights	Division office reviews and comments.
12	Prepare / EEO Contractor Compliance Plan accomplishments and next year's goals	23 CFR 230, Subpart C, Appendix A, Part I, III	Annually	10/1/2014	Office of Civil Rights	Civil Rights (HEA-NY)	NYSIPT Office of Civil Rights	Division office reviews and comments.

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
13	Prepare / Review State Internal EEO Affirmative Action Plan (Title VII) Accomplishments and Goals	23 CFR 230.311	Annually	10/1/2014	Office of Civil Rights	Civil Rights (HEA-NY)	NYSIPT Office of Civil Rights	Courtesy copy to HQ.
14	Review DBE Program Revisions	49 CFR 26.21(b)(2)	As needed	Not Applicable	Office of Civil Rights	Civil Rights (HEA-NY)	NYSIPT Office of Civil Rights	Division sends to HCR for review and approval as
15	Prepare / DBE Uniform Awards and Commitment Report	49 CFR 26, Appendix B	Semi-Annual	June 1st December 1st	Office of Civil Rights	Civil Rights (HEA-NY)	NYSIPT Office of Civil Rights	Division Office reviews and sends to HCR
16	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 (HEA-NY)	NYSIPT Office of Civil Rights	Division Office approves sends copy to HCR
17	Prepare / State DBE Program Goals	49 CFR 26.45(f)(1)	Triennial	August 1st	Office of Civil Rights	Civil Rights (HEA-NY)	NYSIPT Office of Civil Rights	Division reviews and approves; HCC provides legal sufficiency review and approval sends copy to HCR
18	Prepare / Review On-the-Job-Training (OJT) goals & accomplishments	23 CFR 230.111(b)	Annually	TBA	Office of Civil Rights	Civil Rights (HEA-NY)	NYSIPT Office of Civil Rights	Division office reviews and comments.
19	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 (HEA-NY)	NYSIPT Office of Civil Rights	Division recommends approval submits to HCR for final approval
20	Return of any unused discretionary grant program funding	23 CFR 230.117(2)	Annual	TBA	Office of Civil Rights	Civil Rights (HEA-NY)	NYSIPT Office of Civil Rights	Division works with HCR and CFO
21	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 (HEA-NY)	NYSIPT Office of Civil Rights	Division office reviews and comments.
22	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	12/1/2014	Office of Civil Rights	Civil Rights (HEA-NY)	NYSIPT Office of Civil Rights	Recommendation sent to HQ for approval.

FHWA/NYSDPST Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
23	Prepare / Review State DOT Employment Statistical Data (EEO-4)	23 CFR, Subpart C, Appendix A	Biannual	12/1/2014	Office of Civil Rights	Civil Rights (HEA-NY)	NYS DOT Office of Civil Rights	Report sent to HQ quarterly for informational purposes and recommendation sent to HQ annually for approval.
24	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 (HEA-NY)	NYS DOT Office of Civil Rights	Divisions submit data to HCR who prepares report for DOCR
25	Prepare / Review ADA Complaint Reports of Investigation	28 CFR 35.190	As needed	Not Applicable	Office of Civil Rights	Civil Rights (HEA-NY)	NYS DOT Office of Civil Rights	Division office reviews, FHWA HQ approves and issues finding.
26	Review Americans with Disabilities Act (ADA) /Sec. 504 Program Plan accomplishments and next year's goals	49 CFR 27.11(c), EO 12250	Annually	10/1/2014	Office of Civil Rights	Civil Rights (HEA-NY)	NYS DOT Office of Civil Rights	Division office reviews and comments.
27	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 (HEA-NY)	NYS DOT Office of Civil Rights	Divisions work with HCR and CFO
28	Prepare / Review Request for National Summer Transportation Institute (NSTI) Proposals (SOWs)	23 USC 140(b)	Annual	TBA	Office of Civil Rights	Civil Rights (HEA-NY)	NYS DOT Office of Civil Rights	Divisions recommend approval. HCR gives final approval
29	Prepare / Review NSTI Report (questionnaire)	23 USC 140(b)	Annual	October 15th	Office of Civil Rights	Civil Rights (HEA-NY)	NYS DOT Office of Civil Rights	Divisions provide to HCR

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
30	Receipt of State Consultation Process with Tribal Governments	23 CFR 450.210(c)	As needed	Not Applicable	Office of Federal Lands Highway	District Operations (HED-NY)	NYSIPT Office of Environment	Informational Purposes.
31	Approval of Contracting Procedures for Consultant Selection	23 CFR 172.5 & 172.9	As needed	Not Applicable	Office of Infrastructure	District Operations (HED-NY)	NYSIPT Office of Design	FHWA Division Office Approval.
32	Determination of High Risk Categories - Limitation on Interstate Projects	23 USC 106(c)(4)(B)	As needed	Not Applicable	Office of Infrastructure	District Operations (HED-NY)	NYSIPT Office of Design	Office of Program Administration determines national categories and must concur on any State designations.
33	Approval of State 3R Program	23 CFR 625.4(a)(3), 23 USC 109(n)	As needed	Not Applicable	Office of Infrastructure	District Operations (HED-NY)	NYSIPT Office of Design	FHWA Division Office Approval.
34	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	District Operations (HED-NY)	NYSIPT Office of Design	FHWA HQ regulatory action to adopt NHS standards.
35	Approval of preliminary plans of Major and Unusual Bridges on the Interstate Highway System	(M1100.A)	As needed	Not Applicable	Office of Infrastructure	District Operations (HED-NY)	NYSIPT Office of Structures	Director of HIBT has approval of preliminary plans of Major and Unusual Bridges on the Interstate Highway System (M1100.A)
36	Approval of State Standard Specifications	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	District Operations (HED-NY)	NYSIPT Office of Design	FHWA Division Office Approval.
37	Verify State Design Exception Policy complies with FHWA Policy	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	District Operations (HED-NY)	NYSIPT Office of Design	FHWA Division Office Approval.
38	Approval of State Standard Detail Plans	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	District Operations (HED-NY)	NYSIPT Office of Design	FHWA Division Office Approval.
39	Approval of Pavement Design Policy	23 CFR 626.3	As needed	Not Applicable	Office of Infrastructure	District Operations (HED-NY)	NYSIPT Office of Design	FHWA Division Office Approval.

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
40	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	District Operations (HED-NY)	NYSIPT Office of Design	FHWA Division Office Review.
41	Review of Value Engineering Annual Report	23 CFR 627.7, FHWA Order 1311.1B	Annual	Not Applicable	Office of Infrastructure	District Operations (HED-NY)	NYSIPT Office of Design	FHWA Division Office collects, reviews, and submits to HQ for review and reporting.
42	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	District Operations (HED-NY)	NYSIPT Office of Design	FHWA Division Office approval with concurrence from HQ on more complex access requests.
43	Approval of Liquidated Damages Rate	23 CFR 635.127	Every 2 years	Not Applicable	Office of Infrastructure	District Operations (HED-NY)	NYSIPT Office of Design	FHWA Division Office Approval.
44	Approval of Quality Assurance Program	23 CFR 637.205	As needed	Not Applicable	Office of Infrastructure	Innovative Programs (HEH-NY)	NYSIPT Office of Technical Services	State administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
45	Assure Central Laboratory accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Innovative Programs (HEH-NY)	NYSIPT Office of Technical Services	State administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
46	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	Innovative Programs (HEH-NY)	NYSIPT Office of Technical Services	State administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
47	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	Innovative Programs (HEH-NY)	NYSIPT Office of Technical Services	State administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
48	Review Independent Assurance Annual Report	23 CFR 637.207	Annually	3/1/2014	Office of Infrastructure	Innovative Programs (HEH-NY)	NYSIPT Office of Technical Services	State administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
49	Assure Labor Compliance - Prevailing Wage Rate	23 USC 113	As needed	Not Applicable	Office of Infrastructure	District Operations (HED-NY)	NYSIPT Office of Construction	FHWA Division Office Review and Approval
50	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	District Operations (HED-NY)	NYSIPT Office of Construction	FHWA Division Office Approval
51	Approval of Utility Agreement / Alternate Procedure	23 CFR 645.119	As needed	Not Applicable	Office of Infrastructure	District Operations (HED-NY)	NYSIPT Office of Design	FHWA Division Office Approval
52	Approval of Utility Accommodation Policy	23 CFR 645.215, 23 USC 109(l), 23 USC 123	As needed	Not Applicable	Office of Infrastructure	District Operations (HED-NY)	NYSIPT Office of Design	FHWA Division Office Approval
53	Review Bridge Construction, Geotechnical, and Hydraulics	23 CFR 650	As needed	Not Applicable	Office of Infrastructure	Innovative Programs (HEH-NY)	NYSIPT Office of Structures	
54	Review Plans of Corrective Action established to address NBIS compliance issues	23 CFR 650, 23 USC 144	Annually		Office of Infrastructure	Innovative Programs (HEH-NY)	NYSIPT Office of Structures	Division office performs annual compliance review and reports results to HQ.

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
55	Review NBI Data Submittal	23 CFR 650 Subpart C, Annual Memo from HQ, 23 USC 144	Annually	4/1/2014	Office of Infrastructure	Innovative Programs (HEH-NY)	NYSIPT Office of Structures	Division resolve errors with States; States submit to HQ.
56	Review structurally deficient bridge construction Unit Cost submittal	23 USC 144	Annually	4/1/2014	Office of Infrastructure	Innovative Programs (HEH-NY)	NYSIPT Office of Structures	Submit to HQ.
57	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	Innovative Programs (HEH-NY)	NYSIPT Office of Structures	
58	Approval for reduction of expenditures for off-system bridges	23 USC 133(g)(2)(B)	As needed	Not Applicable	Office of Infrastructure	Innovative Programs (HEH-NY)	NYSIPT Office of Structures	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.
59	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	Engr. Coordinator (HPC-NY)	NYSIPT Office of Transportation Maintenance	
60	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	Engr. Coordinator (HPC-NY)	NYSIPT Office of Transportation Maintenance	
61	Review Reporting on Performance Targets	23 USC 150(e)	Beginning four years after enactment of MAP-21 and biennially thereafter		Office of Infrastructure	Engr. Coordinator (HPC-NY)	NYSIPT Office of Transportation Maintenance	

FHWA/NYS DPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
62	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	Engr. Coordinator (HPC-NY)	NYS DOT Office of Transportation Maintenance	
63	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	District Operations (HED-NY)	NYS DOT Office of Transportation Maintenance	
64	Emergency Relief (ER) Damage Assessments and Reports	23 CFR 668 23 USC 120 and 125	As needed	Not Applicable	Office of Infrastructure	Innovative Programs (HEH-NY)	NYS DOT Office of Integrated Modal Services	Perform with State.
65	Toll Credit and Maintenance of Effort (MOE) Calculation and Agreement	23 USC 120(i)	Annually		Office of Infrastructure	Office of Finance & Administration (HFA-NY)	NYS DOT Office of Finance	State will calculate the amount of eligible toll credit and submit for approval. FHWA will review and approve the request.
66	Local Public Agency (LPA) Oversight	49 CFR Part 18 – 18.37 and 18.40; OMB Circular A-133; 23 USC 106(g)(4)	As needed	Not Applicable	Office of Infrastructure	Innovative Programs (HEH-NY)	NYS DOT Office of Integrated Modal Services	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.”
67	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	Innovative Programs (HEH-NY)	NYS DOT Office of Integrated Modal Services	Division Office reviews and submits for Office of Program Administration for Administrator Approval
68	Territorial Highway Program - Approval of Territory Agreement	23 USC 165(c)(5)	Reviewed and Revised as needed every two years		Office of Infrastructure	n/a	n/a	Division Office works with Office of Program Administration and HCC

FHWA/NYS DPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
69	TIFIA Credit Program	23 USC 601-609	As needed	Not Applicable	Office of Innovative Program Delivery	Office of Finance & Administration (HFA-NY)	NYSDOT Office of Finance	Project sponsors submit requests for credit assistance to the TIFIA JPO for review; approval by the Secretary
70	GARVEEs	23 USC 122; GARVEE Guidance 3/14	As needed	Not Applicable	Office of Innovative Program Delivery	Office of Finance & Administration (HFA-NY)	NYSDOT Office of Finance	MOUs strongly suggested for each GARVEE issue. FM contacts OIPD for review/concurrence before final approval
71	State Infrastructure Banks	NHS Act Section 308; 23 USC 610; SIB Guidance 3/14	Annual Report	Not Applicable	Office of Innovative Program Delivery	Office of Finance & Administration (HFA-NY)	NYSDOT Office of Finance	Division sends copy of report to OIPD. SIB submits annual report to Division Office.
72	Section 129 Tolling Authority Requests	23 USC 129(a)	As needed	Not Applicable	Office of Innovative Program Delivery	Office of Finance & Administration (HFA-NY)	NYSDOT Office of Finance	At the option of the project sponsor, may execute a Tolling Eligibility MOU with the Division Office; HIN coordinates FHWA HQ review
73	Section 166 HOV/HOT Lanes Tolling Authority Requests	23 USC 166(d)	As needed	Not Applicable	Office of Innovative Program Delivery	Operations & Safety (HPO-NY)	NYSDOT Office of Traffic Safety & Mobility	At the option of the project sponsor, may execute a Tolling Eligibility MOU with the Division Office; HIN coordinates FHWA HQ review
74	Value Pricing Pilot Program Tolling Authority Requests	ISTEA Section 1012(b)	As needed	Not Applicable	Office of Innovative Program Delivery	Operations & Safety (HPO-NY)	NYSDOT Office of Traffic Safety & Mobility	Requests submitted to HIN to coordinate review; approval by the Administrator
75	Interstate System Reconstruction and Rehabilitation Pilot Program Tolling Authority Requests	TEA-21 Section 1216(b)	As needed	Not Applicable	Office of Innovative Program Delivery	Office of Finance & Administration (HFA-NY)	NYSDOT Office of Finance	Applications submitted to HIN to coordinate review; approval by the Administrator
76	Annual Audit of Toll Facility Records and Certification of Adequate Maintenance - Report Submittal	23 USC 129(a)(3)(B); SAFETEA-LU Section 1604(b)(3)(A); ISTEA Section 1012(b)(3); TEA-21 Section 1216(b)(5)(B);	Annually		Office of Innovative Program Delivery	Office of Finance & Administration (HFA-NY)	NYSDOT Office of Finance	Division Office to receive the reports.

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
77	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	Office of Engineering (HEA-NY)	NYSIPT Regional Offices	State DOT or Project Sponsor will prepare and submit Project Management Plan. Division Office will conduct concurrent review with HQ Office of Innovative Program Delivery. Division Office will provide approval after receiving concurrence from HQ Office of Innovative Program Delivery.
78	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	Office of Engineering (HEA-NY)	NYSIPT Office of Finance	State DOT or Project Sponsor will prepare and submit annual Financial Plans. Division Office will conduct concurrent review with HQ Office of Innovative Program Delivery. Division Office will provide approval after receiving concurrence from HQ Office of Innovative Program Delivery.
79	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	Office of Engineering (HEA-NY)	NYSIPT Office of Finance	State DOT or Project Sponsor will prepare and submit annual Financial Plans to the Division Office, only upon request. Division Office will review and approve Financial Plans for Other Projects in accordance with its stewardship and oversight agreement with the State DOT or Project Sponsor. Other Projects are defined as projects with an estimated total cost of \$100 million or more that have not been designated as Major Projects.
80	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	Planning and Environment (HPE-NY)	NYSIPT Modal Safety & Security	Under development, initial PFN designation scheduled for Spring 2014 completion.
81	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	Planning and Environment (HPE-NY)	NYSIPT Modal Safety & Security	OST lead

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
82	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	Planning and Environment (HPE-NY)	NYSIPT Modal Safety & Security	OST lead
83	Review HOV Operations Report for Tolloed Use and Low-Emission and Energy-Efficient Vehicle Use	23 USC 166(d)	Annually		Office of Operations	Operations & Safety (HPO-NY)	NYSIPT Office of Traffic Safety & Mobility	
84	Congestion Partnerships Assessment	Annual Memo from HQ	Annually	7/1/2014	Office of Operations	Operations & Safety (HPO-NY)	NYSIPT Office of Traffic Safety & Mobility	Complete with partners and forward to HQ.
85	Operations Support Program	Annual Memo from HQ	Annually	7/1/2014	Office of Operations	Operations & Safety (HPO-NY)	NYSIPT Office of Traffic Safety & Mobility	Eligibility determination made by HQ. July 1 date for approval to issue funding for current FY.
86	Traffic Incident Management Self-Assessment	Annual Memo from HQ	Annually	7/1/2014	Office of Operations	Operations & Safety (HPO-NY)	NYSIPT Office of Traffic Safety & Mobility	Complete with partners and forward to HQ.
87	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	Operations & Safety (HPO-NY)	NYSIPT Office of Traffic Safety & Mobility	Complete with partners and forward to HQ.
88	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	Operations & Safety (HPO-NY)	NYSIPT Office of Traffic Safety & Mobility	
89	Review Vehicle Size & Weight Enforcement Plan	23 CFR 657.11, 23 USC 127	Annually	10/1/2014	Office of Operations	Planning and Environment (HPE-NY)	NYSIPT Office of Modal Safety & Security	

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
90	Review Vehicle Size & Weight Enforcement Certification	23 CFR 657.13, 23 USC 141	Annually	1/1/2014	Office of Operations	Planning and Environment (HPE-NY)	NYSDOT Office of Modal Safety & Security	
91	Approval of National Network Modifications	23 CFR 658.11	As needed	Not Applicable	Office of Operations	Planning and Environment (HPE-NY)	NYSDOT Policy & Planning Division	
92	Intelligent Transportation System Architecture & Standards	23 CFR Part 940	As needed	Not Applicable	Office of Operations	Operations & Safety (HPO-NY)	NYSDOT Office of Traffic Safety & Mobility	
93	Approval of Work Zone Significant Project Determination	23 CFR 630.1010	As needed		Office of Operations	Operations & Safety (HPO-NY)	NYSDOT Office of Traffic Safety & Mobility	
94	Approval of Exceptions to Work Zone Procedures for Interstate Projects	23 CFR 630.1010	As needed		Office of Operations	Operations & Safety (HPO-NY)	NYSDOT Office of Traffic Safety & Mobility	
95	Approval of Work Zone Policy and Procedures Conformance Review	23 CFR 630.1014	At appropriate intervals		Office of Operations	Operations & Safety (HPO-NY)	NYSDOT Office of Traffic Safety & Mobility	
96	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	Operations & Safety (HPO-NY)	NYSDOT Office of Traffic Safety & Mobility	
97	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	Planning and Environment (HPE-NY)	NYSDOT Office of Policy, Plng. & Performance	FHWA Division Office Approval.
98	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	Planning and Environment (HPE-NY)	NYSDOT Policy & Planning Division	FHWA Division Office Approval.
99	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	Planning and Environment (HPE-NY)	NYSDOT Office of Policy, Plng. & Performance	FHWA Division Office Approval.

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
100	Review of State Public Involvement Procedures	23 CFR 450.210(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSDOT Office of Design	FHWA Division Office Review to Assure Compliance.
101	Receipt of State Consultation Process for Non-metropolitan Local Officials	23 CFR 450.210(b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSDOT Office of Environment	Informational Purposes.
102	Review of Long-range Statewide Transportation Plan	23 CFR 450.214	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	FHWA Division Office Review to Assure Compliance.
103	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	Joint FHWA and FTA approval.
104	Approval of STIP Amendments	23 CFR 450.218(a) & (c)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	Joint FHWA and FTA approval.
105	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	FHWA and FTA issue a joint finding concurrent with STIP approval.
106	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	Received with STIP.
107	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	
108	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	May use simplified work statement.

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
109	Approval of UPWP Revisions and Amendments (All MPO's)	23 CFR 420.115	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSIPT Policy and Planning Division	
110	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	Planning and Environment (HPE-NY)	NYSIPT Policy and Planning Division	
111	Approval of Report Before Publication (All MPO's)	23 CFR 420.117(e)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSIPT Policy and Planning Division	Waiver may be granted.
112	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	Planning and Environment (HPE-NY)	NYSIPT Policy and Planning Division	
113	Review of Metropolitan Planning Area Boundary (Establishment and Changes)	23 CFR 450.312	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSIPT Policy and Planning Division	Approval by MPO and the Governor, shape files forwarded to HQ. (Comment: No action is required by FHWA/FTA).
114	Review of Metropolitan Transportation Planning Organizations (MPO) Designation and Re-designation	23 CFR 450.310	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSIPT Policy and Planning Division	Require agreement between Governor and local governments.
115	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	Planning and Environment (HPE-NY)	NYSIPT Policy and Planning Division	Between MPO/State DOT/Transit Operator. Included in UPWP or Prospectus (23 CFR 450.314(d)).
116	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	Planning and Environment (HPE-NY)	NYSIPT Policy and Planning Division	Between MPO/State DOT/State AQ Agency.

FHWA/NYSOPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
117	Review of MPO Public Participation Procedures	23 CFR 450.316(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	Must be developed and published.
118	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	
119	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	
120	Review of MTP Amendments	23 CFR 450.322(c)	As Needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	
121	Air Quality Conformity Determination on L RTP in Non-attainment and Maintenance Areas	23 CFR 450.322(d)	Concurrent with L RTP updates at least every 4 years and as needed on amendments	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSDOT Office of Environment	After receipt of MPO determination; Joint FHWA and FTA determination; In consultation with the Environmental Protection Agency (EPA).
122	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	No succinct Federal approval action is required for the TIP. FHWA/FTA approval of the TIP is through the STIP approval process.
123	Review of TIP Amendments	23 CFR 450.324(a); 23 CFR 450.328(b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	No succinct Federal approval action is required for the TIP. FHWA/FTA approval of the TIP is through the STIP approval process.
124	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	Planning and Environment (HPE-NY)	NYSDOT Office of Environment	Applies to non-attainment and maintenance areas only. After receipt of MPO determination, joint determination with FTA (in cooperation with EPA).

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
125	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	At least every four years, joint finding with FTA when TIP is submitted.
126	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	Required for all MPO's. May be included in the STIP, TIP, or UPWP, at least every 4 years.
127	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	Joint FHWA and FTA Certification.
128	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	
129	Approval of Revision of Functional Classification	23 CFR 470.105 (b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSDOT Office of Technical Services	
130	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	Approval by HQ – Administrator.
131	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	Planning and Environment (HPE-NY)	NYSDOT Office of Technical Services	Approved by HQ - Office Director.
132	Review of CMAQ Annual Report	CMAQ Guidance Memo October 31, 2006	Annually	3/1/2014	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSDOT Office of Environment	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.

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
133	Transportation Planning Excellence Awards		Annually	2/1/2014	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSIPT Policy and Planning Division	Call for entries for the FHWA FTA Transportation Planning and Excellence Awards.
134	Approval of Local Technical Assistance Program (LTAP) Centers Work Plan and Budget	FHWA LTAP Field Manual	Annually	3/31/2014	Office of Planning, Environment & Realty	Local Projects Program (HEH-NY)	NYSIPT Office of Technical Services	FHWA HQ approval.
135	Approval of Public Involvement Program Procedures	23 CFR 771.111(h), 23 USC 128	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSIPT Office of Design	
136	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	Planning and Environment (HPE-NY)	NYSIPT Office of Environment	
137	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	Planning and Environment (HPE-NY)	NYSIPT Office of Design	FHWA approves State' noise abatement policy.
138	EIS Status Updates	FHWA Strategic Goal - EIS Timeliness	Quarterly	(Fiscal Year - Oct, Jan, Apr, Jul)	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSIPT Regional Offices	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.
139	Endangered Species Act Cost Report		Annually	3/1/2014	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSIPT Office of Environment	
140	Exemplary Ecosystem Initiatives Applications		Annually	4/1/2014	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSIPT Office of Environment	
141	Approval of Acquisitions, Appraisals, and Relocations Program and Procedures	49 CFR Part 24, The UA	As needed	Not Applicable	Office of Planning, Environment & Realty	Office of Program Management (HPM-NY) - Right of Way	NYSIPT Office of Right of Way	

FHWA/NYS DPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
142	Early Acquisitions	23 CFR 710.501	As needed	Not Applicable	Office of Planning, Environment & Realty	Office of Program Management (HPM-NY) - Right of Way	NYS DOT Office of Right of Way	
143	Local Public Agency Oversight	49 CFR 24.4(b); 23 CFR 710.201	As needed	Not Applicable	Office of Planning, Environment & Realty	Innovative Programs (HEH-NY)	NYS DOT Office of Right of Way	
144	Approval of Highway Facility Relinquishment	23 CFR 620.203	As needed	Not Applicable	Office of Planning, Environment & Realty	Office of Program Management (HPM-NY) - Right of Way	NYS DOT Office of Right of Way	
145	Approval of ROW Disposal Authorization Request	23 CFR 710.409	As needed	Not Applicable	Office of Planning, Environment & Realty	Office of Program Management (HPM-NY) - Right of Way	NYS DOT Office of Right of Way	
146	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	Office of Program Management (HPM-NY) - Right of Way	NYS DOT Office of Right of Way	
147	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	Office of Program Management (HPM-NY) - Right of Way	NYS DOT Office of Right of Way	
148	Approval of Interstate Real Property Use Agreements	23 CFR 710.405	As needed	Not Applicable	Office of Planning, Environment & Realty	Office of Program Management (HPM-NY) - Right of Way	NYS DOT Office of Right of Way	
149	Approval of Request for Federal Land Transfer	23 CFR 710.601	As needed	Not Applicable	Office of Planning, Environment & Realty	Office of Program Management (HPM-NY) - Right of Way	NYS DOT Office of Right of Way	

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
150	Approval of Request for Direct Federal Acquisition	23 CFR 710.603	As needed	Not Applicable	Office of Planning, Environment & Realty	Office of Program Management (HPM-NY) - Right of Way	NYSIPT Office of Right of Way	
151	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	Office of Program Management (HPM-NY) - Right of Way	NYSIPT Office of Right of Way	
152	Approval of Requests to Exempt Certain Nonconforming Signs, Displays, and Devices	23 CFR 750.503	As needed	Not Applicable	Office of Planning, Environment & Realty	Office of Program Management (HPM-NY) - Right of Way	NYSIPT Office of Right of Way	
153	Approval of Railroad Agreement Alternate Procedure	23 CFR 646.220	As needed	Not Applicable	Office of Planning, Environment & Realty	District Operations (HED-NY)	NYSIPT Office of Integrated Modal Services	
154	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	Office of Program Management (HPM-NY) - Right of Way	NYSIPT Office of Right of Way	Requests reviewed and approved by HEPR Office Director.
155	Review of Uniform Relocation Assistance & Real Property Acquisition Report -(OMB Form 2125-0030)	49 CFR 24.9c & Appendix B 49 CFR 24.603	Annually	11/15/2014	Office of Planning, Environment & Realty	Office of Program Management (HPM-NY) - Right of Way	NYSIPT Office of Right of Way	Submitted to FHWA Headquarters (HQ).
156	Review of Real Property Acquisition Statistical Report	FHWA Order 6540.1	Annually	11/15/2014	Office of Planning, Environment & Realty	Office of Program Management (HPM-NY) - Right of Way	NYSIPT Office of Right of Way	

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
157	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	Planning and Environment (HPE-NY)	NYSDOT Office of Technical Services	FHWA Division Office Approval.
158	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	Planning and Environment (HPE-NY)	NYSDOT Office of Technical Services	FHWA Division Office Periodic Review.
159	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	Planning and Environment (HPE-NY)	NYSDOT Office of Technical Services	FHWA Division Office Approval.
160	Approval of SPR research reports	23 CFR 420.117	Prior to publication unless prior approval is waved	Not Applicable	Office of Planning, Environment & Realty	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	FHWA Division Office Approval unless waived.
161	Annual Traffic Reports	Traffic Monitoring Analysis System and Traffic Monitoring Guide reporting	When Published	As needed	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Office of Technical Services	When Published
162	Approval of Annual Field Review Report	HPMS Field Review Guidelines (June 2001) Continuous Process Improvement Model for HPMS(February 2003)	Annually	11/1/2014	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Office of Technical Services	Review memo to HQ.

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
163	Approval of Certified Public Road Mileage	23 CFR 460.3(b)	Annually	6/1/2014	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Office of Technical 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.
164	Approval of Data Submittal	23 CFR 420.105(b), HPMS Field Manual	Annually	6/15/2014	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Office of Technical Services	State DOT sends directly to Division Office and HQ.
165	Highway Statistics Reports	Guide to Reporting Highway Statistics			Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	State DOT of Division Office sends directly to HQ.
166	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	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	(Submitted by NYSDOT by way of the UPACS, Fuels and FASH application.)
167	Vehicles and Drivers (561, 562, 566, and 571)	A Guide to Reporting Highway Statistics, Chapters 3, 4, 5, and 6	4/1/2014	4/1/2014	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	(Submitted by NYSDOT by way of the UPACS, Fuels and FASH application.)
168	Finance (531, 532, 541, 542, and 543 (optional))	A Guide to Reporting Highway Statistics, Chapters 8 and 9	4/1/2014	4/1/2014	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Office of Technical Services	(Submitted by NYSDOT by way of the UPACS, Fuels and FASH application.)
169	Transportation Bond Referendums	A Guide to Reporting Highway Statistics, Chapter 9	When Published	When Published	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Office of Finance	
170	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	Planning and Environment (HPE-NY)	NYSDOT Office of Finance	Annually, Due as soon as available. (Submitted by NYSDOT by way of the UPACS, Fuels and FASH application.)

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
171	Finance (536)	A Guide to Reporting Highway Statistics, Chapter 11	9/30/2014	9/30/2014	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSIPT Office of Finance	Biennially for odd-numbered years. Due nine months after end of reporting year. (Submitted by NYSDOT by way of the UPACS, Fuels and FASH application.)
172	Finance (534)	A Guide to Reporting Highway Statistics, Chapter 12	6/15/2014	6/15/2014	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSIPT Office of Finance	Annually for State, Biennially for local. (Submitted by NYSDOT by way of the UPACS, Fuels and FASH application.)
173	Highway Finance and Tax Legislation	A Guide to Reporting Highway Statistics, Chapter 13	When Published	When Published	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSIPT Office of Finance	
174	State DOT Budgets and Published Annual Reports	A Guide to Reporting Highway Statistics, Chapter 13	When Published	When Published	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSIPT Office of Finance	
175	Motor Fuel Oversight Review	July 24, 2001 HQ Memo	Initial baseline reports no later than December 31, 2003		Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSIPT Policy and Planning Division	Annual progress reports and statement of verification by June 30. Submitted via UPACS.
176	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	Office of Finance & Administration (HFA-NY)	NYSIPT Office of Finance	Division Office sends to HQ.
177	State Highway Maps (Tourist)		When Published	When Published	Office of Highway Policy information	n/a	n/a	Two copies to each Division Office and 100 copies to HQ.
178	Traffic Flow Maps		When Published		Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSIPT Office of Technical Services	When Published.
179	Vehicle Classification Data	MAP-21, HPMS Field Manual, Traffic Monitoring Guide	6/15/2014	6/15/2014	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSIPT Office of Technical Services	Part of Annual HPMS submittal.

FHWA/NYSIPT Stewardship and Oversight Agreement – Attachment B – Program Responsibility Matrix

Activity ID#	Activity	Authority	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Section	State DOT Responsible Program Office/Bureau	Remarks
180	Highway Use Tax Evasion Grant Awards	23 USC 143	Annual	Not Applicable	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	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.
181	Heavy Vehicle Use Tax (HVUT) – Certification of verifying proof-of-payment of HVUT	23 CFR 669.7	7/1/2014	7/1/2014	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	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.
182	Heavy Vehicle Use Tax (HVUT) – Certification of verifying proof-of-payment of HVUT	23 CFR 669	Annual	1/1/2014	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	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.
183	Heavy Vehicle Use Tax (HVUT) – Triennial review of State program	23 CFR 669.21	Triennial	Not Applicable	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Policy and Planning Division	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.
184	Permanent ATR Data	Heavy Vehicle Travel Information System Field Manual	Monthly	Monthly	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Office of Technical Services	Submit monthly, within 20 days after the close of the month for which the data were collected.
185	Continuous Automatic Vehicle Classifier Data	Heavy Vehicle Travel Information System Field Manual	Monthly	Monthly	Office of Highway Policy information	Planning and Environment (HPE-NY)	NYSDOT Office of Technical Services	Send up to one week of data per quarter

Attachment C
FHWA New York Division
Project of Division Interest (PoDI)/Project of Corporate Interest (PoCI) Guide

A. Background

The goal of risk-based project stewardship and oversight is to optimize the successful delivery of programs and projects and help ensure compliance with federal requirements. FHWA Risk-Based Project Stewardship and Oversight involves three main avenues of project involvement: 1) project approval actions, 2) data-driven compliance assurance, i.e., the Compliance Assessment Program (CAP), and 3) risk-based stewardship and oversight involvement in Projects of Division Interest (PoDI), including Projects of Corporate Interest (PoCI) which are a subset of PoDIs (See Figure 1.)

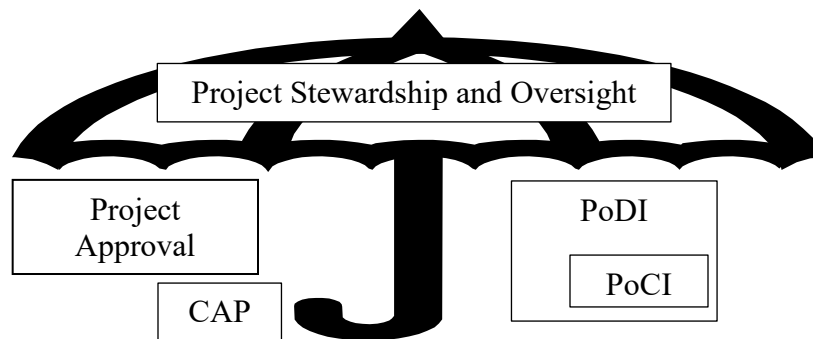


Figure 1.

B. Projects of Division Interest (PoDI)

Projects of Division Interest (PoDIs) are those projects that have an elevated risk, contain elements of higher risk, or present a meaningful opportunity for FHWA involvement to enhance meeting program or project objectives. Each Division Office (Division) should identify those projects, within its limited resources, where FHWA should assert a positive leadership influence to help assure a high level of public confidence that projects and programs are administered with integrity, are in compliance with applicable requirements, and yield maximum value for the public. Project selection will be risk-based and stewardship and oversight activities will be directed toward addressing identified risks. This may include retaining certain project approvals or directing stewardship or oversight activities to a specific phase or element of the project.

B.1 PoDI Types

Section 106 of Title 23, United States Code provides certain statutory requirements for project approval actions and oversight of the Federal-aid Highway Program. Within the context of these requirements, and in consideration of other priorities established by Congress, PoDIs can be generally categorized into one or more of the six (6) types described below:

1. Major Projects (>\$500M); 23 USC 106(h)

Major Projects (>\$500M) will always be identified as PoDIs since Congress has directed an increased involvement by FHWA in these projects.

2. Appalachian Development Highway Projects; 23 USC 106 (g)(5)(B)

Appalachian Development Highway Projects will always be identified as PoDIs since Congress has directed an increased involvement by FHWA to retain project approval actions (design, plans, specifications, estimates, contract awards, inspections) listed in Section 106(c) for these projects.

3. TIGER Discretionary Grant Projects

TIGER Projects will always be identified as PoDIs since Congress has directed an increased involvement in these projects and the administration of these projects has been delegated to FHWA by the Secretary of Transportation.

4. NHS Projects with Retained FHWA Project Approval; 23 USC 106(c)(1)

NHS projects where FHWA has retained responsibility for one or more of the project approval actions (design, plans, specifications, estimates, contract awards, inspections) listed in Section 106(c) will always be identified as a PoDI. The identification of these types of PoDIs will be consistent with the FHWA/SDOT Stewardship and Oversight Agreement and reflect the risk-based need for FHWA to retain responsibilities for certain project approval actions, either on a programmatic basis or project-level basis.

5. Non-NHS Projects with Retained FHWA Project Approval; 23 USC 106(c)(2)

Non-NHS projects where, as determined by the State DOT, FHWA has retained responsibility for one or more of the project approval actions listed in Section 106(c) will always be identified as a PoDI. The identification of these types of PoDIs will be consistent with the FHWA/SDOT Stewardship and Oversight Agreement.

6. Projects Selected for Risk-based Stewardship & Oversight; 23 USC 106(g)

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. Identification of these Section 106(g) PoDIs will be done using a risk-based process that considers consistent risk criteria.

B.2 PoDI Identification Process

The identification of PoDI projects will be risk-based. This will be a two-step process including a “pre-screening” to identify a short-list of potential PoDI projects and a risk-based assessment to identify projects risks.

Pre-Screening

The Division will pre-screen Federal-aid projects and develop a short-list of projects that will require a risk-based assessment to identify their possible areas of risk and to determine if they should be selected as a final PoDI. PoDIs will be screened by the Division based on both programmatic and discretionary criteria. Table 1 presents the programmatic screening criteria for possible selection of Projects of Division Interest.

Table 1 –Projects of Division Interest (PoDIs) - Programmatic Screening Criteria

Highway System Type	Project Type	Possible FHWA Project of Division Interest	NYSDOT Delegated Project
NHS ¹	≥ \$10 million ² (3R, 4R, bridge rehab, and bridge reconstruction projects) Regions 1-9	X	
	< \$10 million ² - Regions 1-9		X
	≥ \$25 million ² (3R, 4R, bridge rehab, and bridge reconstruction projects) – Regions 10 & 11	X	
	< \$25 million ² – Regions 10 & 11		X
	Proposed new interstate access break or modification	X	
	Major Projects (>\$500 million) ³	X	
	Sub-Major Projects (\$100 - \$500 million) ³	X	
	Major and unusual structures ⁴	X	
	Freeways on new location	X	
	EIS Projects	X	
	Projects funded with ADHS funds ⁵	X	
	Interstate designation projects	X	
	Projects funded with TIGER funds ⁵	X	
	All others		X
ITS/Operations Projects	Exempt ⁶		X
	Low-Risk ⁶		X
	High-Risk ⁶	X	

¹ If a project meets the screening criteria in Table 1 and is not on the NHS, FHWA and NYSDOT will discuss appropriate FHWA involvement on a project by project basis.

² Estimated construction cost based on current Engineer’s Estimate. NYSDOT assumes oversight on all 1R, element specific, VPP, sign replacement, Type II (retrofit) noise abatement, rest area, pavement marking, and guardrail replacement contracts no matter what the contract amount is. For a full list of element specific work types, refer to Appendix 7 in NYSDOT’s Project Development Manual.

³ Estimated costs to complete design, right-of-way, and construction stages.

⁴ This project category includes tunnels and the following bridge types: pre-cast segmental, cable-stayed, suspension, and movable. It also includes the four major East River Bridges and the East River Bridge Preventive Maintenance contracts in New York City.

⁵ All projects funded with ADHS or TIGER funds are required to be classified as PoDIs, regardless if on or off the NHS

⁶ All ITS projects are to be presented to the Division Office for approval of a preliminary determination of project type in the following three categories: Exempt, Low-Risk, and High-Risk projects. (see Attachment C.)

In addition to the programmatic screening criteria provided in Table 1, the Division office may select additional projects for Projects of Division Interest on a discretionary basis considering inherent risk or other interests of the Division Office, as outlined in Table 2. It is expected that the majority of the PoDIs will be selected based on the criteria in Table 1.

Table 2 –Projects of Division Interest (PoDIs) – Discretionary Screening Criteria

Project Type	Possible FHWA Project of Division Interest
Sample of Locally Administered Projects that do not trigger any of the programmatic categories in Table 1	X
Project involves use of innovative financing and/or project delivery techniques (TIFIA, D-B, CMGC, P3s, SEP-14, SEP-15, etc.)	X
Project contains certain scope or work elements identified by the Division Office as being an area of specific interest	X
Projects selected to ensuring adequate Regional coverage	X
Project has an inherent high political/stakeholder interest	X

The State DOT will review projects during the design phase utilizing the screening criteria established in Table 1, and will forward the design approval documents to the Division if the project meets the criteria in Table 1. For each project screened, the Division will review the design reports and grant design approval and non-standard feature approval. At the time of design approval, the Division will determine if the project is selected as a Project of Division Interest, and what level of involvement they will retain on the project going forward, as discussed below.

Additionally, the Division will identify Discretionary PODIs every April based on NYSDOT’s planned capital program for the upcoming state fiscal year. The Division will review changes to the planned capital program on a quarterly basis, and will also review design and construction authorizations quarterly to screen for additional PoDIs.

D.1 Risk-based Assessment

For all projects that meet the screening criteria in Tables 1 and 3, the Division will conduct a risk-based assessment of the short-list of screened projects. Major Projects, Appalachian projects, and TIGER projects are by definition final PoDI projects, but each must still receive a risk-based assessment to identify project risk areas and appropriate stewardship and oversight activities. The Division will assess the individual project risks for the following risk areas:

- Complexity
- Cost
- Schedule
- Urgency

- Environmental Considerations/Stakeholders
- Funding
- Project Administration
- National/Regional Significance
- Corporate Actions
- Local Considerations

Final PoDI Selection

The Division will make the final selection of PoDIs from the short-list taking into consideration the results of the risk-based assessment, available resources, State-specific considerations, and how each project fits into the Division’s overall oversight objective. As noted above, Major Projects, Appalachian projects, and TIGER projects are by definition final PoDI projects.

Scope of Involvement in PoDI Projects

The Division’s involvement in project stewardship and oversight activities will be risk-based and will be directed toward addressing the identified risks. This may include retaining certain project approvals or directing stewardship or oversight activities to a specific phase or element of the project. To provide some level of predictability for NYSDOT to incorporate into their project procedures, the Division has identified four stewardship and oversight categories, which serve as the Stewardship and Oversight Plan for each project, as provided in Table 3. With this approach, NYSDOT will know at the Design Approval phase which project documents will need to be submitted for approval to the Division, and can include these review times in their project schedules. The four categories include:

- Category I – PoDI/Federal Involvement in all Phases - FHWA-NY will review and approve design approval documents, review ADP submittals, review and approve PS&E package or Design-Build contract documents, concur-in-award, conduct routine construction inspections, approve OOCs and amendments, and issue Final Acceptance.
- Category II - PoDI /Detailed Design/Contract Document Review and Approval Only – FHWA-NY will review and approve design approval documents, review ADP submittals, review and approve PS&E package or Design-Build contract procurement documents.
- Category III - PoDI /Spot Check Construction Review - FHWA-NY will review and approve design approval documents, and conduct an initial spot check review during construction. Subsequent follow up construction reviews may be conducted as necessary, pending findings from the spot check review.
- Category IV – Delegated Project/No Further Federal Involvement - FHWA-NY will review and approve design approval documents, but does not expect to be involved in further project reviews/approvals. The project is not considered a Project of Division Interest, however, FHWA may conduct reviews on the project as part of the statistically driven Compliance Assessment Program, described below, or as part of a program or process review.

Table 3 summarizes the PoDI Stewardship and Oversight Plan with the key NYSDOT and FHWA projects approval actions for each oversight category and delegated projects.

Table 3 – PoDI Stewardship and Oversight Plan - NYSDOT and FHWA Key Project Action Responsibilities

Key Project Actions	Projects of Division Interest			Delegated Projects	
	Category I: Federal Involvement in All Phases	Category II: Detailed Design/ Contract Document Review and Approval Only	Category III: Spot Check Construction Review	Category IV: No Further Federal Involvement	Delegated Projects
<i>Environmental Actions</i>					
Categorical Exclusions ¹	FHWA/ NYSDOT	FHWA/ NYSDOT	FHWA/ NYSDOT	FHWA/ NYSDOT	FHWA/ NYSDOT
Environmental Assessments	FHWA	FHWA	FHWA	FHWA	FHWA
Environmental Impact Statements	FHWA	FHWA	FHWA	FHWA	FHWA
Endangered Species Determinations	FHWA	FHWA	FHWA	FHWA	FHWA
E.O. 11990 Wetland Finding	FHWA	FHWA	FHWA	FHWA	FHWA
Section 106 Determinations	FHWA	FHWA	FHWA	FHWA	FHWA
Section 4(f) Determinations	FHWA	FHWA	FHWA	FHWA	FHWA
<i>Design Actions</i>					
Design Exceptions	FHWA	FHWA	FHWA	FHWA	NYSDOT
Design Approval	FHWA	FHWA	FHWA	FHWA	NYSDOT
Advanced Detail Plans Review	FHWA	FHWA	NYSDOT	NYSDOT	NYSDOT
Approve Major PS& E Addendums	FHWA	FHWA	NYSDOT	NYSDOT	NYSDOT
Right of Way Projections Concurrence	FHWA	FHWA	FHWA	FHWA	FHWA
PS&E Approval	FHWA	FHWA	NYSDOT	NYSDOT	NYSDOT
Interstate Access Modification	FHWA	FHWA	FHWA	FHWA	FHWA
<i>Procurement and Construction Actions</i>					
Authorize Advertisement	FHWA	FHWA	NYSDOT	NYSDOT	NYSDOT
Concur in Award	FHWA	FHWA	NYSDOT	NYSDOT	NYSDOT

¹ NEPA actions have not been delegated to the state. The NEPA classification will be determined based on the Federal Environmental Approvals Worksheet (NYSDOT EB 14-042), 12/1/14

Key Project Actions	Projects of Division Interest			Delegated Projects	
	Category I: Federal Involvement in All Phases	Category II: Detailed Design/ Contract Document Review and Approval Only	Category III: Spot Check Construction Review	Category IV: No Further Federal Involvement	Delegated Projects
Approve OOCs	FHWA	NYSDOT	NYSDOT	NYSDOT	NYSDOT
Approve Time Extensions	FHWA	NYSDOT	NYSDOT	NYSDOT	NYSDOT
Concur in Settlement of Claims	FHWA	NYSDOT	NYSDOT	NYSDOT	NYSDOT
Final Acceptance	FHWA	NYSDOT	NYSDOT	NYSDOT	NYSDOT
SEP-14 Approvals	FHWA	FHWA	FHWA	FHWA	FHWA
<i>Major Projects Actions (>\$500 million)</i>					
Approve Consultant Agreements	FHWA	n/a	n/a	n/a	n/a
Approve Project Management Plan	FHWA	n/a	n/a	n/a	n/a
Conduct Cost Estimate Review	FHWA	n/a	n/a	n/a	n/a
Approve Initial/Updated Finance Plans	FHWA	n/a	n/a	n/a	n/a
<i>Sub-Major Projects (\$100 - \$500 million)</i>					
Approve Initial/Updated Finance Plans	FHWA	FHWA	FHWA	FHWA	FHWA
<i>Design-Build Actions</i>					
Concur on Request for Qualifications	FHWA	FHWA	NYSDOT	NYSDOT	NYSDOT
Approve on Request for Proposals	FHWA	FHWA	NYSDOT	NYSDOT	NYSDOT
Concur in Award	FHWA	FHWA	NYSDOT	NYSDOT	NYSDOT

C. Projects of Corporate Interest (PoCI)

Projects of Corporate Interest (PoCIs) are a subset of PoDIs. These are projects deemed to be so significant that FHWA is willing to commit additional resources beyond those available at the individual Division level to help ensure successful delivery of the project. Project selection should be risk-based and the stewardship and oversight activities should be directed toward addressing the identified risks. This may require retaining certain project approval actions or directing stewardship and oversight activities to a specific phase or element of the project.

C.1 PoCI Identification Process

Pre-Screening

It is anticipated that a short-list of projects that have the potential to be a PoCI will be identified early in the PoDI pre-screening process. All Major projects will be included in the short-list of potential PoCIs.

Risk-based Assessment

The Division will enter all Major Projects and all other pre-screened projects that have the potential to be a PoCI into the FHWA SharePoint-based Resource Deployment Tool. This tool will be used to conduct a risk-based assessment to identify areas of elevated risk for each project, identify the level of Division office capacity to manage the risk, and determine if the project is recommended by the Division Office for selection as a final PoCI. The Resource Deployment Tool considers the project risks in the areas of: 1) complexity, 2) Cost, 3) Schedule, 4) Urgency, 5) Environmental Considerations/Stakeholders, 6) Funding, 7) Project Administration, 8) National/Regional Significance, 9) Corporate Actions, and 10) Local Considerations.

Final PoCI Selection

For each project entered into the RDT, the Division Office will indicate if the project is selected as a final PoDI and if it is recommended as a final PoCI. The FHWA Director of Field Services (DFS) will concur in the final selection of PoCIs after consultation with key Headquarters offices. If a Division recommends a Major Project as a PoCI, the DFSs will consult with the Office of Innovative Program Delivery (HIPD) prior to concurring in the selection of the project as a final PoCI. Concurrence for each project will be documented in the RDT. If the DFSs and/or Headquarters office have any concerns with whether the project is a good candidate for a final PoCI they will consult with the Division Administrator.

C.2 Scope of Involvement in PoCI Projects

Project selection will be risk-based and stewardship and oversight activities will be directed toward addressing the identified risks. This may include retaining certain project approvals or directing stewardship or oversight activities to a specific phase or element of the project. For PoCIs, the scope of involvement will include the dedication of corporate resources to ensure the successful delivery of the project.

C.3 PoCI Stewardship and Oversight Agreements

Project-specific stewardship and oversight agreements are required to be developed for each PoCI. They must include, at a minimum: 1) risk areas associated with the project, 2) project elements that will be reviewed in response to the risk, 3) activities that will be conducted on the project, and 4) specific corporate resources committed to the project.

Attachment C.1
FHWA New York Division
Intelligent Transportation Systems (ITS) Projects

The FHWA Division is applying the concept of a risk-based oversight to ITS projects. This will allow staff to rebalance priorities, thus enabling an increased emphasis on the ITS/Operations program as a whole. Due to the often complicated, multi-agency, system-based/life cycle analysis nature of ITS projects, per this agreement all ITS projects are to be presented to the Division Office for approval of a preliminary determination of project type in the following three categories: Exempt, Low-Risk, and High-Risk projects.

To determine the project category, NYSDOT will complete a Systems Engineering Review Form (SERF) as shown in Attachment C.3 prior to requesting design authorization in FMIS. Regardless of FHWA oversight, all ITS projects are subject to the requirements of 23 CFR 940.11, including performing a systems engineering analysis. The Division office reserves the right, at its discretion, to conduct full ITS oversight of all Exempt and Low Risk projects. All ITS projects will require FMIS actions by the Office of Program Management.

- Exempt Projects - Projects with ITS elements that do not require full FHWA ITS oversight as determined by the responsible FHWA ITS Engineer and consistent with the (SERF) submitted by NYSDOT (Attachment C.3). Completion of the SERF for the FHWA determined “Exempt Projects” constitutes completion of a System Engineering Analysis (SEA) and meets the requirements of CFR 940.11. No further ITS-specific action is necessary. Exempt projects may be routine maintenance and operations activities, ITS studies, stand-alone ITS initiatives, and in some cases may not be included in the region’s ITS Regional Architecture. All activities of the traditional roadway project development life-cycle process will be followed. Exempt projects may include any of the following:
 - Changes to an existing traffic signal – This may include, for example, adding or revising left-turn phasing or other phasing, adding pedestrian-crossing displays. This does not include new things such as adaptive control systems, traffic signal pre-emption, or transit priority projects.
 - Installing an “isolated” traffic signal – This is a signal not connected to any type of external signal-control system, nor likely to be in the future because of its isolation.
 - Traffic signal timing projects – This includes all “studies” whose purpose is to change the coordination parameters for controlling a group of signals – but with no installation of new hardware or software.
 - Studies, Plans, Analyses – This includes ITS Master Plans, Deployment Plans, Technology Studies, etc. whose product is only a document, with no new hardware or software installed.
 - Routine maintenance and operations – This includes operating and maintaining any ITS elements or systems located at a Traffic Management Center (TMC) or in the field – again with no new hardware or software installed.
 - Service patrols

- Enforcement operations - (HOV operations/dedicated lanes). This does not include the implementation of technologies for enforcement (i.e., license plate readers).
- Low-Risk - ITS projects that do not require full ITS FHWA oversight as determined by the responsible FHWA ITS Engineer and consistent with the SERF submitted by NYSDOT (Attachment C.3). Completion of the SERF for the FHWA determined “Low-Risk” projects constitutes completion of a System Engineering Analysis (SEA) and meets the requirements of CFR 940.11. Low Risk projects may include those in which Standard Plans, Standard Specification, or Standard Special Provisions are well documented. They will typically have all of the following characteristics:
 - Single jurisdiction; single transportation mode (highway or transit).
 - No software creation or substantial modification; commercial-off-the-shelf (COTS) or proven software.
 - Proven COTS hardware & communications technology.
 - No new interfaces.
 - System requirements fully detailed in writing.
 - Operating procedures fully detailed in writing.
 - Project life-cycle not shortened by technology service life.
- High-Risk - ITS projects that require full ITS FHWA oversight which will require submission of a Systems Engineering Analysis (SEA) (Attachment C.2). High-Risk projects may include, but are not limited to, one (or more) of the following characteristics:
 - Multi-jurisdictional or multi-modal.
 - Custom software is required.
 - Hardware and Communications are “cutting-edge” or not in common use.
 - Tolling/pricing.
 - Significant interface/integration to other systems is required.
 - System requirements not detailed or not fully documented.
 - Operating procedures not detailed or not fully documented.
 - Technology service life shortens project life-cycle.
 - Controversial programs or projects

Attachment C.2

FHWA New York Policy for Implementing ITS Projects In Accordance with The Federal ITS Architecture and Standards Rule 23 CFR Part 940

April 30, 2015

Risk Designation - A Systems Engineering Analysis (SEA) shall be performed for any Intelligent Transportation System (ITS) project funded in whole or in part by the Highway Trust Fund, and is recommended for all ITS projects regardless of the funding source. This includes ITS elements that may be included in a larger highway, bridge, or safety projects.

An ITS project is defined as any project that in whole or in part funds the acquisition of technologies or systems that provide or significantly contribute to the provision of one or more ITS user services as defined in the National ITS Architecture. The National ITS Architecture is a common framework for ITS interoperability. **23 CFR 940.11** identifies requirements for implementation of ITS Projects funded with highway trust funds.

All ITS projects will be classified by the FHWA consistent with their determination of risk. Risk designation is the responsibility of the appropriate FHWA Division ITS Engineer. Risk determination is further supplemented by a review of the required Systems Engineering Review Form (SERF) submitted by NYSDOT. Completion of the SERF for determined “Exempt” and “Low Risk” projects constitutes completion of a System Engineering Analysis (SEA) and meets the requirements of CFR 940.11.

1. **SEA Requirements** - The following steps summarize the minimum SEA requirements for “High-Risk” ITS projects. Contact the appropriate FHWA New York Division Intelligent Transportation Systems (ITS) Engineer for any questions on these ITS requirements or procedures.

A SEA is a process that will help to control costs, reduce risk, maintain the project schedule, and satisfy user’s needs. The complexity of the SEA will vary and will be commensurate with the scope and complexity of the ITS project. It shall address at a minimum:

- Identification of portions of the Regional Architecture being implemented
- Identification of participating agencies’ roles and responsibilities
- Requirements definitions
- Analysis of alternative system configurations and technology options to meet requirements
- Procurement options
- Identification of applicable ITS standards and testing procedures and
- Procedures and resources necessary for operations and management of the system.

Additional Guidance related to the above bullets can be found in the following documents/references:

- Systems Engineering for Intelligent Transportation Systems, An Introduction for Transportation Professionals, USDOT FHWA/FTA, January 2007;
- ITS Project Scoping Guidance, NYSDOT, PDM Appendix 6, December 2004; and
- Best Practices for ITS Standards Specifications, NYSDOT, December 7, 2005
- FHWA's System Engineering web site - http://ops.fhwa.dot.gov/int_its_deployment/sys_eng.htm
- FHWA's ITS architecture Implementation Program - http://ops.fhwa.dot.gov/its_arch_imp/index.htm

Contact your FHWA New York Division ITS Engineer for additional resources and training opportunities.

- 2. SEA Documentation** - For all "High-Risk" ITS projects, the SEA documentation shall be submitted to FHWA during the Preliminary Engineering phase, with other required documentation, for Design Approval of the ITS project or elements. See attachment C.4 for the Systems Engineering "V" diagram mapped to NYSDOT's Project Development process.
 - Consultant Scope of Services for ITS software development shall be submitted for FHWA review and approval.
 - PS&E's and bidding results shall be submitted for FHWA review and approval/concurrence prior to contract letting and award.
 - FHWA NY Division shall be kept informed of milestones in the construction and system development of ITS projects, so that timely project review, final inspection, and acceptance may be provided. These shall include but not be limited to preconstruction meetings with the contractor, testing of hardware and software, and other intermediate milestones of importance. Also, all Orders-on-Contract and time extensions must be approved by FHWA.
- 3. Project Documentation and Review** - For full FHWA oversight ITS elements of larger highway, bridge, or safety projects, FHWA will review and approve the ITS related portions of the Design Report, and the project Plans, Specifications, and Estimate (PS&E). In identifying portions of the applicable Regional ITS Architecture that are being implemented, the following guidelines will be used:
 - When an ITS project falls within the boundaries of a Regional or Statewide ITS Architecture, documentation of the functions and information flows will be provided directly from the Architecture into the project design document.

- In the event that some or all of the proposed project functions and/or information flows do not currently exist in the Regional ITS Architecture such functions and/or information flows shall be incorporated into the current Regional ITS Architecture. Changes to the Regional ITS Architecture must be coordinated with and documented by the agency maintaining that architecture prior to the obligation of federal-aid funds.
 - If a proposed ITS project falls outside the boundaries of any existing Regional ITS Architecture, a project level architecture must be created, in accordance with 23 CFR 940.11(e). This decision should be based upon geographic, stakeholder, and system function considerations.
 - If this is the first ITS project in a region without an existing architecture, the timeframe for developing a Regional ITS Architecture begins. The region is allowed 4 years, from the date the project advances to final design, to create a Regional ITS Architecture that is “Ready for Use”.
4. **ITS Architecture** - Maintenance responsibilities are understood as follows:
- The NYSDOT Main Office will maintain the Statewide ITS Architecture.
 - The NYSDOT Regions shall implement procedures and responsibilities for maintaining the Regional ITS Architecture. It is expected the Metropolitan Planning Organizations (MPOs) will play a key role in select regions.
5. **Turbo Architecture** - The use of Turbo Architecture software is recommended to create, maintain, and document Regional ITS Architectures. The software package features a step-by-step process to create a Regional ITS Architecture and it allows for easy editing, diagram generation, and project architecture imports. Training is available and can be coordinated through the FHWA NY Division.
6. **ITS Standards** – All ITS projects shall use ITS Standards that have been officially adopted by the USDOT. ITS Standards that are pertinent to the project should be used as they become available, prior to adoption by the USDOT.

Any exceptions must be approved by the FHWA NY Division. The following may be considered with potential justification for not using an adopted ITS Standard:

- The lack of a reasonable number of manufacturers producing compliant devices,
- The lack of a demonstrated acceptable field experience with devices meeting the standards,
- The need to maintain compatibility with an existing significant investment in non-compliant devices; there is no reasonable option for dual complaint/backward compatible devices; and this is consistent with existing regional or statewide standards implementation plans.

Guidance on the appropriate ITS Standards, status, and information for various ITS applications can be found at the USDOT website: <http://www.standards.its.dot.gov/>

Attachment C.3

SYSTEMS ENGINEERING REVIEW FORM (SERF)

Part 1. General Project Information

The SERF is normally submitted to the FHWA Division Office ITS Engineer/Specialist prior to obligation of initial funding for any project with ITS elements. Any project for which the SERF is not completed in full at this time will be considered as “High Risk”, or requiring full oversight by FHWA, unless approved by FHWA as “Exempt”. A full discussion of risk categories is available in the most recent Federal-aid Highway Program Partnership Agreement between FHWA and NYSDOT.

Please provide the following background information. In most cases, 1-3 sentences will be sufficient for each item, but you may include as much as you feel needed.

A. Project Contact – Name, position, phone, email.

B. Project Objectives – What is the purpose of the project? What needs (deficiencies) are being addressed?

C. Project Summary – What solutions will address the needs? What major elements will be installed? What major function(s) will be performed?

D. Work to Date – Any preliminary planning, investigation of options, associated internal or external systems examined, etc.?

E. Is this project considered “Exempt”? Yes _____ No _____ If this project is determined to be Exempt, as defined in the Partnership Agreement, you may stop completing the SERF at this point. With FHWA concurrence, a Systems Engineering Analysis will not be required.

F. Risk Assessment Guidance – Although this assessment is not a regulatory requirement, the answers to these questions will help in understanding the extent of risk involved in this project.

For each question, check Yes or No or Not Sure.

Question:	Yes	No	Not Sure
1. Will the project depend on <i>only your agency</i> to implement and operate?			
2. Will the project use <i>only software proven elsewhere</i> , with <i>no</i> new software writing?			
3. Will the project use <i>only hardware and communications proven elsewhere</i> ?			
4. Will the project use <i>only existing interfaces</i> (no new interfaces to other systems)?			
5. Will the project use <i>only existing system requirements that are defined in writing</i> ?			
6. Will the project use <i>only existing operating procedures that are defined in writing</i> ?			
7. Will the project use <i>only technologies with service life longer than 2-4 years</i> ?			

If all of the above are Yes, that is a preliminary indication that your project is **Low-Risk**.

Part 2. Regulatory Compliance Information

Please answer each question briefly (often one paragraph is enough). If the question cannot be fully answered *now*, but will be answered during the project implementation, please indicate the step at which it will be answered. As you respond to each question on this form, the field will expand as you type.

1. Identification of portions of the Regional ITS Architecture (RA) being implemented:

Instructions: Contact your NYSDOT Regional ITS Coordinator to get this information from your Regional ITS Architecture (“RA”). In the RA, the project might be identified specifically by name and agency, or by a more generic description (e.g. “Arterial Traffic Management”). If listed in the RA, document which inventory elements, market packages, subsystems, and/or information flows are being completed in this project. If there is **no** information in your RA, arrange with your NYSDOT Regional ITS Coordinator to provide them this information when your project is designed; they will use it in the next update of the RA.

Please enter your response here:

2. Identification of participating agencies roles and responsibilities:

Instructions: Can you identify all stakeholders that must participate in the implementation phase of this project? What are their roles/responsibilities? Have they committed to the responsibilities? Some of this information might appear in your RA (e.g., “Operational Concepts” or other sections). If this will be defined in later phase of the project (e.g., Concept of Operations), the RA may be a good source to start definition.

Please enter your response here:

3. Procedures and resources necessary for operations and management of the system:

Instructions: Can you identify all stakeholders that must participate in operations, management and maintenance of the system throughout its life cycle? What are the roles, responsibilities, and resources required from each stakeholder? Examples include: money, special equipment, staff time, special expertise, provision of data, and many more. You should consider hardware, software, and communications issues.

Please enter your response here:

4. Requirements definitions:

Instructions: Are the system requirements (functional and performance) already well-defined **in writing**? If yes, indicate where they can be found (e.g., Std. Specs). If they will be defined in later phase of the project, the applicable high-level functional requirements in the RA may be a good starting point for writing them. The focus is on “**what**” functions must be performed – **not** on “**how**” the technology will be used to perform them.

Please enter your response here:

5. Identification of applicable ITS standards and testing procedures:

Instructions: Do you know yet if any ITS Communications Standards are applicable to this project? If they are applicable, will you use them? If your RA identifies specific Architecture Flows, you can ask your NYSDOT Regional ITS Coordinator to produce a “Standards Report” for those Flows; it will identify ITS Standards to consider.

Please enter your response here:

6. Analysis of alternative system configurations and technology options to meet requirements:

Instructions: Have you considered alternative designs yet? This could include system configurations, different organizational roles; alternative hardware, software, or communications technology. If you cannot yet make a choice of available alternatives, this analysis will occur in later phase of the project (High-Level Design).

Please enter your response here:

7. Procurement options:

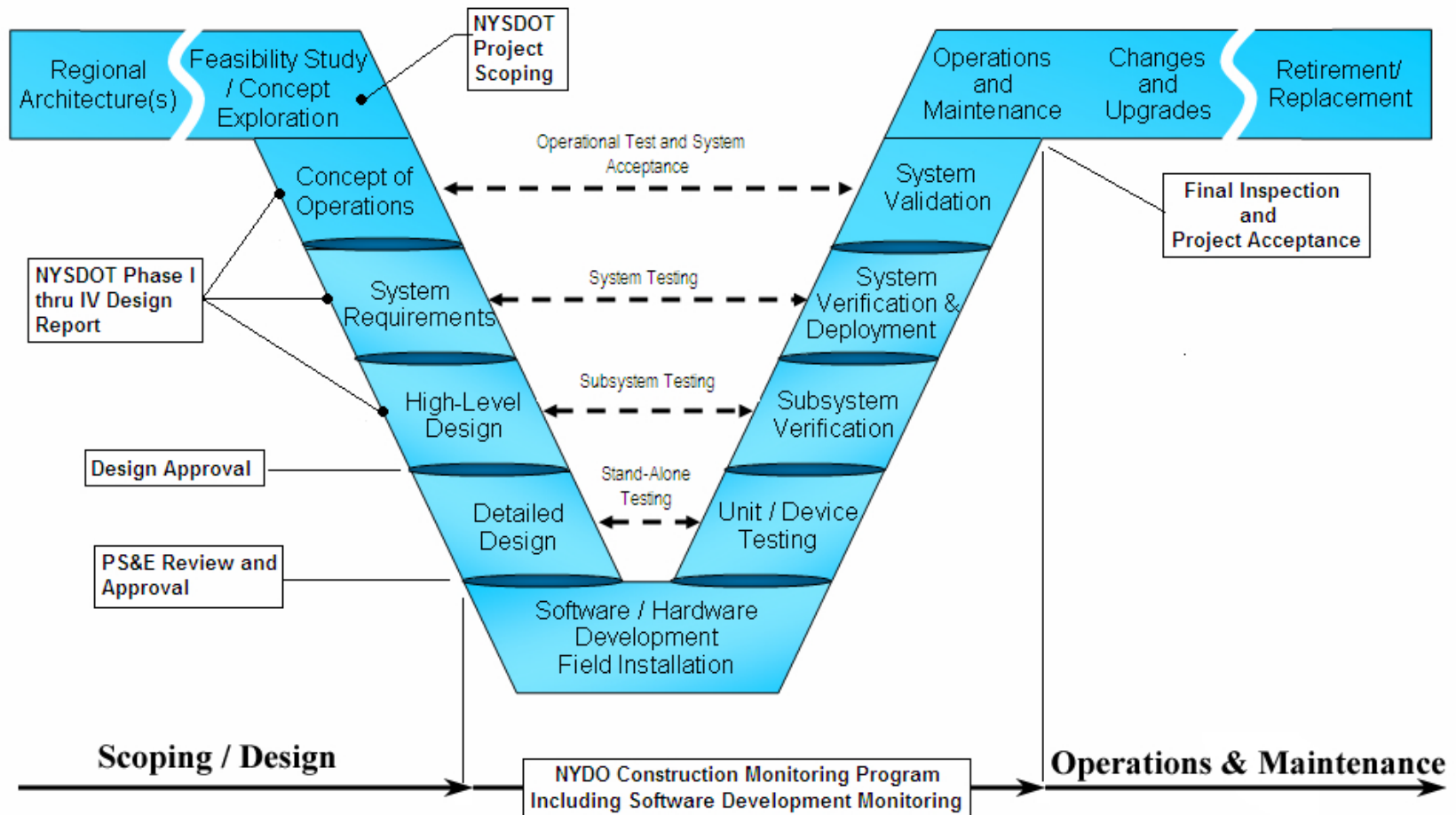
Instructions: Have you considered different procurement options for each of the project phases (design, implementation, operation, and management)? These options could include: off-the-shelf vs. custom, lease vs. buy, fixed-price vs. cost-reimbursable, etc. Procurement options must consider the level of staff technical expertise, existing agency procurement practices, who will be the project manager, and whether you need a systems engineer and/or system integrator.

Please enter your response here:

Comments or Additional Information (if needed):

Attachment C.4

Systems Engineering "V" Model for ITS Project Development Mapped to NYSDOT Project Development Process



Attachment D

Manuals and Operating Agreements

This appendix lists, by topic, specific procedures, manuals, policy statements, bulletins, standards, rules, regulations and other publications used to administer the Federal-aid Highway Program in New York State. Additions to this Appendix will occur as additional policies and guidance are developed in consultation with FHWA, approved by the FHWA (where necessary), and implemented by NYSDOT. FHWA and NYSDOT may also agree to unique or special procedures in Federal-aid programs on either a program or project basis.

1. Public Involvement in the Development of Projects (including Title VI requirements related to minority group participation)

Procedures for public involvement and public hearings are included in the following:

- a. NYSDOT Project Development Manual (PDM)
- b. Transportation Environmental Manual (TEM)
- c. Adopted NYSDOT Public Involvement Procedures for Transportation Planning and Programming
- d. NYSDOT Procedures for Locally Administered Federal Aid Projects Manual

2. Project Development Process and Design Procedures

The NYSDOT project development process and design procedures contained in the documents listed below are to be used to administer Federal-aid projects in New York State.

- a. NYSDOT Project Development Manual (PDM)
- b. NYSDOT Procedures for Locally Administered Federal Aid Projects Manual
- c. Transportation Environmental Manual (TEM)
- d. NYSDOT Bridge Manual
- e. NYSDOT Real Estate Forms Instruction Manual
- f. NYSDOT Engineering Instructions
- g. NYSDOT Engineering Bulletins
- h. NYSDOT Engineering Directives
- i. NYSDOT Real Estate Right of Way Manual
- j. FHWA Right of Way Project Development Guide
- k. FHWA Emergency Relief Manual
- l. NYSDOT Materials Bureau Materials Methods
- m. NYSDOT Geotechnical Engineering Bureau Manuals and Procedures
- n. NYSDOT Base Scope of Services
- o. Transportation Research Board Special Report 209, Highway Capacity Manual
- p. AASHTO's Model Drainage Manual
- q. NYSDOT Design Consultant Manual

3. Application of Appropriate Design and Construction Standards

Appropriate design and construction standards are provided by the application of the following:

- a. A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials, (AASHTO)
- b. Transportation Research Board Special Report 209, Highway Capacity Manual
- c. NYSDOT Highway Design Manual (HDM)
- d. NYSDOT Standard Sheets
- e. NYSDOT Policy and Standards for the Design of Entrances to State Highways (HDM Appendix 5A)
- f. NYSDOT Comprehensive Pavement Design Manual (CPDM)
- g. NYSDOT Standard Specifications for Highway Bridges
- h. NYSDOT Bridge Manual
- i. NYSDOT Bridge Detail Sheets
- j. NYSDOT Engineering Instructions
- k. NYSDOT Engineering Bulletins
- l. NYSDOT Engineering Directives
- m. NYSDOT Standard Specifications for Construction and Materials
- n. NYSDOT Manual of Uniform Traffic Control Devices
- o. National Manual on Uniform Traffic Control Devices
- p. NYSDOT Surveying Standards and Procedures Manual
- q. NYSDOT Materials Bureau Materials Methods
- r. NYSDOT MURK* 1B (Construction Inspection Manual)
- s. NYSDOT MURK* 2A (Materials Inspection Manual)
- t. NYSDOT Geotechnical Engineering Bureau Manuals and Procedures
- u. NYSDOT Geotechnical Design Manual
- v. NYSDOT Special Specifications contained in PS&Es which have been approved in accordance with Appendix B
- w. AASHTO's Guide for Development of Rest Areas on Major Arterials and Freeways
- y. AASHTO Guide to the Development of Bicycle Facilities
- z. NYSDOT Procedures for Locally Administered Federal Aid Projects Manual

* MURK - Manual of Uniform Record Keeping

The Department will apply design and construction standards for new construction, reconstruction, resurfacing (selected maintenance resurfacing), restoration, or rehabilitation of highways on the NHS in accordance with 23 CFR Part 625.

4. NYSDOT's Highway Safety Improvement Program

The Department will administer a Highway Safety Improvement Program on a continuing basis according to 23 CFR Part 924, 23 CFR Part 1204, 23 USC and the following:

- a. NYSDOT Highway Safety Improvement Program: Procedures & Techniques
- b. NYSDOT Safety Investigation Procedures Manual
- c. NYSDOT Safety Program Manual

5. Intelligent Transportation Systems

The Department (and sub-recipients) will comply with the requirements of 23 CFR Part 940. The FHWA New York Division Policy for Implementing ITS Projects provides further guidance on these requirements (see Attachment C.1).

6. Quality Control/Quality Assurance of Construction and Materials

The quality of construction is assured through the application of the following:

- a. NYSDOT Standard Specifications for Construction and Materials
- b. NYSDOT Standard Sheets
- c. NYSDOT Bridge Detail (BD) Sheets
- d. NYSDOT Steel Construction Manual
- e. NYSDOT Prestressed Concrete Construction Manual
- f. NYSDOT MURK 1A (Contract Administration Manual)
- g. NYSDOT MURK 1C (Safety and Health Manual)
- h. NYSDOT MURK 2A (Materials Inspection Manual)
- i. NYSDOT MURK1B (Construction Inspection Manual)
- j. Environmental Commitments and Obligations Package for Construction (ECOPAC)
- k. NYSDOT Materials Bureau Materials Methods
- l. NYSDOT Geotechnical Engineering Bureau Manuals and Procedures

The economy of construction is assured through the Department's competitive bidding procedures and through value engineering policies.

7. Roadway Signing, Pavement Marking and Other Traffic Control Devices

Provisions for conforming signing, pavement marking, ITS and traffic control devices are provided through application of the following:

- a. NYSDOT Manual of Uniform Traffic Control Devices (NYCRR Title 17, Vol. B)
- b. National Manual on Uniform Traffic Control Devices
- c. NYSDOT Highway Design Manual (HDM)
- d. NYSDOT Project Development Manual (PDM) – Appendix 6
- e. NYSDOT Engineering Instructions
- f. NYSDOT Office of Operations Management Instructions
- g. NYSDOT Engineering Bulletins
- h. NYSDOT Engineering Directives
- i. Transportation Research Board Special Report 209, Highway Capacity Manual
- j. NYSDOT Right-of-Way Mapping Procedure Manual
- k. ITS Regional Architecture Plans (as established in conjunction with FHWA)

- l. ITS Systems Engineering Procedures (as established in conjunction with FHWA)
- m. NYSDOT Standard Sheets
- n. Traffic Safety and Mobility Instruction (TSMI) policy bulletins

8. Economic, Social and Environmental Impacts

Avoidance, minimization or compensatory mitigation of adverse economic, social, and environmental impacts is accomplished through adherence to the following:

- a. NYSDOT Project Development Manual (PDM)
- b. Transportation Environmental Manual (TEM)
- c. NYSDOT Economic Development Policy
- d. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and as amended
- e. NYS Eminent Domain Procedure Law
- f. New York State Environmental Quality Review Act (SEQRA)
- g. NYSDOT Highway Design Manual (HDM)
- h. NYSDOT MURK 1A (Contract Administration Manual)
- i. NYSDOT MURK 1B (Construction Inspection Manual)

9. Equal Employment Opportunity

The Department's policy with respect to equal employment opportunity and non-discrimination is as provided in the following:

- a. NYSDOT Standard Specifications for Construction and Materials
- b. Federal-aid Contract Provisions
- c. Federal Equal Employment Opportunity Provision
- d. NYSDOT MURK 1A (Contract Administration Manual)
- e. NYSDOT Procedures for Locally Administered Federal Aid Projects Manual

Disadvantaged Business Enterprise (DBE) Program is administered in accordance with 49 CFR Part 26.

10. Competitive Bidding and Payment of Prevailing Wage Rates on Construction Contracts

- a. NYSDOT Manual of Administrative Procedures
- b. NYSDOT Supplemental Bulletins
- c. NYSDOT MURK 1A (Contract Administration Manual)
- d. NYSDOT Standard Specifications for Construction and Materials
- e. NYSDOT Design-Build Manual
- f. NYSDOT Procedures for Locally Administered Federal Aid Projects Manual

11. Design and Construction Claim Settlements

Design and Construction claim settlements on State construction contracts will be processed in accordance with:

- a. NYSDOT Manual of Administrative Procedures
- b. NYSDOT Standard Specifications for Construction and Materials
- c. NYSDOT MURK 1A (Contract Administration Manual)

12. Federal-aid Contract Provisions

- a. Negotiated Contracts - The Department provides the required Federal-aid contract provisions as prescribed in 23 CFR, Part 172 Subpart A - Administration of Engineering and Design Related Contracts and in the NYSDOT Manual of Administrative Procedures (7.1) Consultant Acquisition Procedures and, for local projects, through Project Agreement requirements.
- b. Construction Contracts - The Department provides the required Federal-aid contract provisions as prescribed in 23 CFR, Part 633, Subparts A and B - Required Contract Provisions, and in the NYSDOT Manual of Administrative Procedures (7.1-7). Also, NYSDOT Standard Specifications for Construction and Materials and addendums. In addition, Form FHWA 1273 containing those provisions is included in each proposal with Federal-aid.

13. Locally Administered Federally Funded Projects

Locally administered Federal-aid projects are administered in accordance with NYSDOT's "Procedures for Locally Administered Federal-Aid Projects".

14. Federal-Aid Financial Procedures

Project Authorization/Agreement:

A signed NYSDOT Request for Federal-aid Authorization/Agreement will be submitted to FHWA for all Federal-aid projects.

NYSDOT will electronically verify that the fiscal authorization has occurred by reviewing the Financial Management Information System (FMIS) transaction and Electronic Data System (EDS) status logs.

NYSDOT will comply with the provisions contained in 23 CFR 630.307. The project specific data submitted with the Request for Authorization/Agreement is sufficient for FHWA to obligate all projects in the FMIS at the time of approval; no further FHWA Project Agreement or NYSDOT Agreement Estimate is required.

When project funding adjustments are required due to bid adjustments or cost overruns/underruns, NYSDOT will submit a signed Request for an Amended Project Authorization/modified agreement which cites the reason for the change.

15. National Bridge Inspection Standards(NBIS)

The Department shall inspect and inventory bridges in accordance with the following:

- a. NYS Code of Rules and Regulations, Part 165, Uniform Code of Bridge Inspection
- b. NYSDOT Bridge Inspection Manual
- c. NYSDOT Bridge Inventory Manual
- d. National Bridge Inspection Standards (23 CFR 650)
- e. Recording and Coding Guide for Structure Inventory and Appraisal of the Nation's Bridges (FHWA-PD-96-001)
- f. NYSDOT Bridge Diving Inspection Manual
- g. FHWA's Bridge Inspector's Reference Manual (BIRM)

16. State Planning and Research Program

The Department will comply with the following in carrying out the research, development, and technology transfer portion of the State Planning and Research Program:

- a. NYSDOT State Planning and Research Management Process: Policies and Procedures for Research, Development and Technology Transfer.

**Attachment E
Performance Indicators**

Measure	Description	Source of Data/Reporting Time Period
Program Delivery		
Percent of Federal-aid project dollars subject to full oversight	This percentage is obtained by dividing the total \$ amount of all full oversight projects authorized for construction during the FY by the total \$ amount of all Federal-aid projects authorized for construction this FY.	FMIS, October 30 for prior Federal Fiscal Year <i>(FHWA Annual Dashboard)</i>
Percent of Federal-aid projects subject to full oversight	This percentage is obtained by dividing the total number of all full oversight projects authorized for construction during the FY by the total number of all Federal-aid projects authorized for construction during the FY.	FMIS, October 30 for prior Federal Fiscal Year <i>(FHWA Annual Dashboard)</i>
Percent of Federal-aid program dollars obligated on Locally-Administered Projects	This percentage is obtained by dividing the total \$ amount of all locally-administered projects authorized for construction during the FY by the total \$ amount of all Federal-aid projects authorized for construction this FY.	FMIS, October 30 for prior Federal Fiscal Year <i>(FHWA Annual Dashboard)</i>
Percent of number of Federal-aid projects obligated on Locally-Administered Projects	This percentage is obtained by dividing the total number of all locally-administered projects authorized for construction during the FY by the total number of all Federal-aid projects authorized for construction this FY.	FMIS, October 30 for prior Federal Fiscal Year

Measure	Description	Source of Data/Reporting Time Period
Project Delivery		
Percent of projects (50% target) w/low bid w/in 85% - 105% of engineers estimate. Remaining contracts should be equally distributed above (25%) and below this range (25%).	This percentage is calculated by NYSDOT from data in the Transport system by dividing the low bid by the engineer's estimate, for all projects with any FHWA Federal-aid that are awarded that State Fiscal Year (SFY).	NYSDOT, October 30 for prior Federal Fiscal year
Average percent increase in project cost from low bid to final construction cost	This percentage is calculated by NYSDOT from data in the XXX system, by dividing the total final construction cost by the low bid for each project, and then averaging the cost increase, for all projects with any FHWA Federal-aid with a status of construction completed in NYSDOT's PSS system for that FY. [NYSDOT needs to verify if data is available for locally-administered projects]	NYSDOT, October 30 for prior Federal Fiscal year
Safety		
Number of Fatalities	Number of fatalities per year. Source: FARS	FARS, October 30 for most recent FARS data available <i>(FHWA Annual Dashboard)</i>
Fatalities /100 Million VMT	Fatality rate per year.	FARS, October 30 for most recent FARS data available
Pavement		
Percent Travel on the NHS with good ride quality	Percent Travel on NHS with IRI Less Than 95.	Highway Data Statistics Table HM-47 xxx or does NYSDOT have more real-time source xx, October 30 for most recent FY data available <i>(FHWA Annual Dashboard)</i>
Percent travel on the NHS and non-NHS with acceptable ride quality	Percent Travel on NHS with IRI Less Than 171.	Highway Data Statistics Table HM-47 xxx or does NYSDOT have more real-time source xx, October 30 for most recent FY data available

Measure	Description	Source of Data/Reporting Time Period
Structures		
Percent of Bridge Deck Area Rated Structurally Deficient (NHS and non-NHS)	Percent of bridge deck area that is rated deficient on the NHS and non-NHS, do not include functionally obsolete.	FHWA Office of Infrastructure (http://staffnet.fhwa.dot.gov/bridge/bmpmmsf.htm), October 30 for most recent NBIP data posted (<i>FHWA Annual Dashboard - includes functionally obsolete and structurally deficient</i>)
Percent of Number of Bridges Rated Structurally Deficient (NHS and non-NHS)	Percent of the number of bridges that are rated deficient on the NHS and non-NHS, do not include functionally obsolete.	FHWA Office of Infrastructure (http://staffnet.fhwa.dot.gov/bridge/bmpmmsf.htm), October 30 for most recent NBIP data posted
Percent of bridge inspections completed within the established bridge inspection cycle	This measures how many inspections were completed within the established inspection cycle.	NYSDOT Graber Report, October 30 for most recent time period available
Number of Bridge Corrective Actions (Red Flags)	Number of Prompt Bridge Corrective Actions (red flags) taken per year	NYSDOT Graber Report, October 30 for most recent time period available
Number of Bridges Closed and/or Posted (Weight Restrictions)	Number of bridges with weight restrictions (posted); number of bridges closed	NYSDOT Graber Report, October 30 for most recent time period available
Operations		
511 Program	Number of calls a month; number of web site hits a month; number of TransAlert subscribers a month	NYSDOT, October 30 for prior Federal Fiscal Year
HELP Program	Number of vehicles assisted per year	NYSDOT, October 30 for prior Federal Fiscal Year
Environment		
Median number of months to complete an Environmental Impact Statement.	The EIS processing time is tracked from the Notice of Intent (NOI) to the Record of Decision (ROD).	FHWA EDTS system, October 30 for prior Federal Fiscal Year (<i>FHWA Annual Dashboard</i>)
Sustainability/Livability	Number of projects rated certified and above (silver, gold, evergreen) for NYSDOTs Green Lites program by state fiscal year.	NYSDOT, October 30 for prior Federal Fiscal year

Measure	Description	Source of Data/Reporting Time Period
Planning		
Percent of Current Year Projects in STIP Advanced to construction.	This percentage is obtained by dividing the number of FHWA Federal-aid projects authorized for construction during the FY by the number of FHWA Federal-aid projects programmed in the STIP (at the beginning of the fiscal year) for construction for that fiscal year.	ESTIP for project universe (NYSDOT), and FMIS for actual projects authorized (FHWA), October 30 for prior Federal Fiscal Year <i>(FHWA Annual Dashboard)</i>
Civil Rights		
DBE participation rate achieved this FY	What DBE participation rate has been achieved this FY as compared to the goal.	NYSDOT DBE utilization report, October 30 for most recent time period available <i>(FHWA Annual Dashboard)</i>
Finance		
State's Total Inactive Obligation Balance as a Percent of the State's Annual Apportioned Amount	Using the definitions for Tier 1, 2, & 3 projects, provide the % of inactive Federal Aid dollars.	FMIS, October 30 for prior Federal Fiscal Year <i>(FHWA Annual Dashboard)</i>