



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

SECTION I. BACKGROUND AND INTRODUCTION

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

The scope of FHWA responsibilities, and the legal authority for a State DOT's 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 Oklahoma Division Office (FHWA or Division) and the Oklahoma Department of Transportation (State DOT or ODOT) 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, Appendix 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, Appendix A shall be controlling and except as specifically noted in Appendix 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 Appendix A.

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

- A. ODOT 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 ODOT and FHWA determine that assumption of responsibilities is appropriate.

- B. Approvals and related activities for which ODOT has assumed responsibilities as shown in Appendix 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 Appendix E, FHWA Oklahoma Division Office Risk-based Approach to Stewardship and Oversight. Appendix E covers the Division Office approach to oversight of Compliance Assessment Program (CAP) Projects and Projects of Division Interest (PoDI) / Projects of Corporate Interest (PoCI).
- C. ODOT may not assume responsibilities for Interstate projects that are in high risk categories. (23 U.S.C. 106(c)(4))
- D. ODOT 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. ODOT 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 ODOT 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), ODOT is to exercise the Secretary's approvals and related responsibilities on these projects in accordance with Federal laws.
- C. ODOT, in its discretion, may request FHWA carry out one or more non-NHS approvals or related responsibilities listed as "ODOT" in Appendix A on a program-wide basis. For a project specific request, ODOT may request FHWA carry out any approval or related responsibility listed in Appendix A off the NHS. Such project-specific requests shall be documented in accordance with the FHWA Oklahoma Division Office Guidance on PoDI/PoCIs in Appendix E.
- 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

- A. ODOT may permit local public agencies (LPAs) to carry out ODOT's assumed responsibilities on locally administered projects. ODOT 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 Appendix A cannot be assumed by ODOT 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 ODOT:
 - 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 ODOT 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 Appendix A unless otherwise approved by the FHWA, including the Office of Chief Counsel.
- B. For all projects and programs, ODOT 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

Appendix 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 with ODOT.

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 ODOT's financial management system in accordance with 23 U.S.C. 106(g)(2)(A). FHWA will periodically review ODOT'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 ODOT, 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 ODOT 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 ODOT 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

The Division and ODOT will use the following techniques to identify and analyze risks and associated response strategies:

- 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):

E. Program Responsibility Matrix

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

F. Manuals and Operating Agreements

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

G. Stewardship and Oversight Indicators

The Division and ODOT may jointly establish Stewardship and Oversight Indicators (Indicators). The Indicators should set targets, track trends, and implement countermeasures and actions when the data is moving away from the desired target direction. Indicators can provide documented evidence that ODOT assumption of responsibilities is functioning appropriately. Stewardship and Oversight Indicators should be reviewed on an annual basis. If utilized, the Indicators shall be incorporated by reference to this S&O Agreement.

SECTION XI. ODOT OVERSIGHT AND REPORTING REQUIREMENTS

A. ODOT Oversight and Reporting Requirements

ODOT 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, ODOT will:

- Prepare construction documents, for all Federal-aid projects, in accordance with the ODOT's Construction Control Directives.
- Carry out design Quality Assurance (QA) reviews on all Federal-aid projects prior to advertisement.

- Develop construction cost estimates per ODOT's "Cost Estimate" guidelines
- Award construction contracts as set forth in ODOT's "County Road and Bridge Standards for Local Projects"
- Conduct construction activities as set forth in the project's sealed construction documents and in accordance with ODOT's Construction Control Directives
- Conduct and document Quality Management Team inspections on a reasonable sample of active construction projects.
- ODOT will maintain individual Federal-aid project files that will include documentation of all required FHWA actions and ODOT's assumed project approvals as set forth in this Agreement.
- ODOT will provide FHWA access to the project files when requested.

B. ODOT Oversight of Locally Administered Projects

ODOT currently has allowed a limited number of local governments in Oklahoma to administer projects as sub-recipients. In-order for a local government to receive Federal-aid Funds from ODOT as a sub-recipient, the following is required:

- ODOT must notify the Division of its intent to distribute Federal-aid Funds to a local government as a sub-recipient
- ODOT must enter into a financial agreement with the local government that clearly defines their roles and responsibilities in order for a local government to receive federal funds as a sub-recipient
- ODOT must receive approval from the Division prior to entering into an agreement with the local government to receive federal funds as a sub-recipient
- ODOT would be required to ensure the following as a prerequisite for a local government to receive federal funds as a sub-recipient:
 - Determine whether a sub-recipient has adequate project delivery systems and sufficient accounting controls to properly manage projects.
 - Determine 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).
 - Determine whether sub-recipient projects receive adequate inspection to ensure they are completed in conformance with approved plans and specifications.
 - 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.
 - Carryout sub-recipients reporting requirements in accordance with the Federal Funding Accountability and Transparency Act of 2006, PL 109-282 (as amended by PL 110-252).

ODOT is required to provide adequate oversight of sub-recipients including oversight of any assumed responsibilities ODOT delegates to a LPA. Pursuant to 23 U.S.C. 106(g)(4), ODOT 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.

ODOT acknowledges that it is responsible for sub-grantee 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). ODOT shall carry out these responsibilities using the following actions, programs, and processes:

- Maintain a sufficiently staffed LPA Administration Unit
- Maintain an up-to-date LPA website that is easily accessible to local agencies and provides contract administration tools including essential project related documents and links to fundamental training subject matter
- Administer the LPA program in conformance with the FHWA approved guidance:
 - County Road and Bridge Standards for Local Projects

At a minimum, on an annual basis, ODOT shall assess to determine if there are any opportunities to improve the Locally Administered Projects process.

ODOT shall ensure that project actions will be administered in accordance with all applicable Federal laws and regulations. ODOT will use the following process on required approvals on sub-recipient projects, and approved on sub-recipient administered projects.

- a. Consultant selection and management
- b. Environment
- c. Design
- d. Civil Rights
- e. Financial management including audits and indirect cost allocation plans
- f. Right-of-way
- g. Construction monitoring, including Quality Control/Quality Assurance (QC/QA) and
- h. Contract administration including ODOT's responsibility to approve a sub-recipient to pursue a contract procurement method other than competitive bidding.

ODOT shall document its oversight activities for LPA-administered projects and findings, and how it will share this information with the FHWA.

SECTION XII. IMPLEMENTATION AND AMENDMENTS

- A. This S&O Agreement will take effect as of the effective date of the signature of the FHWA Oklahoma Division Administrator, who shall sign this S&O Agreement last.
- B. This Agreement supersedes the January 2009 Agreement and all corresponding supplements.
- C. The Division and ODOT agree that updates to this Agreement will be considered periodically on a case-by-case basis or when:
 - a. Significant new legislation, Executive orders, or other initiatives affecting the relationship or responsibilities of one or both parties to the S&O Agreement occurs;
 - b. Leadership, or leadership direction, changes at ODOT or FHWA; or
 - c. Priorities shift as a result of audits, public perception, or changes in staffing at either ODOT or Division Office.
- D. Any changes to the high risk categories must be documented by an amendment to this S&O Agreement.
- E. Any changes to the Project Action Responsibility Matrix must be approved by the FHWA Office of Infrastructure in writing and documented by an amendment to this S&O Agreement.
- F. The Division and ODOT agree that changes may occur to the contents of 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 ODOT 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 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.

EXECUTION BY THE FHWA OKLAHOMA DIVISION OFFICE

Executed this 20th day of May, 2015.

/s/

Signature

Gary Corino
Division Administrator
FHWA Oklahoma Division

EXECUTION BY THE OKLAHOMA DEPARTMENT OF TRANSPORTATION

Executed this 16th day of May, 2015.

/s/

Signature

Michael Patterson
Executive Director
Oklahoma Department of Transportation

**APPENDIX 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 ones 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.

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
Ensure project in Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP)	ODOT	ODOT
Identify proposed funding category	ODOT(1)	ODOT(1)
Obligate funds/approve Federal-aid project agreement, modifications, and project closures (project authorizations) (Note: this action cannot be assumed by State)	FHWA	FHWA
Authorize current bill (Note: this action cannot be assumed by State)	FHWA	FHWA
Review and Accept Financial Plan and Annual Updates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA
Review Cost Estimates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by	FHWA	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
State)		
Develop Financial Plan for Federal Projects between \$100 million and \$500 million. [23 U.S.C. 106(i)]	ODOT	ODOT
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)
Consultant Contract Selection	ODOT (3)	ODOT (3)
Sole source Consultant Contract Selection	FHWA	ODOT (3)
Approve hiring of consultant to serve in a “management” role (Note: this action cannot be assumed by State) [23 CFR 172.9]	FHWA	FHWA
Approve consultant agreements and agreement revisions (Federal non-Major Projects) [23 CFR 172.9]	ODOT	ODOT
Approve consultant agreements and agreement revisions on Federal Major Projects [23 CFR 172.9] (Note: this action cannot be assumed by State)	FHWA	FHWA
Approve exceptions to design standards [23 CFR 625.3(f)]	ODOT	ODOT

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
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]	FHWA	ODOT
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
Provide approval of preliminary plans for unusual/complex structures on the Interstate. [23 USC 109(a) and FHWA Policy]	FHWA	N/A
Provide approval of preliminary plans for unusual/complex bridges or structures (non-Interstate). [23 USC 109(a) and FHWA Policy]	FHWA(4)	ODOT
Approve retaining right-of-way encroachments [23 CFR 1.23 (b) & (c)]	FHWA	ODOT
Approve use of local force	FHWA	ODOT

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
account agreements [23 CFR 635.104 & 204]		
Approve use of publicly owned equipment [23 CFR 635.106]	FHWA	ODOT
Approve the use of proprietary products, processes [23 CFR 635.411]	FHWA	ODOT
Concur in use of publicly furnished materials [23 CFR 635.407]	FHWA	ODOT
Make feasibility/practicability determination for allowing authorization of construction prior to completion of ROW clearance, utility and railroad work [23 CFR 635.309(b)] (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	ODOT
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)]	FHWA	ODOT
Ensure ROW certificate is in place [23 CFR 635.309(c)]	FHWA	ODOT
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	FHWA	N/A

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
be assumed by State)		
Approve non-highway use and occupancy [23 CFR 1.23(c)]	FHWA	ODOT
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	ODOT
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
Accept Transportation Management Plans (23 CFR 630.1012(b))	FHWA	ODOT
Approval of System Engineering Analysis (for ITS)	FHWA	ODOT

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
[23 CFR 940.11]		
Approve PS&E [23 CFR 630.201]	ODOT	ODOT
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]	ODOT	ODOT
Approve utility and railroad agreements [23 CFR 645.113 & 646.216]	ODOT	ODOT
Approve use of consultants by utility companies [23 CFR 645.109(b)]	ODOT	ODOT
Approve exceptions to maximum railroad protective insurance limits [23 CFR 646.111]	FHWA	ODOT
Authorize advertising for bids (FHWA authorization done via construction authorization) [23 CFR 635.112, 309]	FHWA	ODOT
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	ODOT
Approve emergency determinations for contracts awarded by other than competitive bidding [23 CFR 635.104 &.204]	FHWA	ODOT
Approve construction engineering by local agency [23 CFR 635.105]	FHWA	ODOT
Approve advertising period less than 3 weeks [23 CFR 635.112]	FHWA	ODOT
Approve addenda during advertising period	ODOT, whichever approved PS&E	ODOT

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
[23 CFR 635.112]		
Concur in award of contract [23 CFR 635.114]	ODOT	ODOT
Concur in rejection of all bids [23 CFR 635.114]	FHWA	ODOT
Approval of Design-Build Requests-for-Proposals and Addenda [23 CFR 635.112]	FHWA	ODOT
Approve changes and extra work [23 CFR 635.120]	ODOT	ODOT
Approve contract time extensions [23 CFR 635.120]	ODOT	ODOT
Concur in use of mandatory borrow/disposal sites [23 CFR 635.407]	ODOT	ODOT
Accept materials certification [23 CFR 637.207]	ODOT	ODOT
Concur in settlement of contract claims [23 CFR 635.124]	FHWA	ODOT
Concur in termination of construction contracts [23 CFR 635.125]	FHWA	ODOT
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)]	ODOT	ODOT
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)]	ODOT	ODOT
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	ODOT	ODOT

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
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)		
Equal Employment Opportunity (EEO) Contract Compliance Review [23 CFR Part 230, Subpart D]).	FHWA	ODOT
Training Special Provision – Approval of Project Goal for training slots or hours [23 CFR Part 230, Subpart A]	ODOT	ODOT
Training Special Provision – Approval of New Project Training Programs (Note: this action cannot be assumed by ODOT) [23 CFR 230.111(d), (e)]	FHWA	FHWA

FOOTNOTES:

- (1) ODOT 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) ODOT'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)

**APPENDIX B
PROGRAM RESPONSIBILITY MATRIX**

The following matrix is a list of program actions.

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Appropriations, Allotments, Obligations	31 USC 1341(a)(1)(A)& (B); 31 USC 1517(a); 23 USC 118(b), 23 USC 121	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Office of Chief Financial Officer, Programs Division	State will monitor appropriations, allotments and obligations to ensure that all funding is used efficiently within each quarter and use all Obligation Authority (OA) by the end of the year.
Approval of Indirect Cost Allocation Plans (ICAPs)	49 CFR Part 18; 2 CFR 200 Subpart E (previously 2 CFR 225); ASMBC-10	As needed	Not Applicable	Office of Chief Financial Officer	NA	NA	ODOT will certify that the ICAP was prepared in accordance with 2 CFR 200 Subpart E.
FIRE Program Activities	FHWA Order 4560.1B (or as superseded)	Ongoing		Office of Chief Financial Officer	Finance	Chief Finance Officer, Programs Division, OR&E	ODOT will continue to provide oversight and conduct reviews to ensure Federal-aid compliance. FHWA will review and monitor. ODOT responsibilities include multiple tasks in support of risk assessments, conducting reviews and implementation of recommendations.

¹ All actions taken on or after December 26, 2014, shall be governed by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. Part 200 of 2 CFR supersedes 49 CFR Parts 18 and 19, and requirements from OMB Circulars A-21, A-87, A-110, and A-122 (which have been placed in OMB guidance); Circulars A-89, A-102, and A-133; and the guidance in Circular A-50 on Single Audit Act follow-up.

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
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	Finance	Chief Finance Officer, Programs Division, OR&E	ODOT assures corrective action is taken to resolve audit findings and FHWA will monitor activities to ensure implementation.
Improper Payments Review	Improper Payments Information Act of 2002, PL 107-300, Improper Payments Elimination and Recovery Act of 2010, PL 111-204, Improper Payments Elimination and Recovery Improvement Act of 2012, PL 112-248	Annually		Office of Chief Financial Officer	Finance	Chief Finance Officer, Programs Division	ODOT will provide all information necessary to document sampled payments and FHWA offices will review and complete appropriate data submittal forms.
Transfer of Funds between programs or to other FHWA offices or agencies as requested by ODOT	23 USC 126	As needed	Not Applicable	Office of Chief Financial Officer	Finance	Program Division	ODOT will submit requests for transfer and FHWA approves and processes the funding transfers between programs, to other ODOTs, to other agencies, and to FHWA HQ, Federal Lands, or Research offices.
Reviews of State Transportation Departments Financial Management Systems - Financial Integrity	23 USC 106(g)(2)(A)	Annually	Not Applicable	Office of Chief Financial Officer	Finance	Program Division, Comptroller	23 USC 106(g)(2)(A) states that the Secretary shall perform annual reviews that address elements of the State transportation departments' financial management systems that affect projects approved under subsection (a).
Review Adequacy of Sub-recipient Project Delivery Systems and Sufficient Accounting Controls to Manage Federal Funds	23 USC 106(g)(4)(A)(i)	As needed	Not Applicable	Office of Chief Financial Officer	Local Public Agency	Local Government Division	

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Periodic Reviews of ODOTs Monitoring of sub-recipients	23 USC 106(g)(4)(B)	As needed	Not Applicable	Office of Infrastructure	Finance	Program Division	
Approval of Increased Federal Share Agreement (Sliding Scale)	23 USC 120(b)(2)	As determined by the Federal Share Agreement	Not Applicable	Office of Chief Financial Officer	Finance	Comptroller	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. ODOTs must demonstrate that they are in compliance with the statute and the agreement.
Prepare / Review Title VI Plan Accomplishments and Next Year's Goals	23 CFR 200.9(b)(10)	Annually	1-Oct	Office of Civil Rights	Civil Rights	Civil Rights Division	Division office reviews and comments.
Prepare / EEO Contractor Compliance Plan accomplishments and next year's goals	23 CFR 230, Subpart C, Appendix A, Part I, III	Annually	1-Oct	Office of Civil Rights	Civil Rights	Civil Rights Division	Division office reviews and comments.
Prepare / Review ODOT Internal EEO Affirmative Action Plan (Title VII) Accomplishments and Goals	23 CFR 230.311	Annually	1-Oct	Office of Civil Rights	Civil Rights	Civil Rights Division	Courtesy copy to HQ.
Review DBE Program Revisions	49 CFR 26.21(b)(2)	As needed	Not Applicable	Office of Civil Rights	Civil Rights	Civil Rights Division	Division sends to HCR for review and approval as
Prepare / DBE Uniform Awards and Commitment Report	49 CFR 26, Appendix B	Semi-Annual	June 1st December 1st	Office of Civil Rights	Civil Rights	Civil Rights Division	Division Office reviews and sends to HCR
Prepare / Annual Analysis and Corrective Action Plan (if necessary)	49 CFR 26.47(c)	Annual (as necessary)	December 31st	Office of Civil Rights	Civil Rights	Civil Rights Division	Division Office approves sends copy to HCR

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Prepare / ODOT DBE Program Goals	49 CFR 26.45(f)(1)	Triennial	August 1st	Office of Civil Rights	Civil Rights	Civil Rights Division	Division reviews and approves; HCC provides legal sufficiency review and approval sends copy to HCR
Prepare / Review On-the-Job-Training (OJT) goals & accomplishments	23 CFR 230.111(b)	Annually	TBA	Office of Civil Rights	Civil Rights	Civil Rights Division	Division office reviews and comments.
Approval of OJT and DBE Supportive Services fund requests	23 CFR 230.113 & 23 CFR 230.204	Annual	TBA	Office of Civil Rights	Civil Rights	Civil Rights Division	Division recommends approval submits to HCR for final approval
Return of any unused discretionary grant program funding	23 CFR 230.117(2)	Annual	TBA	Office of Civil Rights	Civil Rights	Civil Rights Division	Division works with HCR and CFO
Prepare / Review of Report on Supportive Services (OJT & DBE)	23 CFR 230.113(g), 230.121(e), 230.204(g)(6)	Quarterly		Office of Civil Rights	Civil Rights	Civil Rights Division	Division office reviews and comments.
Prepare / Review Annual Contractor Employment Report (Construction Summary of Employment Data (Form PR-1392)	23 CFR 230.121(a); Appendix D to Subpart A, Part 230, General Information and Instructions	Annually	1-Dec	Office of Civil Rights	Civil Rights	Civil Rights Division	Recommendation sent to HQ for approval.
Prepare / Review ODOT DOT Employment Statistical Data (EEO-4)	23 CFR, Subpart C, Appendix A	Biannual	1-Dec	Office of Civil Rights	Civil Rights	Civil Rights Division	Report sent to HQ quarterly for informational purposes and recommendation sent to HQ annually for approval.
Prepare / Review Annual Federal Projected Awards Reports - Historically Black Colleges & Universities/Tribal Colleges & Universities/Hispanic Serving Institutes, American Indian Alaskan Native, Asian Pacific & American Islander.	Presidential Executive Orders: 13230, 13256,13270, 13361, 13515	Annual	TBA	Office of Civil Rights	Civil Rights	Civil Rights Division	Divisions submit data to HCR who prepares report for DOCR

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Prepare / Review ADA Complaint Reports of Investigation	28 CFR 35.190	As needed	Not Applicable	Office of Civil Rights	Civil Rights	Civil Rights Division	Division office reviews, FHWA HQ approves and issues finding.
Review Americans with Disabilities Act (ADA) /Sec. 504 Program Plan accomplishments and next year's goals	49 CFR 27.11(c), EO 12250	Annually	1-Oct	Office of Civil Rights	Civil Rights	Civil Rights Division	Division office reviews and comments.
Return of unexpended funds used for Summer Transportation Institutes	23 CFR 230.117(2)	Annual	August 30; however, State procurement rules may govern	Office of Civil Rights	Civil Rights	Civil Rights Division	Divisions work with HCR and CFO
Prepare / Review Request for National Summer Transportation Institute (NSTI) Proposals (SOWs)	23 USC 140(b)	Annual	TBA	Office of Civil Rights	Civil Rights	Civil Rights Division	Divisions recommend approval. HCR gives final approval
Prepare / Review NSTI Report (questionnaire)	23 USC 140(b)	Annual	October 15th	Office of Civil Rights	Civil Rights	Civil Rights Division	Divisions provide to HCR
Receipt of State Consultation Process with Tribal Governments	23 CFR 450.210(c)	As needed	Not Applicable	Office of Federal Lands Highway	Planning & Tech Services	ODOT Strategic Asset & Performance Management Division	Informational Purposes.
Approval of Contracting Procedures for Consultant Selection	23 CFR 172.5 & 172.9	As needed	Not Applicable	Office of Infrastructure	Consult. Services	Purchasing Manager	FHWA Division Office Approval.
Determination of High Risk Categories - Limitation on Interstate Projects	23 USC 106(c)(4)(B)	As needed	Not Applicable	Office of Infrastructure	Engineering & Operations	Roadway Design Division	Office of Program Administration determines national categories and must concur on any State designations.
Approval of ODOT 3R Program	23 CFR 625.4(a)(3), 23 USC 109(n)	As needed	Not Applicable	Office of Infrastructure	Engineering & Operations	Roadway Design Division	FHWA Division Office Approval.
Verify adoption of Design Standards (National Highway System, including Interstate)	23 CFR 625, 23 USC 109(b), 23 USC 109(c)(2), 23 USC 109(o)	As needed	Not Applicable	Office of Infrastructure	Engineering & Operations	Roadway Design Division	FHWA HQ regulatory action to adopt NHS standards.

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Approval of preliminary plans of Major and Unusual Bridges on the Interstate Highway System	(M1100.A)	As needed	Not Applicable	Office of Infrastructure	Bridge & Structural	Bridge Division	Director of HIBT has approval of preliminary plans of Major and Unusual Bridges on the Interstate Highway System (M1100.A)
Approval of ODOT Standard Specifications	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Engineering & Operations	Office of Engineer	FHWA Division Office Approval.
Verify ODOT Design Exception Policy complies with FHWA Policy	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Engineering & Operations	Roadway Design Division	FHWA Division Office Approval.
Approval of ODOT Standard Detail Plans	23 CFR 625.3	As needed	Not Applicable	Office of Infrastructure	Engineering & Operations	Roadway Design Division	FHWA Division Office Approval.
Approval of Pavement Design Policy	23 CFR 626.3	As needed	Not Applicable	Office of Infrastructure	Engineering & Operations	Roadway Design Division	FHWA Division Office Approval.
Review of Value Engineering Policy and Procedures	23 CFR 627.1(b)&(c), 23 CFR 627.7 FHWA Order 1311.1B	As needed	Not Applicable	Office of Infrastructure	Engineering & Operations	Pre-Construction Program	FHWA Division Office Review.
Review of Value Engineering Annual Report	23 CFR 627.7, FHWA Order 1311.1B	Annual	Not Applicable	Office of Infrastructure	Engineering & Operations	Pre-Construction Program	FHWA Division Office collects, reviews, and submits to HQ for review and reporting.
Review and Approval of Interstate Access Requests	23 USC 111, 23 CFR 710, 74 FR 43743-43746 (Aug. 27, 2009)	As needed	Not Applicable	Office of Infrastructure	Engineering & Operations	Roadway Design Division	FHWA Division Office approval with concurrence from HQ on more complex access requests.
Approval of Liquidated Damages Rate	23 CFR 635.127	Every 2 years	Not Applicable	Office of Infrastructure	Construction	ODOT Construction	FHWA Division Office Approval.
Approval of Quality Assurance Program	23 CFR 637.205	As needed	Not Applicable	Office of Infrastructure	Pavement and Materials	Materials and Research Division	ODOT administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Assure Central Laboratory accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Pavement and Materials	Materials and Research Division	ODOT administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Assure Non-STD designated lab performing Independent Assurance sampling and testing accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Pavement and Materials	Materials and Research Division	ODOT administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Assure Non-STD designated lab used in dispute resolution accredited by AASHTO Accreditation Program or FHWA approved comparable program	23 CFR 637.209	As needed	Not Applicable	Office of Infrastructure	Pavement and Materials	Materials and Research Division	ODOT administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Review Independent Assurance Annual Report	23 CFR 637.207	Annually	1-Mar	Office of Infrastructure	Pavement and Materials	Materials and Research Division	ODOT administers, with programmatic agreement by the Division Office, as part of their materials testing and construction quality assurance/acceptance program.
Assure Labor Compliance - Prevailing Wage Rate	23 USC 113	As needed	Not Applicable	Office of Infrastructure	Civil Rights	Civil Rights Division	FHWA Division Office Review and Approval
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	Pavement and Materials & Structural	Roadway Design Division & Bridge Div	FHWA Division Office Approval

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Approval of Utility Agreement / Alternate Procedure	23 CFR 645.119	As needed	Not Applicable	Office of Infrastructure	Utilities	Utilities Branch	FHWA Division Office Approval
Approval of Utility Accommodation Policy	23 CFR 645.215, 23 USC 109(l), 23 USC 123	As needed	Not Applicable	Office of Infrastructure	Utilities	Utilities Branch	FHWA Division Office Approval
Review Bridge Construction, Geotechnical, and Hydraulics	23 CFR 650	As needed	Not Applicable	Office of Infrastructure	Bridge & Structural	Bridge Division Engineer	
Review Plans of Corrective Action established to address NBIS compliance issues	23 CFR 650, 23 USC 144	Annually		Office of Infrastructure	Bridge & Structural	Bridge Division Engineer	Division office performs annual compliance review and reports results to HQ.
Review NBI Data Submittal	23 CFR 650 Subpart C, Annual Memo from HQ, 23 USC 144	Annually	1-Apr	Office of Infrastructure	Bridge & Structural	Bridge Division	Division resolve errors with States; States submit to HQ.
Review structurally deficient bridge construction Unit Cost submittal	23 USC 144	Annually	1-Apr	Office of Infrastructure	Bridge & Structural	Bridge Division	Submit to HQ.
Review Section 9 of the Rivers and Harbors Act Submittals (Bridge Permits)	23 CFR 650 Subpart H; 33 CFR 114 & 115	As needed	Not Applicable	Office of Infrastructure	Bridge & Structural	Bridge Division	
Approval for reduction of expenditures for off-system bridges	23 USC 133(g)(2)(B)	As needed	Not Applicable	Office of Infrastructure	Bridge & Structural	Bridge Division	The FHWA Administrator may reduce the requirement for expenditures for off-system bridges if the FHWA Administrator determines that ODOT has inadequate needs to justify the expenditure.
Determination on Adequacy of ODOT's Asset Management Plan	23 USC 119(5)	Annually beginning second fiscal year after establishment of the process		Office of Infrastructure	Engineering & Operations	Strategic Asset & Perform Management Division	

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Certification and Recertification of ODOTs Process for Development of ODOT Asset Management Plan	23 USC 119(6)	Recertification every four years after establishment of the process		Office of Infrastructure	Engineering & Operations	Strategic Asset & Perform Management Division	
Review Reporting on Performance Targets	23 USC 150(e)	Beginning four years after enactment of MAP-21 and biennially thereafter		Office of Infrastructure	Engineering & Operations	Office of Chief Engineer	
Review National Highway System Performance Achievement Plan for Actions to achieve the targets (when ODOT does not achieve or make significant progress toward achieving)	23 USC 119(7)	Required if ODOT does not achieve targets (or significant progress) for 2 consecutive reports		Office of Infrastructure	Engineering & Operations	Office of Chief Engineer	
ODOTs and sub-recipient failure to maintain projects - Notice and withholding Federal-aid Funds	23 USC 116(d)	As needed	Not Applicable	Office of Infrastructure	Engineering & Operations	Office of Chief Engineer	
Emergency Relief (ER) Damage Assessments and Reports	23 CFR 668 23 USC 120 and 125	As needed	Not Applicable	Office of Infrastructure	Transportation Operations	Maintenance Division	Perform with ODOT.
Toll Credit and Maintenance of Effort (MOE) Calculation and Agreement	23 USC 120(i)	Annually		Office of Infrastructure	Finance	Comptroller	ODOT will calculate the amount of eligible toll credit and submit for approval. FHWA will review and approve the request.

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
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	Local Gov.	Local Government Division	ODOT is responsible to ensure that LPAs are aware of all the applicable Federal-aid Program requirements; ODOTs are responsible to ensure monitoring and oversight to assure compliance with Federal requirements. 23 USC further reinforces stressing accountability on “project delivery systems” and “accounting controls.”
Approval to Sell, Lease or Otherwise Dispose of a Ferry Purchased with Federal-aid Funds	23 USC 129 (c)(6)	As needed	Not Applicable	Office of Infrastructure	Planning	Transit Division	Division Office reviews and submits for Office of Program Administration for Administrator Approval
Territorial Highway Program - Approval of Territory Agreement	23 USC 165(c)(5)	Reviewed and Revised as needed every two years	Not Applicable	Office of Infrastructure	Not Applicable	Not Applicable	Division Office works with Office of Program Administration and HCC
TIFIA Credit Program	23 USC 601-609	As needed	Not Applicable	Office of Innovative Program Delivery	Finance	Chief Finance Officer	Project sponsors submit requests for credit assistance to the TIFIA JPO for review; approval by the Secretary
GARVEEs	23 USC 122; GARVEE Guidance 3/14	As needed	Not Applicable	Office of Innovative Program Delivery	Finance	Comptroller	MOUs strongly suggested for each GARVEE issue. FM contacts OIPD for review/concurrence before final approval
State Infrastructure Banks	NHS Act Section 308; 23 USC 610; SIB Guidance 3/14	Annual Report	Not Applicable	Office of Innovative Program Delivery	Finance	Chief Finance Officer	Division sends copy of report to OIPD. SIB submits annual report to Division Office.

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Section 129 Tolling Authority Requests	23 USC 129(a)	As needed	Not Applicable	Office of Innovative Program Delivery	Finance	Executive Directors Office	At the option of the project sponsor, may execute a Tolling Eligibility MOU with the Division Office; HIN coordinates FHWA HQ review
Section 166 HOV/HOT Lanes Tolling Authority Requests	23 USC 166(d)	As needed	Not Applicable	Office of Innovative Program Delivery	Finance	Office of Chief Engineer	At the option of the project sponsor, may execute a Tolling Eligibility MOU with the Division Office; HIN coordinates FHWA HQ review
Value Pricing Pilot Program Tolling Authority Requests	ISTEA Section 1012(b)	As needed	Not Applicable	Office of Innovative Program Delivery	Finance	Office of Chief Engineer	Requests submitted to HIN to coordinate review; approval by the Administrator
Interstate System Reconstruction and Rehabilitation Pilot Program Tolling Authority Requests	TEA-21 Section 1216(b)	As needed	Not Applicable	Office of Innovative Program Delivery	Finance	Office of Chief Engineer	Applications submitted to HIN to coordinate review; approval by the Administrator
Annual Audit of Toll Facility Records and Certification of Adequate Maintenance - Report Submittal	23 USC 129(a)(3)(B); TEA-21 Section 1216(b)(5)(B); SAFETEA-LU Section 1604(b)(3)(A); ISTEA Section 1012(b)(3)	Annually		Office of Innovative Program Delivery	Finance	Chief Finance Officer	Division Office to receive the reports.
Project Management Plan (Major Projects)	23 U.S.C. 106(h)(2)	Prior to first federal authorization of construction funds for a Major Project	Not Applicable	Office of Innovative Program Delivery	Division Office will conduct concurrent review with HQ Office of Innovative Program Delivery.	ODOT or Project Sponsor will prepare and submit Project Management Plan.	Division Office will provide approval after receiving concurrence from HQ Office of Innovative Program Delivery.
Financial Plan (Major Projects)	23 U.S.C. 106(h)(3)	Prior to first federal authorization of construction funds for a Major Project and then annually.	Annually as noted in the approved Initial Financial Plan	Office of Innovative Program Delivery	Division Office will conduct concurrent review with HQ Office of Innovative Program Delivery.	ODOT or Project Sponsor will prepare and submit annual Financial Plans.	Division Office will provide approval after receiving concurrence from HQ Office of Innovative Program Delivery.

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

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Work Zone Self-Assessment	Annual Memo from HQ	Annually	7/1/2013, This project is currently on hiatus and has not been determined whether it will be reestablished or not.	Office of Operations	Safety N/A	N/A (terminated per HQ)	Complete with partners and forward to HQ. No longer required.
Approval of ODOT-Prepared Manual on Uniform Traffic Control Devices - ODOT Traffic Control Manuals	23 CFR 655.603, 23 USC 109(d)	As needed	Not Applicable	Office of Operations	Safety	ODOT Traffic	
Review Vehicle Size & Weight Enforcement Plan	23 CFR 657.11, 23 USC 127	Annually	1-Oct	Office of Operations	Transportation Operations	Oklahoma Highway Patrol – Troop S	
Review Vehicle Size & Weight Enforcement Certification	23 CFR 657.13, 23 USC 141	Annually	1-Jan	Office of Operations	Transportation Operations	Oklahoma Highway Patrol – Troop S	
Approval of National Network Modifications	23 CFR 658.11	As needed	Not Applicable	Office of Operations	Planning	Strategic Assets & Performance Management. Division	
Intelligent Transportation System Architecture & Standards	23 CFR Part 940	As needed	Not Applicable	Office of Operations	Transportation Operations	Strategic Assets & Performance Management. Division	
Approval of Work Zone Significant Project Determination	23 CFR 630.1010	As needed		Office of Operations	Safety	ODOT Project Management	
Approval of Exceptions to Work Zone Procedures for Interstate Projects	23 CFR 630.1010	As needed		Office of Operations	Safety	ODOT Traffic	
Approval of Work Zone Policy and Procedures Conformance Review	23 CFR 630.1014	At appropriate intervals		Office of Operations	Safety	ODOT Traffic	
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	Safety	ODOT Traffic	

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Approval of ODOT 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 & Tech Services	Director of Capitol Programs	FHWA Division Office Approval.
Approval of ODOT 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 & Tech Services	Director of Capitol Programs	FHWA Division Office Approval.
Approval of ODOT'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	ODOT Strategic Asset & Performance	FHWA Division Office Approval.
Review of ODOT Public Involvement Procedures	23 CFR 450.210(a)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	ODOT Strategic Asset & Performance	FHWA Division Office Review to Assure Compliance.
Receipt of ODOT Consultation Process for Non- metropolitan Local Officials	23 CFR 450.210(b)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	ODOT Strategic Asset & Performance	Informational Purposes.
Review of Long-range Statewide Transportation Plan	23 CFR 450.214	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	ODOT Strategic Asset & Performance	FHWA Division Office Review to Assure Compliance.
Approval of Statewide Transportation Improvement Program (STIP)	23 CFR 450.216, 23 CFR 450.218(a) & (c), 23 USC 135(g)(7)	At least every 4 years	Not Applicable	Office of Planning, Environment & Realty	Planning	ODOT Programs Division	Joint FHWA and FTA approval.
Approval of STIP Amendments	23 CFR 450.218(a) & (c)	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning	ODOT Programs Division	Joint FHWA and FTA approval.
Finding of Consistency of Planning Process with Section 134 and 135	23 USC 135(g)(8), 23 CFR 450.218(b)	Concurrent with STIP approval	Not Applicable	Office of Planning, Environment & Realty	Planning	ODOT Programs Division	FHWA and FTA issue a joint finding concurrent with STIP approval.
Review of ODOT 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	Strategic Asset & Performance Management	Received with STIP.
Approval of Transportation Management Area (TMA) MPO Unified Planning Work Programs (UPWP)	23 CFR 450.308(b) and 23 CFR 420 (Subpart A)	Prior to Program End	Not Applicable	Office of Planning, Environment & Realty	Planning	Local Govt. Division	

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

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

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

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Transportation Planning Excellence Awards		Annually	1-Feb	Office of Planning, Environment & Realty	Planning	NA	Call for entries for the FHWA FTA Transportation Planning and Excellence Awards.
Approval of Local Technical Assistance Program (LTAP) Centers Work Plan and Budget	FHWA LTAP Field Manual	Annually	31-Mar	Office of Planning, Environment & Realty	Planning	Materials & Research Division	FHWA HQ approval.
Approval of Public Involvement Program Procedures	23 CFR 771.111(h), 23 USC 128	As needed	Not Applicable	Office of Planning, Environment & Realty	Environment	Environmental Programs Division	
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	Environment	Environmental Programs Division	
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	Environment	Environmental Programs Division	FHWA approves ODOT' noise abatement policy.
EIS Status Updates	FHWA Strategic Goal - EIS Timeliness	Quarterly	(Fiscal Year - Oct, Jan, Apr, Jul)	Office of Planning, Environment & Realty	Environment	Environmental Programs Division	Monitor time required to complete EIS's. Determine projects which have exceeded recommended timeline (3 years). Identify projects which should be listed as dormant. Submit to HEPE.
Endangered Species Act Cost Report		Annually	1-Mar	Office of Planning, Environment & Realty	Environment	Environmental Programs Division	
Exemplary Ecosystem Initiatives Applications		Annually	1-Apr	Office of Planning, Environment & Realty	Environment	Environmental Programs Division	
Approval of Acquisitions, Appraisals, and Relocations Program and Procedures	49 CFR Part 24, The UA	As needed	Not Applicable	Office of Planning, Environment & Realty	Realty	Right of Way and Utilities Division	
Early Acquisitions	23 CFR 710.501	As needed	Not Applicable	Office of Planning, Environment & Realty	Realty	Right of Way and Utilities Division	
Local Public Agency Oversight	49 CFR 24.4(b); 23 CFR 710.201	As needed	Not Applicable	Office of Planning, Environment &	Realty	Right of Way and Utilities Division	

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

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Approval of Railroad Agreement Alternate Procedure	23 CFR 646.220	As needed	Not Applicable	Office of Planning, Environment & Realty	Engineering & Operations	Rail Division	
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	Realty	Right of Way and Utilities Division	Requests reviewed and approved by HEPR Office Director.
Review of Uniform Relocation Assistance & Real Property Acquisition Report -(OMB Form 2125-0030)	49 CFR 24.9c & Appendix B 49 CFR 24.603	Annually	15-Nov	Office of Planning, Environment & Realty	Realty	Right of Way and Utilities Division	Submitted to FHWA Headquarters (HQ).
Review of Real Property Acquisition Statistical Report	FHWA Order 6540.1	Annually	15-Nov	Office of Planning, Environment & Realty	Realty	Right of Way and Utilities Division	
Approval of Management Process and Project Selection Procedures and Certification for Research, Development & Technology Transfer Program and Revisions to Process	23 CFR 420.115 and 23 CFR 420.209	As needed	Not Applicable	Office of Planning, Environment & Realty	Planning & Tech Services	Director of Capitol Programs	FHWA Division Office Approval.
Periodic Review of ODOTs Management Process of the Research, Development & Technology Transfer Program	23 CFR 420.209	Periodic	Not Applicable	Office of Planning, Environment & Realty	Planning & Tech Services	Director of Capitol Programs	FHWA Division Office Periodic Review.
Approval of Performance and Expenditure Reports for SPR Research Work Programs	23 CFR 420.117	No less frequently than annual and no more frequently than quarterly	90 Days After End Of Period	Office of Planning, Environment & Realty	Planning & Tech Services	Director of Capitol Programs	FHWA Division Office Approval.
Approval of SPR research reports	23 CFR 420.117	Prior to publication unless prior approval is waved	Not Applicable	Office of Planning, Environment & Realty	Planning & Tech Services	Materials & Research Division	FHWA Division Office Approval unless waived.

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

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
ODOT / 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	Oklahoma Turnpike Authority	Annually, Due as soon as available.
Finance (536)	A Guide to Reporting Highway Statistics, Chapter 11	30-Sep	30-Sep	Office of Highway Policy information	Finance	Chief Finance Officer	Biennially for odd-numbered years. Due nine months after end of reporting year
Finance (534)	A Guide to Reporting Highway Statistics, Chapter 12	15-Jun	15-Jun	Office of Highway Policy information	Finance	Chief Finance Officer	Annually for ODOT, Biennially for local
Highway Finance and Tax Legislation	A Guide to Reporting Highway Statistics, Chapter 13	When Published	When Published	Office of Highway Policy information	Planning	Strategic Asset & Performance Management (SAPM)	
ODOT Budgets and Published Annual Reports	A Guide to Reporting Highway Statistics, Chapter 13	When Published	When Published	Office of Highway Policy information	Planning	Programs Division	
Motor Fuel Oversight Review	July 24, 2001 HQ Memo	Initial baseline reports no later than December 31, 2003		Office of Highway Policy information	Planning	Oklahoma Tax Commission	Annual progress reports and statement of verification by June 30. Submitted via UPACS.
Review of Biennial - Toll Facilities in the United States	23 CFR 450.105(b) HPMS Field Manual	Biennially - Odd Years	June 15 (Odd Years)	Office of Highway Policy information	Planning	Oklahoma Turnpike Authority	Division Office sends to HQ.
State Highway Maps (Tourist)		When Published	When Published	Office of Highway Policy information	Finance	Strategic Asset & Performance Management (SAPM)	Two copies to each Division Office and 100 copies to HQ.
Traffic Flow Maps		When Published		Office of Highway Policy information	Planning	Strategic Asset & Performance Management (SAPM)	When Published.
Vehicle Classification Data	MAP-21, HPMS Field Manual, Traffic Monitoring Guide	15-Jun	15-Jun	Office of Highway Policy information	Planning	Strategic Asset & Performance Management (SAPM)	Part of Annual HPMS submittal.

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

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

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

Activity	Authority ¹	Frequency	Due Date	FHWA HQ Program Office	FHWA Division Responsible Program Office	ODOT Responsible Program Office	Remarks
Older Drivers and Pedestrians Special Rule	23 USC 148 (g)(2)	Annually	31-Aug	Office of Safety	Safety	ODOT Traffic	ODOT should include in their annual HSIP reports (due August 31st) the calculations performed, verifying whether the Older Driver Special Rule applies in the State. If the Special Rule applies to a State in a given year, the State must include in its subsequent SHSP strategies to address the increases in the fatality and serious injury rates for drivers and pedestrians over the age of 65.
FHWA Emergency Preparedness Program	Executive Order 12656 and FHWA Order 1910.2C	As needed	Not Applicable	Office of Operations	Transportation Operations	Maintenance Division	National Programs.

APPENDIX C
FHWA Approved Manuals and Operating Agreements
For Oklahoma Department of Transportation Federal-aid Projects

Program Area	Manual/Policy/Programmatic Agreement
Office of Engineer	Oklahoma Department of Transportation Standard Specification for Highway Construction , 2009 (latest revision)
Office of Engineer	2009 Special Provisions: http://www.okladot.state.ok.us/c_manuals/specprov2009/index.php
Construction	Construction Control Directives pertaining to Federal-aid Program: http://www.okladot.state.ok.us/c_manuals/ccdirectives/index.php
Construction	Construction Manual (under development) : http://www.okladot.state.ok.us/c_manuals/cmanual/index.php
Local Government	County Road and Bridge Standards for Local Projects
Local Government	Oklahoma Department of Transportation Local Public Agency Manual (under development)
Design	Oklahoma Department of Transportation Roadway Design Manual", 1992 (latest revision)
Design	2009 Roadway Design Standard Drawings: http://www.okladot.state.ok.us/roadway/roadway2009/IndexStandards2009.htm
Design	Policy and Procedures for New or Revised Interstate Access Approval in Oklahoma, December 2010
Design	Value Engineering Policy Directive No. D-601-1, 12-01-2012
Bridge	Bridge Design Standards & Specifications County Bridges - 2009 - English – LRFD: http://www.okladot.state.ok.us/bridge/2009-cb/brd_std_2009-lrfd-cb-index.php
Bridge Inspection	PONTIS Bridge Inspection Office Manual for Oklahoma Bridges, September 2014: http://www.okladot.state.ok.us/pontis_files/PONTIS_OfficeManual.pdf
Consultant Services	Guidelines for the Administration of Consultant Contracts, Jan. 19, 2012 http://www.okladot.state.ok.us/roadway/roadway2009/IndexStandards2009.htm
Materials	Material and Testing Guidelines pertaining to Federal-aid Program: http://www.okladot.state.ok.us/materials/materials.htm

Program Area	Manual/Policy/Programmatic Agreement
Traffic	MUTCD (2009) with State Supplement (Engineering Judgment – 2003 language)
Traffic	Strategic Highway Safety Plan (2007 current edition).
Traffic	Work Safety and Mobility Policy (Per 23 CFR 630 Subpart J)
Right of Way & Utilities Division	Right of Way and Utilities Division - Management Guide System, Volume 1 – Policy Manual & Volume II – Procedures Manual (2011 Edition)

Operating (Programmatic) Agreements

(2014) Section 106 delegation of authority – SHPO
 Authorization letter and Tribal Agreements to ODOT for Section 106 Tribal Consultation
 (2013) ODOT/FHWA MOU for permissible Project-related Activities during NEPA Process

**APPENDIX D
STEWARDSHIP/OVERSIGHT INDICATORS**

Type Measure	Measure	Target or Goal	Compiled By (ODOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	# of inactive projects	Decrease by 10% from previous quarter	FHWA	Quarterly
Performance	% of inactive projects/total apportionment	< 2% or as specified by FHWA HQ Office	FHWA	Quarterly
Performance	% of unused obligation authority	0%	FHWA	Annual
Performance	% of non-disputed projects closed within 1 year of final estimate	75%	FHWA	Annual
Performance	Average Work Days to complete Automatic, Programmatic or Individual CEs ²	180 Work Days	ODOT	Annual
Performance	Average Work Days to Complete Documented CEs or Environmental Assessments ³	365 Work Days – Documented CEs 730 Work Days – Environmental Assessments	ODOT and FHWA	Annual
Performance	Number of Regional ITS Architecture Documents updated/maintained annually	Three Architecture Documents (Statewide, OKC, Tulsa) updated/maintained annually	ODOT	Annual

² Measurement in work days rather than calendar days is to reflect time that is actually required by ODOT’s Environmental Programs Division to conduct and complete environmental studies. It is not intended to capture periods of inactivity in the NEPA process due to incomplete design data, unanticipated changes in ODOT priorities or plans, or other items outside of the control of the ODOT Environmental Programs Division.

³ Measurement in work days rather than calendar days is to reflect time that is actually required by ODOT’s Environmental Programs Division to conduct and complete environmental studies. It is not intended to capture periods of inactivity in the NEPA process due to incomplete design data, unanticipated changes in ODOT priorities or plans, or other items outside of the control of the ODOT Environmental Programs Division.

Type Measure	Measure	Target or Goal	Compiled By (ODOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	Number of ITS Procedures and Policies updated/maintained annually	TBD	ODOT	Annual
Performance	Joint review of RTSMIP for compliance with 23 CFR 511	One joint ODOT/FHWA RTSMIP review, completed annually	ODOT and FHWA	Annual
Performance	Percentage of ITS equipment being operational	TBD (need to collect data on measure to establish a target or goal)	ODOT	Quarterly
Performance	Uptime percentage for public-facing OKTraffic.org website	TBD (need to collect data on measure to establish a target or goal)	ODOT	Quarterly
Performance	Construction contracts within 10% of the Engineer's Estimate	Need to collect data to establish a target or goal for the percent of all construction contracts within 10% of Engineer's Estimate	ODOT	Annually
Performance	Construction contracts with at least three bids	Need to collect data to establish a target or goal for the percent of all construction contracts with at least three bids	ODOT	Annually
Performance	Construction contracts completed within contract time	Need to collect data to establish a target or goal for the % of projects completed within contract time	ODOT	Annually
Performance ⁴	Total construction contract growth from award amount	2% or less total construction contract growth	ODOT	Annually
Performance ⁵	Construction projects finalized within 6 months of the completion date	Need to establish target or goal for the percent of construction projects finalized within 6 months of the completion date	ODOT	Annually
Performance	Total number and costs of change orders due to in-house design errors	Need to collect data to establish a target or goal for the total number and costs of change orders due to in-house design errors	ODOT	Annually
Performance	Total number and costs of change orders due to consultant design errors	Need to collect data to establish a target or goal for the total number and costs of change orders due to in-house design errors	ODOT	Annually

⁴ Existing S&O Indicator

⁵ Existing S&O Indicator

Type Measure	Measure	Target or Goal	Compiled By (ODOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	FHWA will approve no more the 10 conditional authorizations per year of ODOT projects	10 or less conditional authorizations per year	FHWA/ODOT	Annually
Performance	ODOT places all required information to authorize projects in the document vault no later than 7 working days of the Pre-advertisement	95% or greater for all projects to be authorized where required information is provided no later than 7 working days of the Pre-advertisement	FHWA/ODOT	Annually
Performance	Independent Assurance (IA) will evaluate active qualified technicians sampling and testing on Federally funded projects	Independent Assurance (IA) will evaluate greater than 60% active qualified technicians sampling and testing on Federally funded projects	ODOT	Annually
Performance	IA will evaluate qualified labs bi- annually	IA will evaluate greater than 30% of qualified labs on a bi-annual basis	ODOT	Annually
Compliance	NBIS Metrics in Compliance	100% NBIS Metrics in compliance	FHWA/ODOT	Annually
Performance	Plans of Corrective Action (PCAs) reported quarterly are on schedule	90% or greater of PCAs reported quarterly are on schedule	FHWA/ODOT	Quarterly
Performance	Implement recommendations from design value engineering studies	Implement 20% of recommendation from design value engineering studies	FHWA/ODOT	Annually

Type Measure	Measure	Target or Goal	Compiled By (ODOT or FHWA)	Reported (Monthly, Quarterly, Annually)
Performance	FHWA review of PS&Es should be reviewed within 10 working days	95% or greater PS&Es be reviewed within 10 working days	FHWA	Annually
Performance	FHWA Concurrence in Award for Emphasized PoDIs should occur within 5 working days of receiving request	95% or greater Concurrence in Awards completed within 5 working days	FHWA	Annually
Performance	FHWA will authorize projects within 7 working days of receiving all required documents from ODOT	90% or greater of projects authorized within 7 working days	FHWA	Annually

APPENDIX E

FHWA Oklahoma Division Office Risk-based Approach to Stewardship and Oversight

The goal of risk-based project stewardship and oversight (S&O) is to optimize the successful delivery of programs and projects and help ensure compliance with federal requirements. The core principles guiding our risk-based S&O approach are as follows:

- *Risk-based*: risk assessment is integrated throughout the performance planning process.
- *Data-driven*: decisions are grounded in objective data and information to the extent practicable
- *Value-added*: actions are taken with a primary objective of improving programs and projects
- *Consistent*: actions are based on consistent approach to planning, risk assessment, and S&O

FHWA Oklahoma Division Office provides Risk-Based Project Stewardship and Oversight through the following three elements:

- Project approval actions (see Appendix A – Project Action Responsibility Matrix);
- Compliance Assessment Program (CAP); and
- Projects of Division Interest (PoDI), including Projects of Corporate Interest (PoCI).

Compliance Assessment Program (CAP)

The purpose of the Compliance Assessment Program (CAP) is to help provide reasonable assurance that Federal-aid highway projects comply with key federal requirements. This is accomplished by assessing a statistically valid sample of projects such that the results inform the FHWA, with an acceptable level of certainty, of the degree of compliance. This approach is objective, defensible, and will inform the development of Corporate and Unit risk assessments with statistically valid information and data. The CAP will be implemented on a 3-year cycle that includes both a National-level and a Division-level assessment.

CAP Project Selection:

Project Population

The CAP program will be implemented each year for a pre-determined population of projects. To ensure consistency, the project population will be drawn by the FHWA Program Management Improvement (PMI) Team from the FHWA Financial Management Information System (FMIS) for each Division Office (Division). The population could change from year to year depending on whether it is a National-level or Division-level focus as described below. The project population for National and Division-level assessments will include all projects authorized for construction or advance construction within the last 12 months and will generally be pulled from FMIS on April 1st of each year.

Sample Size

A project sample size will be determined from the project population using the established statistical criteria shown below. These criteria have been selected in consultation with Agency leadership and in consideration of the tradeoff between statistical accuracy and available resources. All criteria fall within acceptable ranges for government program assessment, industry, and academia.

- 90% Confidence Level – the amount of uncertainty you can tolerate
- 10% Margin of Error – the amount of error you can tolerate
- 50% Response Distribution - the expected response to the question

Randomly Sampled Projects

Projects will be randomly sampled from the project population in an amount equal to the sample size using randomizing software.

Substitution of Randomly Sampled Projects

If a randomly sampled project is not a good candidate for a CAP review, then the Division may request a randomly sampled substitute project from the Program Management Improvement (PMI) Team. In order to preserve the statistical integrity of the process, it is expected that the issuance of substitute projects will be rare and will not be based only on perceived low risk. Examples of projects that could require a substitution include:

- Projects that should not have been in the project population. For example, projects that were mistakenly authorized for construction.
- Projects that were initially authorized for construction but will not advance. For example, projects that the state has pulled from lettings or will not award.
- Projects that are currently in litigation or under scrutiny by other oversight agencies and where additional project review could interfere with those proceedings.

Standard CAP Guides for Reviews:

Core Question Guide

The Core Question Guide includes compliance questions for key regulatory requirements. The guide will be updated annually and questions may change depending upon historical compliance trends or emerging emphasis areas. The Core Question Guide will be required to be used by all Divisions on all randomly sampled projects in each year. For the Oklahoma Division Office, the Core Question Guides will be completed by the Area Engineers. The responses and information to the Core Question Guides will be

entered into centralized agency SharePoint site. The results will be used for strategic and unit planning, corporate and unit risk assessment, and stewardship and oversight initiatives both at a National and Division-level.

Corporate Review Guide

A Corporate Review Guide will be developed 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. For the Oklahoma Division Office, the staff responsible for completing Corporate Question Guides will depend on the topic being reviewed. The responses and information to the Core Question Guides will be entered into centralized agency SharePoint site with the results evaluated and summarized in reports provided each year to Agency and Division leadership. The results will be used to inform strategic and unit planning, corporate and unit risk assessment, and stewardship and oversight initiatives both at a National and Division-level.

Technical Review Guides

The Technical Review Guides will be developed by program and technical specialists within FHWA and provided by the Directors of Field Services to the Division for use in the CAP program. The Technical Guides are optional at the Oklahoma Division Office's discretion and may be used to supplement the Core Question Guide and the Corporate Review Guide. The Oklahoma Division Office will select the technical areas and corresponding projects (from the CAP Project Sample) prior to the beginning of a Performance Year on June 1st. In order to prevent from overloading ODOT project personnel, the Division Office will try to limit the number of reviews using the Technical Review Guides to no more than three per project. The responses and information to the Technical Review Guides will be stored in a database residing at the Oklahoma Division Office. The results from the Technical Guide reviews will be evaluated by the Oklahoma Division Office to complete unit planning, risk assessments, and stewardship and oversight initiatives.

CAP Review Cycle

The CAP project populations will be adjusted on a 3-year cycle for a National-level assessment in the first year and more targeted Division-level assessments in the subsequent two years. This 3-year cycle allows time between National-level assessments to implement response strategies for compliance findings, and gives flexibility to Divisions to focus on specific areas of concern. It also allows the Corporate Review Guide to be used on the National population during the first year or on a more targeted population during the superseding years.

3-Year Cycle

- Year 1: National-level Assessment (PY15)
- Year 2: Division-level Assessment (PY16)

- Year 3: Division-level Assessment (PY17)

For the Division-level assessments that will be conducted in Years 2 and Year 3, the Division will have the option to filter its project population to provide this focus. If there is a corporate concern in a particular risk area, a Division might be required to sample a specific project population as part of their assessment. Otherwise, the Divisions will have the option to filter the project population using any combination of these standard FMIS fields:

- Project location – population targeted to projects in specific counties
- Total cost – population filtered for projects in a specific range of total cost
- State-administered projects – population filtered for projects that are State administered
- Locally-administered projects – population filtered for projects that are locally administered
- Project improvement type – population filtered for projects with specific improvement types
- Emergency relief – population filtered for emergency relief projects

Divisions that elect to filter their population will coordinate with the PMI Team to identify the filtered population, sample size, and randomly sampled projects. The combination of FMIS criteria must not reduce the sample size to less than 30 projects.

Projects of Division Interest (PoDI) and Projects of Corporate Interest (PoCI)

Projects of Division Interest (PoDI) 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 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 activity of the project.

Primary 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 five 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. 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.
3. 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.
4. 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.
5. 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.

Identification of 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. These are typically projects such as major projects or other projects that have regional or national significance. Each year prior to June 1st, there will be a PoCI calling in which the Division Office prescreens potential PoCIs through a risk-based assessment; taking into consideration resources and oversight objectives. The FHWA Director of Field Services will concur in the final selection of

PoCIs after consultation with key FHWA 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.

Identification of Projects of Division Interest (PoDI)

The Oklahoma Division Office will select PoDIs prior to June 1st, the beginning of the performance year. The selection involves a two-step process including a “pre-screening” to identify a short-list of potential PoDI projects and a screening process involving a risk-based assessment to identify projects risks. As this process is being completed, projects are being entered into an elaborate spreadsheet developed and maintained by the Oklahoma Division Office called the PoDI Tracker.

Pre-screening

The Oklahoma Division uses multiple sources of project listings such as the ODOT 8-Year Construction Work Plan to pre-screen Federal-aid projects, and develops a short-list of projects. For the pre-screen process in Oklahoma, the following criteria driven by “areas for concern and/or opportunity” are used to develop a preliminary list of projects:

1. Residency Coverage
2. Cost
3. Highway System Type
4. Complexity
5. Political/public sensitivity
6. Environment

Screening:

The Oklahoma Division Office then conducts a risk-based assessment of the short-list of PoDI projects. Major Projects and TIGER projects are final PoDI projects by definition, but each must still receive a risk-based assessment to identify project risk areas and appropriate stewardship and oversight activities. The following criteria have been identified by the Oklahoma Division Office to be used for the final screening:

1. Complexity
2. Cost
3. Schedule
4. Urgency
5. Environmental Considerations/Stakeholders
6. Funding
7. Project Administration
8. National/Regional Significance

- 9. Corporate Actions
- 10. Local Considerations

Two Types of PoDIs

The Oklahoma Division Office has identified two types of PoDIs, PODIs Emphasized and PoDIs selected based on an Activity/Phase.

PoDIs (Emphasized):

These are usually projects that have an elevated risk or contain elements of higher risk. For these projects, the Division Office will focus on a large number of preconstruction and construction activities/phases for a given year. The Oklahoma Division Office Area Engineers are responsible for providing oversight on these projects. Each Area Engineer will typically have 3 to 4 emphasized PoDIs (1 to 2 per ODOT field division). These PoDIs are selected by the Area Engineers from the pool of PoDIs identified in the screening process. A PoDI (Emphasized) Project list is developed and provided to the ODOT Project Management Division prior to June 1st.

PoDIs (selected based on an Activity/Phase):

In a separate process from PoDI selections, the Area Engineers and Program Specialist in the Oklahoma Division Office identify Activities/Phases to review in the upcoming performance year. The activities/phases are typically selected through the Oklahoma Division Office's annual risk assessment based on the results of past reviews (PoDI and/or CAP), length of time since activity/phase was last reviewed (cyclical approach), and/or other means that the phase/activity was identified as a risk. With the cyclical approach, activities/phases will be rotated through a three to four-year cycle and chosen based on the cycle. The activities/phases are then used to select projects from the pool of PoDIs identified in the screening process. For some activities/phases, the pool of PoDIs may not provide adequate projects to review for a particular activity/phase and therefore, additional projects may need to be added to the PoDI pool. Also, it may be necessary to drop and add projects throughout the year for an activity/phase due to a variety of reasons. As this process is being completed, the PoDI Tracker will be updated to reflect any updates of PoDIs and activities/phases.

To make it as simple as possible for ODOT to know what information to provide the Oklahoma Division Office for PoDIs selected based on an activity/phase, the following approach will be taken:

- Preconstruction Activities/phases: For these activities/phases, the Oklahoma Division Office will provide Project Management and Local Government Divisions the PoDIs and activities/phases being reviewed that performance year.
- Construction Activities/phases: For these activities/phases, the Oklahoma Division Office will contact the Construction Engineers and Resident Engineers in each field division to set up reviews on selected projects.
- Other Activities/phases: These are activities typically managed by the Oklahoma Division Office Program Specialists and will likely require the Program Specialist to work directly with the appropriate ODOT Headquarter or Field Division Office.

PoDI & PoCI Stewardship & Oversight Plans

The PoDI/PoCI S&O Plans have been incorporated into the Oklahoma Division Office's elaborate spreadsheet called the PoDI Tracker. The PoDI Tracker allows for a simplified approach to provide all the Plans to ODOT in a single spreadsheet at the beginning of a performance year. It also enables easier tracking of multiple activities/phases on a single PoDI. It provides a way to compile and analyze the results of reviews on multiple PoDIs for a single activity/phase.

The spreadsheet provides the following information:

- Project Information;
- FHWA Contact;
- Project Selection Criteria including the Primary PoDI Type and pre-screening and screening criteria;
- PoCI Indicator
- Oversight Activity/Phase for a specific PoDI
- Project elements to be reviewed in response to the risks
- General Description of the risks on the PoDI Projects
- Specific Description of the activities that will be conducted
- Results of Reviewing Activity
- Response Activities

As the PoDIs and activities/phases are identified, the Oklahoma Division Office will enter them and related information into the PoDI Tracker except for the Results of Reviewing Activity and Response Activities. At the end of a Performance Year, the PoDI Tracker will be updated with any changes to the PoDIs and activities/phases and the Results of Reviewing Activity and Response Activities will be completed. At the beginning of a performance year, ODOT will be provided with a list of the PoDI projects the activities/phases being reviewed. They will also be provided results of the reviews at the end of the performance year.

In addition to the PoDI Tracker, the Oklahoma Division Office will enter each plan into the national database called PoDI S&O Plan SharePoint Site.